

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to generally amend what inmates may grieve and to establish a system of limiting the filing of frivolous grievances.

SUBJECT AREA TO BE ADDRESSED: Inmate Grievances.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kendra Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-103.001 Inmate Grievances – General Policy.

(1) through (2) No change.

(3) Inmates can file complaints regarding the following matters:

~~(a) The substance, interpretation, and application of rules and procedures of the department that affect them personally;~~

~~(a)(b) The interpretation and application of state and federal laws and regulations that affect them personally;~~

(c) through (e) renumbered (b) through (d) No change.

(4) Inmates cannot file complaints regarding the following matters:

(a) through (c) No change.

(d) Other matters beyond the control of the department;

~~(e) Classification decisions such as custody level, work assignment, housing change, transfer, program participation, or placement in close management or administrative confinement.~~

(5) Staff in the Bureau of Policy Management and Inmate Grievance Appeals shall have unlimited access to information required to respond to inmate grievances and appeals. All department employees are required to cooperate with staff in the inmate grievance office by providing accurate and timely information.

Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 12-7-97, Formerly 33-29.001, Amended 10-11-00, 10-28-07, _____.

33-103.002 Inmate Grievances – Terminology and Definitions.

The following terms, as defined, shall be standard usage throughout the department:

(1) Amendment: Where ~~where~~ used herein, ~~refers to~~ an addition or change to a previously filed grievance.

(2) Bureau of Policy Management and Inmate Grievance Appeals: The bureau authorized by the Secretary to receive, review, investigate, evaluate, and respond to grievance appeals and direct grievances as defined in subsection (10)(8). The Bureau of Policy Management and Inmate Grievance Appeals is located in the Office of the General Counsel Research, Planning and Support Services and is managed by the Chief of Policy Management and Inmate Grievance Appeals.

(3) No change.

(4) Discipline Grievance: A grievance that arises from a complaint about inmate discipline or the disciplinary process in Chapter 33-103, F.A.C. All grievances that arise from complaints about the disciplinary process should be filed at the formal level using Form DC1, 303, Formal Grievance. If the inmate disagrees with the response at the formal level, he or she may file a Disciplinary Grievance to the Office of the Secretary using Form DC1-303, Request for Administrative Remedy or Appeal. Form DC1-303 is incorporated by reference in Rule 33-103.006, F.A.C. All disciplinary matters appealed to the Office of the Secretary will be responded to by the Bureau of Policy Management and Inmate Appeals.

~~(5)(4) Emergency Grievance: A grievance~~ Grievance of those matters which, if disposed of according to the regular time frames, would subject the inmate to substantial risk of personal injury or cause other serious and irreparable harm to the inmate.

~~(6)(5) Formal Grievance: A This is a~~ statement of complaint filed at the institutional or facility level with the warden, assistant warden, or deputy warden, through the use of Form DC1-303, the Request for Administrative Remedy or Appeal, Form DC1-303. Form DC1-303 is incorporated by reference in Rule 33-103.019, F.A.C. Formal grievances are addressed in Rule 33-103.006, F.A.C.

~~(6) General Procedure and Practice: Subject matter of a grievance which has a substantial impact on the general inmate population.~~

(7) Frivolous Filer: An inmate who abuses the grievance process by excessive filings or habitual misuse of the process, whose behavior could hinder access by other inmates and impede staff's ability to resolve legitimate issues within the given timeframes.

(8) Frivolous Grievance – Any grievance that is determined to have no basis in fact and/or is being filed to manipulate staff time and attention and thus abuses the grievance process, thereby impeding the ability of both inmates and staff to address legitimate issues. Examples include filing multiple grievances addressing the same issue and grievances that address issues for which there is no legitimate remedy. When determining if a grievance is frivolous, the number of grievances previously filed or being filed by the inmate shall not be the only determining factor.

(9)(7) Grievance: A written complaint or petition, either informal or formal, by an inmate concerning an incident, ~~procedure~~, or condition within an institution, facility, or the Department which affects the inmate complainant personally.

(10)(8) Grievance Appeal ~~or~~; Direct Grievance ~~Grievances, or Central Office Review~~: ~~A This is a statement of~~ complaint filed with the Secretary of the Department of Corrections through the use of ~~Form DC1-303, the Request for~~ Administrative Remedy or Appeal, ~~Form DC1-303~~. Appeals and direct grievances are addressed in Rule 33-103.007, F.A.C.

(11)(9) Grievance Coordinator: ~~The Refers to the~~ institutional staff member designated by the warden or the ~~Chief bureau chief~~ of the Bureau of Policy Management and Inmate Grievance Appeals to receive, review, investigate, evaluate, and respond to inmate grievances at an institution or facility.

(12)(10) Grievance of Reprisal: ~~A Refers to a~~ grievance submitted by an inmate alleging that staff have taken or are threatening to take retaliatory action against the inmate for good faith participation in the inmate grievance procedure.

(13)(11) HIPAA: ~~The Refers to the~~ Health Insurance Portability and Accountability Act of 1996.

(14)(12) Informal Grievance: This is an initial statement of complaint filed on Form DC6-236, ~~an~~ Inmate Request; ~~DC6-236~~, with the staff member who is responsible in the particular area of the problem. Form DC6-236 is incorporated by reference in Rule 33-103.005, F.A.C.

(15)(13) Literature Review Committee: The final reviewing authority for appeals regarding rejected reading material. The committee is composed of the Bureau Chief of Security Operations or his or her representative, the Bureau Chief of Policy Management and Inmate Grievance Appeals or his or her representative, the Bureau Chief of Classification or his or her representative, and the Library Services Administrator or his or her representative.

(16)(14) Recipient: A person or office receiving an inmate grievance for processing.

(17)(15) Reviewing Authority: ~~A staff member~~ Staff who ~~are~~ authorized to sign grievances or appeals as the final authority for review, e.g., warden, assistant warden, deputy warden, or the Secretary's representative.

(a) No change.

(b) Formal Grievance:

1. No change.

2. Private Correctional Facilities – warden ~~or~~; deputy warden, ~~or, when determined by staff in the Bureau of Inmate Grievance Appeals that further review is required, the warden, deputy warden, or the Executive Director of the Privatization Commission;~~

3. No change.

(c) Grievance Appeals: Chief of Policy Management and Inmate Appeals Bureau chief, inmate grievance administrator, or correctional services administrator designated by the Secretary to serve as his representative.

(d) Direct grievances:

1. A direct grievance which is to be reviewed by the warden: The warden is authorized to designate the assistant warden or deputy warden (deputy warden applicable to private facilities only) to grant and implement relief as approved by the warden, except as to grievances involving discipline, grievances alleging violation of the Americans with Disabilities Act, ~~grievances challenging placement in close management and subsequent reviews~~, grievances of an emergency nature, ~~or~~ grievances of reprisal ~~or~~ ~~grievances of a sensitive nature~~.

2. A direct grievance which is to be reviewed by the Bureau of Policy Management and Inmate Grievance Appeals: the Bureau Chief, or those staff designated by the Secretary to serve as his representative.

(18)(16) Response: The information provided to the inmate relative to the decision to approve, deny, or return the grievance and the reasons for the approval, denial, or return.

Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 12-7-97, Formerly 33-29.002, Amended 10-11-00, 1-2-03, 9-16-03, 2-9-05, 3-25-08, _____.

33-103.003 Inmate Grievances – Training Requirements.

(1) Staff Training. The Bureau of Policy Management and Inmate Grievance Appeals shall develop a standardized plan to be implemented by the Bureau of Staff Development in order to train staff in the use of the inmate grievance procedure. The training shall be designed to familiarize staff with the provisions of Chapter 33-103, F.A.C., and the standardized forms utilized in the grievance procedure.

(a) through (b) No change.

(c) The provision of training shall be documented on Form DC2-901, Training Attendance Report. Form DC2-901 is hereby incorporated by reference ~~in Rule 33-103.019, F.A.C.~~ Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is 6-18-07.

(2) Inmate Orientation. Through the use of a standardized lesson plan, inmates will receive training in the use of the inmate grievance procedure by institution or facility staff. Inmates shall sign a statement acknowledging receipt of training on the inmate grievance procedure. A copy of this statement shall be placed in the inmate file. Form DC1-307, Acknowledgement of Receipt of Grievance Orientation, shall be used for this purpose. Form DC1-307 is hereby incorporated by reference ~~in Rule 33-103.019, F.A.C.~~ Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is 10-11-00.

(a) through (b) No change.

(c) The orientation program shall include the following:

1. No change.

2. ~~Availability of the~~ The written procedure shall be available in any language spoken by a significant proportion of the institution's population, and appropriate provisions shall be made for those speaking other languages ~~and, as well as~~ for the impaired and disabled;

3. No change.

4. Provisions shall be made for the impaired and disabled to participate in an orientation program.

~~Rulemaking Specific~~ Authority 944.09 FS. Law Implemented 944.09 FS. History--New 10-12-89, Amended 1-15-92, 4-10-95, 12-7-97, Formerly 33-29.003, Amended 8-1-00, 10-11-00, 2-13-03, 10-9-05, _____.

33-103.004 Inmate Grievances – Staff and Inmate Participation.

(1) Inmate and employee participation in the grievance process will take the form of solicitation of written comments by inmates and employees on selected formal inmate grievances that staff determine will significantly impact the inmate population and which challenge general procedures and practices prior to the initial adjudication of the grievance. Each institution shall within 5 calendar days of receipt, post copies of this type of formal grievance on inmate and employee bulletin boards, circulate among all inmates in all disciplinary, administrative, and close management areas, including all inmates under sentence of death. These grievances shall be posted and circulated without identification of individual names or identifying facts. Written comments must be received in the office of the reviewing authority as defined in Rule 33-103.002 paragraph 33-103.002(15)(b), F.A.C., within 5 calendar days from the date of posting in order to receive consideration. With the exception of submitting written comments, no inmate or employee who appears to be involved in the matter shall participate in any capacity in the final resolution of a grievance.

(2) Inmates and employees have the opportunity to review the effectiveness and credibility of the department's grievance procedure through the submission of written comments to the reviewing authority as defined in Rule 33-103.002 paragraphs 33-103.002(15)(a) through (e), F.A.C. The reviewing authority shall review and respond to written comments received and institute procedural changes as appropriate. Comments received relating to this rule that are outside the decision making authority of the reviewing authority as defined in Rule 33-103.002 paragraphs 33-103.002(15)(a) through (e), F.A.C., shall be forwarded to the Office of the General Counsel for review and appropriate action. If the comments or complaint focuses on the implementation of the rule at a particular institution, the reviewing authority as defined in Rule 33-103.002 paragraphs 33-103.002(15)(b) through (e), F.A.C., has the authority to make necessary changes in this

implementation consistent with the rule. If the comments or complaint deal with the content of the rule itself and the only way a change could be effected would be to change the rule, then it needs to be forwarded to the Office of the General Counsel. The Office of the General Counsel shall review the complaint to see if there appears to be a problem with the rule itself. If changes are necessary, the Office of the General Counsel coordinates the rule promulgation process. The warden shall receive a response and in turn advise the employee or inmate.

(3) through (4) No change.

~~Rulemaking Specific~~ Authority 944.09 FS. Law Implemented 944.09 FS. History--New 10-12-89, Amended 1-15-92, 4-10-95, 12-7-97, Formerly 33-29.004, Amended 10-11-00, 2-9-05, 3-25-08, _____.

33-103.005 Informal Grievance.

(1) Inmates shall utilize the informal grievance process prior to initiating a formal grievance. In the case of an emergency grievance, a grievance of reprisal, ~~a grievance of a sensitive nature~~, a grievance alleging violation of the Americans with Disabilities Act, a medical grievance, a grievance involving admissible reading material, a grievance involving gain time governed by Rule 33-601.101, F.A.C., Incentive Gain Time, ~~a grievance challenging placement in close management and subsequent reviews~~, grievances regarding the return of incoming mail governed by subsection 33-210.101(14), F.A.C., or a grievance involving disciplinary action (does not include corrective consultations) governed by Rules 33-601.301-.314, F.A.C., an inmate may utilize the formal grievance process governed by Rule 33-103.006, F.A.C., directly, bypassing the informal grievance process. An inmate shall utilize the direct grievance process governed by subsection 33-103.007(6), F.A.C., for grievances alleging a violation of the Health Insurance Portability and Accountability Act (HIPAA) rather than initiating an informal or formal grievance.

(a) No change.

(b) After being logged, informal grievances shall be forwarded to the staff member who is responsible in the particular area of the problem, the classification team, the appropriate section head, or other institutional staff. When an informal grievance is received by the reviewing authority as defined in Rule 33-103.002 paragraph 33-103.002(15)(a), F.A.C., the reviewing authority shall respond to the grievance, refer the grievance to a staff member for response, or shall advise the inmate to re-file with a specific staff member.

(c) No change.

(2) When submitting an informal grievance, the inmate shall use Form DC6-236, Inmate Request, and shall:

(a) Check the appropriate box indicating to whom he is submitting the informal grievance. If the inmate checks the box designated "other," he or she shall print the name or title of the person the form is going to in the space underneath the box; and complete the other sections of the heading;

(b) On the line reading "Request₁"; the inmate shall check the box to indicate that Form DC6-236 is being used as an "Informal Grievance₂": Failure to do this will cause the request to be handled routinely and it will not be considered an informal grievance. This will also cause the form to be unacceptable as documentation of having met the informal step if it is attached to a formal grievance submitted at the next step.

1. The act of asking questions or seeking information, guidance, or assistance is not considered to be a grievance. Answers to inmate requests of this nature shall not be considered as documentation of having met the informal step if they are ~~it is~~ attached to a formal grievance submitted at the next step. Inmate requests improperly submitted as informal grievances shall be treated as inmate requests and the inmate shall be advised that he cannot appeal the response.

2. When completing the inmate request form for submission as an informal grievance, the inmate shall ensure that the form is legible, that included facts are accurately stated, and that only one issue or complaint is addressed. The inmate must limit all grievance narrative to Form DC6-236; no additional pages of narrative will be allowed. ~~If additional space is needed, the inmate shall use attachments and not multiple copies of Form DC6-236.~~ The inmate shall sign and date the form and write in his Department of Corrections number and forward the informal grievance to the designated staff person. If an inmate fails to sign his grievance, it shall result in a delay in addressing the grievance until it can be verified that it is that inmate's grievance. Form DC6-236 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is 5-6-11.

(3) Upon receipt of the informal grievance, the recipient shall note the date on the form.

(4) The recipient shall respond to the inmate following investigation and evaluation of the complaint within 10 days as required by paragraph 33-103.011(3)(a), F.A.C.

(a) through (c) No change.

(d) The response to the informal grievance shall include the following statement, or one similar in content and intent if the grievance is denied: You may obtain further administrative review of your complaint by obtaining form DC1-303, Request for Administrative Remedy or Appeal, completing the form as required by Rule 33-103.006, F.A.C., attaching a copy of your informal grievance and response, and forwarding your complaint to the warden or assistant warden no later than 15 days after the grievance is responded to. If the 15th day falls on a weekend or holiday, the due date shall be the next regular work day. Form DC1-303 is incorporated by reference in Rule 33-103.006, F.A.C.

(5) No change.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 1-15-92, 12-22-92, 3-30-94, 4-17-94, 4-10-95, 8-10-97, 12-7-97, 2-17-99, Formerly 33-29.005, Amended 8-1-00, 2-9-05, 3-25-08, 1-31-10, _____.

33-103.006 Formal Grievance – Institution or Facility Level.

(1) When an inmate decides to file a formal grievance, he or she shall do so by completing Form DC1-303, Request for Administrative Remedy or Appeal, and filing within the time limits set forth in Rule 33-103.011, F.A.C. Form DC1-303 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is 2-9-05.

(a) In institutions and private correctional facilities, inmates shall direct this form to the warden or assistant warden or deputy warden as defined in paragraph 33-103.002(17)(b) ~~33-103.002(15)(b)~~, F.A.C.

(b) In road prisons, vocational centers, work camps, community correctional centers, and contract facilities the form shall be sent to the warden or assistant warden of the supervising institution.

(2) Procedural Requirements.

(a) The inmate shall fill out the identifying data at the top of the form, printing his committed name, Department of Corrections number, and institution or facility name and checking the appropriate box.

(b) No change.

(c) The inmate shall state his grievance in Part A only. ~~If additional space is needed, the inmate shall use attachments and not multiple copies of Form DC1-303.~~ If the inmate writes his complaint anywhere other than within the boundaries of Part A, that portion of the grievance outside of the designated space will not be considered ~~or on attachments, his grievance shall be returned for non-compliance.~~

(d) through (f) No change.

(g) The inmate shall attach a copy of the informal grievance and the response to the informal grievance to Form ~~his~~ DC1-303 ~~form~~, unless the grievance is a direct formal grievance of the following: an emergency grievance; a grievance of reprisal; ~~a grievance of a sensitive nature~~; a medical grievance; a grievance alleging violation of the Americans with Disabilities Act; a grievance involving gain time governed by Rule 33-601.101, F.A.C.; ~~Incentive Gain Time~~; ~~a grievance challenging placement in close management and subsequent reviews~~; a grievance regarding the return of incoming mail governed by subsection 33-210.101(14), F.A.C.; or a grievance of disciplinary action (excluding corrective consultations). Any other pertinent documentation shall be attached also. Informal grievances as described in subparagraph 33-103.005(2)(b)1., F.A.C., shall not be accepted as documentation of having met the requirements of the informal grievance step.

(h) The inmate shall submit the grievance or appeal to designated staff by personally placing the grievance or appeal in a locked grievance box. Locked boxes shall be available to inmates in open population and special housing units. A staff person from classification, the grievance coordinator's office, or the assistant warden's office shall be responsible for the key. If the staff member collecting the grievances is from classification or the assistant warden's office, he or she shall retrieve the grievances and appeals and deliver them to the institutional grievance coordinator. The institutional grievance coordinator shall log all formal grievances and provide the inmates with receipts. The appeals will be forwarded to the Bureau of Inmate Grievance Appeals after being processed for mailing in accordance with paragraphs 33-103.006(8)(b) and (c), F.A.C. The Bureau of Inmate Grievance Appeals shall log all appeals and forward receipts to the inmates. Grievances and appeals shall be picked up and forwarded by the institutions daily Monday through Friday.

(i) If the inmate is filing an amendment to a previously filed grievance or appeal, the inmate shall clearly state this at the beginning of PART A of Form DC1-303, the Request for Administrative Remedy or Appeal, ~~Form DC1-303~~. Amendments are to be filed only regarding issues unknown or unavailable to the inmate at the time of filing the original grievance and must be submitted within a reasonable time frame of knowledge of the new information.

(3) The following types of grievances may be filed directly with the reviewing authority as defined in paragraph 33-103.002(17)(b) ~~33-103.002(15)(b)~~, F.A.C., by-passing the informal grievance step, and may be sent in a sealed envelope through routine institutional mail channels:

(a) Emergency Grievance – Upon receipt, the reviewing authority as defined in paragraph 33-103.002(17)(b) ~~33-103.002(15)(b)~~, F.A.C., shall take the following action as soon as possible, but no later than two calendar days following receipt:

1. Review complaint and contact staff for additional information if necessary;
2. If an emergency is found to exist, initiate action to alleviate condition giving rise to the emergency;
3. Provide formal response to the inmate within 15 calendar days as required by paragraph 33-103.011(3)(d), F.A.C.; and
4. If an emergency is not found to exist, a response will be provided to the inmate indicating that the complaint is “not an emergency” with instructions to resubmit at the proper level, signed and dated by the responding employee, and returned to the inmate within 72 hours of receipt.

(b) Grievance of Disciplinary Action – If additional mitigating factors not presented during the disciplinary hearing are provided, a review shall be conducted and applicable modifications made, if necessary.

(c) Grievance of Reprisal.

(d) Grievances involving inmate bank issues ~~Grievance of a Sensitive Nature~~.

(e) Medical Grievance.

(f) Grievance involving gain time governed by Rule 33-601.101, F.A.C., Incentive Gain Time.

(g) Grievance involving sentence structure ~~challenging placement in close management or subsequent review~~.

(h) Grievance alleging violation of the Americans with Disabilities Act.

(i) Grievance regarding the return of incoming mail governed by subsection 33-210.101(14), F.A.C.

(4) Inmates filing the types of grievances identified in paragraphs (3)(a), (c), and (d) above shall clearly state their reasons for by-passing the informal grievance step and shall state at the beginning of Part A of Form DC1-303, Request for Administrative Remedy or Appeal, the subject of the grievance. Failure to do so and failure to justify filing directly shall result in the formal grievance being returned without action to the inmate with the reasons for the return specified.

(5) Upon receipt of the formal grievance, the recipient [reviewing authority as defined in paragraph 33-103.002(17)(b) ~~33-103.002(15)(b)~~, F.A.C.] shall cause the following to occur:

(a) The grievance and related attachments shall be examined for compliance with Chapter 33-103, F.A.C.;

(b) through (d) No change.

(6) Following investigation and evaluation by the reviewing authority as defined in paragraph 33-103.002(17)(b) ~~33-103.002(15)(b)~~, F.A.C., a response shall be provided to the inmate within 20 calendar days of receipt of the grievance as required by paragraph 33-103.011(3)(b), F.A.C. The degree of investigation is determined by the complexity of the issue and the content of the grievance. The response shall state whether the grievance is approved, denied, or being returned and shall also state the reasons for the approval, denial or return.

(a) The original grievance and one copy shall be returned to the inmate, with the request for interview form (informal grievance) attached. The date the grievance is returned to the inmate (the date the grievance leaves the recipient's ~~recipients~~ office) shall be noted on the form. This is the date that will be used to determine whether or not the inmate has met the fifteen day time limitation in filing his or her appeal to the Office of the Secretary.

(b) The second copy shall be forwarded to the correctional sentence specialist for placement in the inmate's file.

(c) The reviewing authority as defined in paragraph 33-103.002(17)(b) ~~33-103.002(15)(b)~~, F.A.C., shall retain a complete copy of the grievance on file.

(d) No change.

(7) The response to the formal grievance shall include the following statement, or one similar in content and intent if the grievance is denied: You may obtain further administrative

review of your complaint by obtaining form DC1-303, Request for Administrative Remedy or Appeal, completing the form, providing attachments as required by paragraphs 33-103.007(3)(a) and (b), F.A.C., and forwarding your complaint to the Bureau of Policy Management and Inmate Grievance Appeals, 501 South Calhoun Street, Tallahassee, Florida 32399-2500.

(8) Mailing Procedures. The warden or person designated in Rule 33-103.002 ~~paragraph 33-103.002(15)(b)~~, F.A.C., shall establish a procedure in the institution or facility under his supervision for processing those grievances ~~that which~~ require mailing. Inmates who are filing grievances that require mailing shall be required to utilize the procedure set forth in this rule when processing their grievances or appeals to the reviewing authority of community facilities or the Bureau of Policy Management and Inmate Grievance Appeals in the central office. The institution or facility shall provide postage for grievances submitted through this process. Procedures implemented shall include, at a minimum, the following:

(a) through (b) No change.

(c) A requirement that the staff person designated to accept the grievance to be mailed shall:

1. Complete the receipt portion of Form the DC1-303 form for appeals being forwarded to central office by entering a log/tracking number and; date of receipt; and sign as the recipient.

2. through 3. No change.

(d) through (e) No change.

(f) Upon receipt of a mailed grievance by the reviewing authority as defined in paragraph 33-103.002(15)(b) ~~33-103.002(15)(d)~~, F.A.C., the following shall occur:

1. No change.

a. In the case of a formal grievance being filed, by comparing the receipt date on Form the DC1-303 form to the response date of the informal grievance.

b. In the case of a grievance being filed directly at the institutional level, by comparing the receipt date on Form the DC1-303 form to the date of the incident or situation giving rise to the complaint.

2. through 3. No change.

(9) If an inmate is in a special housing unit and wants to file a grievance, he shall submit the grievance to designated staff by placing the grievance in a locked box. The designated staff person shall deliver the box to the institutional grievance coordinator who will unlock the box, remove the grievances, log the grievances, and provide the inmates with receipts.

(10) No change.

Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 8-10-97, 12-7-97, 5-10-98, 2-17-99, Formerly 33-29.006, Amended 8-1-00, 10-11-00, 2-9-05, 10-28-07, 3-25-08,_____.

33-103.007 Appeals and Direct Grievances to the Office of the Secretary.

(1) In the event that an inmate feels that the grievance has not been satisfactorily resolved during the formal grievance procedure, an appeal may be submitted according to the time limits set forth in Rule 33-103.011, F.A.C., using Form DC1-303, ~~the Request for Administrative Remedy or Appeal; Form DC1-303~~, to the Office of the Secretary without interference from staff. Form DC1-303 is incorporated by reference in Rule 33-103.006, F.A.C.

(2) Procedural Requirements.

(a) The inmate shall fill out the identifying data at the top of the form by printing his committed name, Department of Corrections number, and institution or facility name and shall check the appropriate box;

(b) The inmate shall state his grievance in Part A. ~~If additional space is needed, the inmate shall use attachments rather than multiple copies of Form DC1-303.~~ If the inmate writes his complaint anywhere other than within the boundaries of ~~the Part A Box or on attachments~~, the his grievance shall be returned for non-compliance;

(c) through (f) No change.

(3) The Office of the Secretary has designated the Bureau of Policy Management and Inmate Grievance Appeals to receive, review, investigate, evaluate and respond to appeals and direct grievances filed with the Office of the Secretary. Appeals and direct grievances to the Office of the Secretary shall be turned over that same date to the Bureau of Policy Management and Inmate Grievance Appeals which shall ensure that the grievance is date-stamped in on the date of receipt. Upon receipt of the appeal or direct grievance by the Bureau of Policy Management and Inmate Grievance Appeals, the following shall occur:

The decision of whether or not the grievance has been timely filed by the inmate shall be made based upon the following comparisons:

(a) through (b) No change.

(4) Upon receipt of the grievance appeal or direct grievance, the Chief of Policy Management and Inmate Grievance Appeals shall cause the following to occur:

(a) through (d) No change.

(e) Following appropriate investigation and evaluation by staff of the Bureau of Policy Management and Inmate Grievance Appeals, a response shall be provided to the inmate. The degree of investigation is determined by the complexity of the issue and the content of the grievance.

(f) The response shall state whether the appeal or direct grievance is approved, denied, or being returned and shall also state the reasons for the approval, denial, or return. The criteria considered in approving, denying, or returning an appeal or direct grievance will vary with the facts of the grievance.

(5) Grievance appeals – If the grievance appeal is not a direct grievance to the Office of the Secretary, the inmate shall:

(a) Attach a copy of his formal grievance and response;

(b) Attach a copy of his informal grievance and response, except when appealing grievances on disciplinary action (excluding corrective consultations), medical issues, admissible reading material, ~~placement in close management and subsequent reviews~~, violation of the Americans with Disabilities Act, grievances regarding the return of incoming mail governed by subsection 33-210.101(14), F.A.C., or grievances involving gain time governed by Rule 33-601.101, F.A.C., ~~Incentive Gain Time~~;

(c) Attach any other documentation that the inmate has that is pertinent to the review and that the inmate wants reviewed. Attachments as required by the rule that do not meet the requirements of this rule may result in the grievance being returned to the inmate;

(d) No change.

(e) If the inmate is filing an amendment to a previously filed grievance or appeal, the inmate shall clearly state this at the beginning of PART A of Form DC1-303, the Request for Administrative Remedy or Appeal, ~~Form DC1-303~~.

(6) Direct Grievances.

(a) Emergency grievances ~~and~~ grievances of reprisals, ~~or grievances of a sensitive nature~~ may be filed directly with the Office of the Secretary using the Request for Administrative Remedy or Appeal, Form DC1-303. Grievances alleging a violation of the Health Insurance Portability and Accountability Act (HIPAA) must be filed directly with the Office of the Secretary using Form DC1-303, the Request for Administrative Remedy or Appeal, ~~Form DC1-303~~. The following shall apply:

1. The inmate shall state at the beginning of Part A of Form DC1-303 that the grievance concerns either an emergency; or is a grievance of a reprisal, ~~or a grievance of a sensitive nature~~. When alleging HIPAA violations, the inmate shall state that the grievance concerns HIPAA at the beginning of Part A of Form DC1-303.

2. The inmate must clearly state the reason for not initially bringing the complaint to the attention of institutional staff and by-passing the informal and formal grievance steps of the institution or facility, except in the case of a HIPAA violation grievance, which must be filed directly with the Office of the Secretary.

3. The inmate may forward grievances of these four types to the Office of the Secretary in a sealed envelope by following the procedure set out in paragraph 33-103.006(8)(d), F.A.C. When a direct grievance alleging violation of HIPAA is received at the Office of the Secretary, the Bureau of Policy Management and Inmate Grievance Appeals shall forward the grievance to the Office of the Assistant Secretary for Health Services for investigation and response. The disclosure of medical information in a grievance authorizes staff to review

the information and to use and disclose the medical information necessary to investigate in order to respond. Following preparation of a response and signature of the responding employee, the grievance shall be returned to the Bureau of Policy Management and Inmate Grievance Appeals to ensure appropriate filing and routing.

(b) Emergency Grievances. An emergency grievance may be filed directly with the Secretary. Upon receipt, staff of the Bureau of Policy Management and Inmate Grievance Appeals shall take the following actions as soon as possible, but no later than two calendar days following receipt:

1. through 2. No change.

3. Provide a formal response to the inmate within 15 calendar days; and

4. If an emergency is not found to exist, the grievance will be stamped “not an emergency,” signed and dated by the responding employee, and returned to the inmate within three working days of receipt as his reasons for by-passing the previous level of review will not be valid.

(c) Grievances filed directly with the Office of the Secretary that are grievances of reprisal, ~~grievances of a sensitive nature~~, or a grievance alleging a violation of HIPAA shall be responded to according to established time frames.

(d) Upon receipt of the direct grievance and following review of the same, if it is determined that the grievance is not an emergency grievance, a grievance of reprisal, ~~or a grievance of a sensitive nature~~, or a grievance alleging a violation of HIPAA, the grievance shall be returned to the inmate with the reasons for return specified advising the inmate to resubmit his or her grievance at the appropriate level. The other applicable procedures in Rule 33-103.007, F.A.C., governing the processing of appeals to the Office of the Secretary shall apply to these four types of grievances.

(7) No change.

(8) Copies.

(a) The original copy of the grievance shall be returned to the inmate. The response shall be stamped “MAILED/FILED WITH AGENCY CLERK” along with the date mailed; the response shall be mailed on the same date that it is stamped. The response is deemed filed with the agency clerk on the date that it is stamped and mailed. The time period for appeal begins to run on the date that the response is stamped and mailed. If the inmate is transferred, it is his or her responsibility to notify the Bureau of Policy Management and Inmate Grievance Appeals.

(b) One copy of the grievance shall be sent to the warden of the institution or facility the inmate is assigned to for review and forwarding for inclusion in the inmate file.

(c) The second copy shall be forwarded to the Bureau of Classification and Central Records for inclusion in the inmate’s central office file.

(d) Attachments are considered a part of the grievance and shall not be returned to the inmate, except in those cases where the inmate submits sufficient copies of attachments at the time the grievance appeal is filed.

~~Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS., 45 C.F.R. Part 160, 164. History–New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 8-10-97, 12-7-97, 10-7-98, 2-17-99, Formerly 33-29.007, Amended 8-1-00, 6-29-03, 2-9-05, 8-21-06, 3-25-08,_____.~~

33-103.008 Grievances of Medical Nature.

(1)(a) If a formal grievance of a medical nature is filed at the institutional level, it shall be forwarded to the institution's chief health officer for investigation and response. Following preparation of a response and signature of the responding employee, the grievance shall be returned to the warden or assistant warden or deputy warden to ensure appropriate filing and routing. If the chief health officer is not the responding employee, the chief health officer shall review and initial the response prior to returning the grievance. ~~In the absence of the chief health officer, the review and initialing of the grievance will be made by the Director of Regional Health Care or the acting chief health officer who is designated in writing by the Director of Regional Health Care.~~

~~(b) If a formal grievance of a medical nature is received by the reviewing authority of community facilities as defined in paragraph 33-103.002(15)(b), F.A.C., it shall be forwarded to the Office of the Director for Regional Health Services for investigation and response. However, if the medical grievance originates out of one of the drug treatment centers which have a chief health officer, it shall be forwarded to that chief health officer for investigation and response. Following preparation of a response and signature of the responding employee, the grievance shall be returned to the reviewing authority of community facilities to ensure appropriate filing and routing.~~

~~(b)(e)~~ Other procedures applicable to the processing of a formal grievance of a medical nature are as stated in Rule 33-103.006, F.A.C.

(2) If a grievance appeal of a medical nature is received by the Office of the Secretary, the Bureau of Policy Management and Inmate Grievance Appeals shall forward the grievance to the Office of the Assistant Secretary for Health Services for investigation and response. The disclosure of medical information in a grievance authorizes staff to review the information and to use and disclose the medical information necessary to investigate in order to respond. Following preparation of a response and signature of the responding employee, the grievance shall be returned to the Bureau of Policy Management and Inmate Grievance Appeals to ensure appropriate filing and routing. Other procedures applicable to the processing of a grievance appeal of a medical nature are as stated in Rule 33-103.007, F.A.C.

~~Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS., 45 C.F.R. Part 160, 164. History–New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 12-7-97, Formerly 33-29.008, Amended 6-29-03, 2-9-05, 3-25-08,_____.~~

33-103.011 Time Frames for Inmate Grievances.

When determining the time frames for grievances in all cases, the specified time frame shall commence on the day following the date of the incident or response to the grievance at the previous level. For example, if an incident occurred on December 1, fifteen days from that date would be December 16.

(1) Filing of Grievances.

(a) Informal Grievances – Must be received within 20 days ~~a reasonable time~~ of when the incident or action being grieved occurred. ~~Reasonableness shall be determined on a case by case basis. Availability of witnesses and relevant documentary evidence are factors, among others, which should be looked at in determining reasonableness.~~

(b) through (d) No change.

(2) An extension of the above-stated time periods shall be granted when it is clearly demonstrated by the inmate to the satisfaction of the reviewing authority as defined in paragraphs 33-103.002(17)(b) ~~33-103.002(15)(b)~~ and (c), F.A.C., or the Secretary that it was not feasible to file the grievance within the relevant time periods and that the inmate made a good faith effort to file in a timely manner. The granting of such an extension shall apply to the filing of an original grievance or when re-filing a grievance after correcting one or more deficiencies cited in Rule 33-103.014, F.A.C.

(3) Responding to Grievances.

(a) No change.

(b) Formal Grievances – The reviewing authority as defined in paragraph 33-103.002(17)(b) ~~33-103.002(15)(b)~~, F.A.C., shall have up to 20 calendar days from the date of receipt of the grievance to take action and respond. See Rule 33-103.006, F.A.C.

(c) through (d) No change.

(4) The time limit for responding to grievances and appeals may be extended for a reasonable period agreeable to both parties if the extension is agreed to in writing by the inmate. Unless the grievant has agreed in writing to an extension, expiration of a time limit at any step in the process shall entitle the complainant to proceed to the next step of the grievance process. If this occurs, the complainant must clearly indicate this fact when filing at the next step. If the inmate does not agree to an extension of time at the central office level of review, he shall be entitled to proceed with judicial remedies as he would have exhausted his administrative remedies. The Bureau of Policy Management and Inmate Grievance Appeals will nevertheless ensure that the grievance is investigated and responded to even though an extension has not been agreed to by the inmate.

(5) If the 15th day referenced in paragraphs 33-103.011(1)(b), (c) and (d), F.A.C., falls on a weekend or holiday, the due date shall be the next regular work day.

Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 12-7-97, Formerly 33-29.011, Amended 2-9-05, 3-25-08, _____.

33-103.014 Reasons for Return of Grievance or Appeal Without Processing.

(1) The informal grievance, formal grievance, direct grievance ~~filed direct~~, or grievance appeal, hereafter referred to as “grievance,” ~~in this section of the rule~~ may be returned to the inmate without further processing if, following a review of the grievance, one or more of the following conditions are found to exist. The reasons listed below are the only reasons for returning a grievance without a response on the merits.

(a) The grievance addresses more than one issue or complaint.;

(b) The grievance is so broad, general or vague in nature that it cannot be clearly investigated, evaluated, and responded to.;

(c) The grievance is not written legibly and cannot be clearly understood.;

(d) The formal grievance was not received within 15 calendar days of the date of the response to the informal grievance.;

(e) The formal grievance was not received within 15 calendar days of the date on which the incident or action being complained about occurred, if an informal grievance was not filed pursuant to subsection 33-103.006(3), F.A.C.;

(f) through (l) No change.

(m) The inmate has been designated a frivolous filer as defined in Rule 33-103.002, F.A.C., and is filing more than the allowable number of grievance during the restriction period. This will not apply to emergency grievances. The inmate has used multiple copies of grievance forms rather than attachments as continuation sheets.

(n) through (o) No change.

(p) The inmate is raising allegations and charges in a grievance appeal that have not been raised below at the previous level. (Since this is an appellate review process and not a fact-finding process, it is not appropriate to raise new allegations, charges, and facts that the previous decision maker has not had an opportunity to investigate and respond to.)

(q) No change.

(r) The inmate has filed a supplement to a grievance or appeal ~~that which~~ has already been accepted. An exception will be made when the supplement contains relevant and determinative information ~~that which~~ was not accessible to or known by the inmate at the time the original grievance or appeal was filed.

(s) Complaints are raised by an inmate regarding incidents, ~~procedures, policies or rules~~ that do not affect the inmate personally.

(t) The inmate ~~had~~ filed a grievance at the institutional level that should have been filed directly with the Office of the Secretary.

(2) An inmate who has a grievance returned to him for reasons stated in subsection (1) above [excluding paragraph (1)(d), (e), (h), (i), (n), (o), (q), (r) or (s)] may refile utilizing the proper procedure or correct the stated deficiency and refile if upon receipt of this notification the filing is within time frames allowable if the return is for a reason other than filing frivolous grievances. When a grievance is returned to an inmate for being improperly filed, the inmate shall be told why the grievance was returned and told that in order ~~for him~~ to receive administrative review of his complaint he must correct the defects and re-submit the grievance within the time frames set forth in Rule 33-103.011, F.A.C., unless instructed otherwise in the grievance response. Instructions to resubmit are not necessary if a grievance is returned for reasons stated in paragraph (1)(d), (e), (h), (i), (n), (o), (q), (r), (m) or (s).

Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS., ~~45 C.F.R. Part 160, 164~~. History—New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 12-7-97, 5-10-98, Formerly 33-29.014, Amended 6-29-03, 2-9-05, _____.

33-103.015 Inmate Grievances – Miscellaneous Provisions.

(1) Inmates shall be allowed to seek assistance from other inmates or staff members in completing the grievance forms as long as the assistance requested does not interfere with the security and order of the institution.

(2) Form DC6-236, Inmate Request, and Form DC1-303, Request for Administrative Remedy or Appeal, shall be available as a minimum from the institutional library, classification department, classification staff, and the housing officer of any living unit or confinement unit. Form Dc6-236 is incorporated by reference in Rule 33-103.005, F.A.C. Form DC1-303 is incorporated by reference in Rule 33-103.006, F.A.C.

(3) The warden, assistant warden, or deputy warden (deputy warden applicable to private facilities only) is authorized to designate other staff to receive, review, and investigate any grievance of an institutional nature. The warden is authorized to designate the assistant warden or deputy warden (deputy warden applicable to private facilities only) to grant and implement relief as approved by the warden, except as to grievances involving discipline, grievances alleging violation of the Americans with Disabilities Act, ~~grievances challenging placement in close management and subsequent reviews~~, grievances of an emergency nature, or grievances of reprisal ~~or grievances of a sensitive nature~~ that are filed directly with the warden. For grievances filed directly with the warden, the decision to approve, return, or deny the

grievance shall be made by the warden; the assistant warden or deputy warden shall only be authorized to sign as acting warden in the warden's absence, and must indicate "Acting Warden" beside his or her signature.

(4) No change.

(5) The response to an informal grievance and a formal grievance shall include the following statement, or one similar in content and intent if the grievance is denied: You may obtain further administrative review of your complaint by obtaining Form DC1-303, Request for Administrative Remedy or Appeal, completing the form, providing attachments as required, and forwarding your complaint to the warden, assistant warden, deputy warden or the Bureau of Policy Management and Inmate Grievance Appeals.

(6) At no time will an inmate who is alleging that he was physically abused as described in Section 944.35(3), F.S., or alleging reprisal by staff, as defined in Rule 33-103.002 subsection 33-103.002(10), F.A.C., be directed to submit his or her grievance to the staff person who is the subject of the complaint, nor will the grievance be referred to a staff person who is the subject of the complaint.

(7) Writing paper and writing utensils shall be provided to those inmates who have insufficient funds in their accounts at the time the materials are requested if such are needed to prepare the grievance or grievance appeal. These supplies shall be available from the institution library, classification department, classification staff, and the housing officer of any living unit or confinement unit.

(8) Copying services for documents to be included as attachments to a grievance or grievance appeal shall be handled according to Rule 33-501.302, F.A.C., except that copying services shall not be provided to make copies of Form DC6-236 or Form DC1-303, ~~attachments that are a continuation of the request portion of Form DC6-236, or attachments that are a continuation of Part A of Form DC1-303.~~

(9) No change.

(10) If an inmate is identified as abusing the grievance process by filing frivolous grievances as defined in Rule 33-103.002, F.A.C., the warden or designee shall counsel the inmate regarding the consequences of abusing the grievance system. If system abuse continues the warden or his/her designee shall give the inmate a written warning to cease the activity. If the inmate continues filing frivolous grievances, the warden or designee shall scan and attach all related grievance documents to include the written warning and forward to the Bureau of Policy Management and Inmate Grievance Appeals electronically. In coordination with institutional staff, the Bureau of Policy Management and Inmate Grievance Appeals will determine if the inmate meets the definition of a frivolous filer pursuant to Rule 33-103.002, F.A.C. If it is determined that the inmate has filed frivolous grievances after being counseled and receiving a written warning:

(a) The institution will be notified through electronic mail of the decision to limit the inmate's ability to file non-emergency grievances. A copy of this notice will be provided to the inmate.

(b) The inmate will be limited to 5 non-emergency grievances per week (7 calendar days) for a period of 90 days. Institutional staff will track and monitor the inmate's grievance activity during the period of restriction. The period of restriction will begin on the day the inmate has been notified in writing.

(c) If after 90 days the inmate has had no incidents of filing frivolous grievances the restriction shall be lifted.

(d) If the inmate continues to file frivolous grievances during the 90 day restriction period, institutional staff may request to the Bureau of Policy Management and Inmate Grievance Appeals through electronic mail an extension of the restriction time period. The period of restriction may be extended for 30 days. If the Bureau determines that the inmate has continued to file frivolous grievances during the restricted period, the period of restriction shall be extended for 30 days. The 30 day extension shall be added to the end of the original 90 day restriction period and the institution shall be notified electronically of the decision. A copy of the notice shall be provided to the inmate. Restriction extensions of 30 days each may be granted for as long as the inmate continues to abuse the grievance process.

(e) An inmate will not be identified as a frivolous grievance filer based solely on the number of grievances filed.

(f) An inmate's ability to file grievances on issues outlined in Rule 33-103.007, F.A.C., will not be limited by the designation as a frivolous filer.

~~(11)(10)~~ A copy of these rules shall be available for access by inmates at a minimum in the inmate library and from the housing officer of any confinement unit.

~~(12)(11)~~ Provisions shall be made to ensure that grievances submitted by confinement inmates are collected on a daily basis, and that those grievances which require mailing are processed in accordance with Rule 33-103.006 subsection 33-103.006(8), F.A.C.

~~(13)(12)~~ Staff shall respond to inquiries made by the Bureau of Inmate Grievance Appeals by the close of business on the seventh day after the request.

Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 10-12-89, Amended 1-29-92, 9-3-92, 12-22-92, 7-11-93, 5-3-94, 4-10-95, 9-23-96, 8-10-97, 12-7-97, 5-10-98, 2-17-99, Formerly 33-29.015, Amended 8-1-00, 10-11-00, 2-7-01, 5-27-02, 1-2-03, 2-9-05, 9-4-05, 10-28-07, _____.

33-103.016 Follow Through on Approved Grievances.

(1) Formal Grievance – Institution or Facility Level. All formal grievances ~~that which~~ are approved at the institution or facility level shall be handled as follows:

(a) The employee approving the grievance shall complete Section I of ~~Form form~~ DC1-306, Grievance Approval Action Form. Form DC1-306 is hereby incorporated by reference ~~in~~ Rule 33-103.019, F.A.C. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is 08-01-00.

(b) The approving employee shall then send ~~Form form~~ DC1-306 and a copy of the approved formal grievance to the grievance coordinator in the event they are not one and the same.

(c) The grievance coordinator shall complete Sections II, III, and IV of ~~Form form~~ DC1-306. The grievance coordinator shall then provide the form ~~DC1-306~~ and a copy of the approved grievance to the staff member(s) assigned responsibility for implementing the approved action. The grievance coordinator shall monitor this process.

(d) The assigned staff member(s) shall complete Section V of ~~Form form~~ DC1-306, stating what steps were taken to implement the approved action. This shall not be done until after the steps have been taken. The assigned staff member(s) shall have 30 calendar days from the date the grievance was approved within which to implement the approved action. In the event that actual implementation cannot be completed within the 30 day period due to circumstances beyond the control of department staff, the assigned staff member(s) shall indicate this and the reasons therefor in Section V within the 30 day period. The form shall be held by the assigned staff member until the corrective action has been taken.

(e) No change.

(f) The grievance coordinator shall complete Section VII of ~~Form form~~ DC1-306, place a copy of the form in the grievance record log, and attach a copy of the form ~~DC1-306~~ to the copy of the approved grievance in the inmate's file. A copy of the form shall not be sent to central office.

(2) Appeals and direct grievances to the Office of the Secretary. All grievances ~~that which~~ are approved by the ~~Office of the Secretary~~ Bureau of Policy Management and Inmate Grievance Appeals shall be handled as follows:

(a) The employee approving the grievance shall complete Section I of ~~Form form~~ DC1-306.

(b) The approving employee shall then mail ~~Form form~~ DC1-306, along with a copy of the approved grievance or appeal, to the appropriate warden's office.

(c) The warden shall forward ~~Form~~ the DC1-306 to the institutional grievance coordinator who shall complete Sections II, III, and IV of the form DC1-306. The grievance coordinator shall then provide the form ~~DC1-306~~ and a copy of the approved grievance to the staff member(s) assigned responsibility for implementing the approved action. The grievance coordinator shall monitor this process.

(d) The assigned staff member(s) shall complete Section V of ~~Form form~~ DC1-306 stating what action was taken to carry out the approval. This shall not be done until after the action has actually been taken. The assigned staff member(s) shall have 35 calendar days from the date the grievance or appeal was approved within which to implement the approved action. In the event that actual implementation cannot be completed within the 35 day period due to circumstances beyond the control of department staff, the assigned staff member(s) shall indicate this and the reasons therefor in Section V. The form shall be held by the assigned staff member until the corrective action has been taken.

(e) No change.

(f) The grievance coordinator shall place a copy of the completed form in the inmate's institutional file, retain a copy for his record, and forward the original and canary copy of the form ~~DC1-306~~ to the Chief of Policy Management and Inmate Grievance Appeals within 45 calendar days from the grievance approval date. The Chief shall ensure that the inmate grievance log in the Bureau of Policy Management and Inmate Grievance Appeals is updated and that a copy of ~~Form form~~ DC1-306 is sent to the central office inmate file.

Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 4-10-95, Amended 12-7-97, Formerly 33-29.0155, Amended 8-1-00, 1-1-01, 8-21-06, 3-25-08,_____.

33-103.018 Evaluation of the Grievance Procedure.

The grievance procedure shall be reviewed at each institution through operational reviews conducted by the Office of Internal Audit. This evaluation shall include information obtained from a survey of staff and inmates, review of employees' and inmates' comments on the effectiveness and credibility of the procedure ~~pursuant to subsection 33-103.004(2), F.A.C.~~, on-site visits to institutions and facilities by staff of the ~~Bureau Office~~ of Internal Audit, and from monthly reports prepared by the Bureau of Policy Management and Inmate Grievance Appeals.

Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 10-12-89, Amended 12-22-92, 4-10-95, Formerly 33-29.017, Amended 2-9-05,_____.

33-103.019 Inmate Grievances – Forms.

~~The following forms relevant to this chapter are hereby incorporated by reference. A copy of any of these forms is available from the Bureau of Inmate Grievance Appeals, 501 South Calhoun Street, Tallahassee, Florida 32399-2500.~~

~~(1) Form DC1-303, Request for Administrative Remedy or Appeal, effective 2-9-05.~~

~~(2) Form DC6-236, Inmate Request, effective 10-19-09.~~

~~(3) Form DC1-306, Grievance Approval Action Form, effective 8-1-00.~~

~~(4) Form DC2-901, Training Attendance Report, effective 6-18-07.~~

~~(5) Form DC1-307, Acknowledgement of Receipt of Grievance Orientation, effective 10-11-00.~~

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 4-10-95, 12-7-97, Formerly 33-29.018, Amended 8-1-00, 10-11-00, 2-9-05, 12-17-06, 6-18-07, 8-27-07, 10-19-09, Repealed.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.307
 RULE TITLE: Disciplinary Hearings
 PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to clarify the disposition of evidence during disciplinary hearings.

SUBJECT AREA TO BE ADDRESSED: Inmate Discipline.
 RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 945.04 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kendra Lee Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.307 Disciplinary Hearings.

(1) through (2) No change.

(3) The inmate may request that witnesses appear at the hearing, but inmate witnesses shall not be routinely called before the disciplinary team or hearing officer to provide live testimony for the following reasons:

(a) through (g) No change.

(h) If the team or hearing officer utilizes confidential informant information during the hearing, the team or hearing officer shall determine whether the informant has direct or indirect knowledge of the events in question. The team or hearing officer shall consider the informant’s reliability by analyzing the informant’s past record for providing accurate or inaccurate information. The disciplinary team or hearing officer shall not accept assurance alone from an officer as to the authenticity of the informant’s information. Hearsay and second-hand knowledge not corroborated by other evidence shall not be used to support a finding of guilt. Unless supported by other evidence, information provided by a single informant shall not be used to support a finding of guilt unless the information is especially compelling. The team or hearing officer shall document the information used to determine guilt, ~~and~~ and the reliability of the information, and disposition of any

evidence the inmate requested in the basis of decision section of the Disciplinary Hearing Worksheet, Form DC6-112E. If disclosure of the information would endanger the informant or adversely affect institutional security and order, the team or hearing officer shall document the information and the reasons for not revealing it to the inmate in the comment section of the witness disposition form.

(i) through (5) No change.

Rulemaking Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 945.04 FS. History—New 3-12-84, Formerly 33-22.06, Amended 12-30-86, 10-1-95, 12-10-97, 5-19-98, Formerly 33-22.006, Amended 5-21-00, 2-11-01, 3-22-05, 10-12-05, 7-17-07, _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.725
 RULE TITLE: Permissible Items for Visitors

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to remove sunglasses, tobacco, and tobacco-related products from the list of permissible items and to add a photo identification card and a notarized authorization to the list.

SUBJECT AREA TO BE ADDRESSED: Permissible items for visitors.

RULEMAKING AUTHORITY: 944.09 FS.
 LAW IMPLEMENTED: 944.09, 944.23, 944.47, 944.8031 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kendra Lee Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.725 Permissible Items for Visitors.

(1) Visitors shall be allowed to bring only authorized items listed into any department facility. Entry shall be denied if the visitor attempts to enter the institution or facility while possessing any unauthorized item or any authorized item in more than the approved amounts. Authorized items shall be removed by the visitor at the end of the visit. Authorized items include:

~~(a) One unopened pack of cigarettes or cigars and one lighter (bic-type lighters and matches are prohibited); however, smoking materials are not permitted if a designated outside smoking area is not available.~~

~~(b) One unopened, sealed package or can of smokeless tobacco, to include chewing tobacco and moist or powdered snuff.~~

(c) through (d) renumbered (a) through (b) No change.

(c) One (1) photographic identification card.

~~(d)(e)~~ Prescription medications. The department reserves the right to prohibit individuals from bringing any medication into the facility that may pose a threat to the inmate population or institutional security. Visitor requiring medical injections must leave such items secured in their vehicles and will be allowed to depart the visiting area if an injection is required. Reentry into the visiting area shall be allowed in accordance with Rule 33-601.723 subsection 33-601.723(6), F.A.C. The visitor shall not be allowed to bring needles or syringes into any department facility or dispose of them on the grounds of any department institution or facility under any circumstances.

1. through 3. No change.

(f) through (g) renumbered (e) through (f) No change.

(g) If the visitor is an authorized adult as defined in Rule 33-601.713, F.A.C., one (1) copy of a notarized authorization to supervise a minor.

(h) through (2) No change.

Rulemaking Specific Authority 944.09, 944.23 FS. Law Implemented 944.09, 944.23, 944.47, 944.8031 FS. History—New 11-18-01, Amended 5-27-02, 7-1-03, 12-30-03, 11-25-04, 3-29-07, 10-8-07, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-1.6051	Timeframe for Providing Requested Information for Permit Applications and Denial of Incomplete Applications
40D-1.659	Forms and Instructions

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to reference updated versions of forms that are being amended by the District. This rulemaking is part of a larger rulemaking effort being undertaken by the District to reduce the required number of copies of permit application forms and supporting materials submitted when applying for a permit or other authorization from the District, and the number of copies of compliance-related documents that must be submitted by permittees. The effect of the overall rulemaking will be to reduce costs associated with the submittal of applications and the reporting on compliance activities to the District.

SUBJECT AREA TO BE ADDRESSED: Permitting procedures.

RULEMAKING AUTHORITY: 120.54(5), 373.044, 373.113, 373.118, 373.149, 373.171, 373.337, 373.4135, 373.4136, 373.414 FS.

LAW IMPLEMENTED: 120.54(5), 120.60, 373.079(4)(a)1., 373.083, 373.083(5), 373.084, 373.085, 373.116, 373.118, 373.119, 373.171, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.2295, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.4136, 373.414, 373.416, 373.418, 373.419, 373.421, 373.426, 373.705, 373.707, 668.50 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Southwest Florida Water Management District Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899; telephone (352)796-7211, ext. 4702 or 1(800)423-1476 (FL only), ext. 4702; TDD (FL only) 1(800)231-6103 or email to ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Barbara Martinez, Sr. Administrative Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660 (OGC#2010053)

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-2.091	Publications Incorporated by Reference
40D-2.101	Content of Application

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to incorporate by reference an updated version of the District’s Water Use Information Manual Part B, Basis of Review (WUP BOR), which is being revised consistent with a District initiative to reduce the number of copies of application forms, supporting materials and compliance reports that are required to be submitted to the District. Amendments will require submittal of only 1 original instead of an original and 2 copies of forms, reports and other material for water use permitting matters. The overall effect of the rulemaking will be to reduce costs to the public that are associated with the submittal of applications and the reporting of compliance activities to the District.

SUBJECT AREA TO BE ADDRESSED: Water use permitting.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0363, 373.042, 373.0421, 373.079(4)(a), 373.083(5), 373.116, 373.117, 373.1175, 373.118, 373.149, 373.171, 373.185, 373.216, 373.217, 373.219, 373.223, 373.227, 373.228, 373.229, 373.236, 373.239, 373.243, 373.250, 373.705, 373.709, 373.715, 403.0877 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Southwest Florida Water Management District Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899; telephone (352)796-7211, ext. 4702 or 1(800)423-1476 (FL only), ext. 4702; TDD (FL only) 1(800)231-6103 or email to ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Barbara Martinez, Sr. Administrative Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660 (OGC#2010053)

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:
40D-3.101 Content of Application

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to reduce the number of copies of site plans, and the requirements for such site plans, that are submitted for public supply well construction permit applications. This amendment is part of a District rulemaking initiative to reduce the number of copies of application forms, supporting documentation and compliance-related reports and documents that are required to be submitted. The overall effect of the rulemaking will be to reduce costs to the public that are associated with the submittal of permit applications and the reporting of permit compliance activities to the District.

SUBJECT AREA TO BE ADDRESSED: Well construction permitting.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171, 373.309, 373.337 FS.

LAW IMPLEMENTED: 373.109, 373.308, 373.309, 373.313, 373.316 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Southwest Florida Water Management District Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899, telephone (352)796-7211, ext. 4702 or 1(800)423-1476 (FL only), ext. 4702; TDD (FL only) 1(800)231-6103 or email to ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Barbara Martinez, Sr. Administrative Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660 (OGC#2010053)

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-4.042	Formal Determination of Wetlands and Other Surface Waters
40D-4.091	Publications, Forms and Agreements Incorporated by Reference
40D-4.101	Content of Application
40D-4.331	Modification of Permits

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to reduce the number of copies of application forms and supporting documents that must be submitted for individual environmental resource permit (ERP) applications and petitions for formal determination of wetlands and other surface waters, and the number of copies of compliance documents required to be submitted after a permit is issued. ERP-related submittal requirements are reduced from 5 copies to 1 original and 2 copies. These amendments are part of an overall District initiative to reduce the number of copies of permit application forms, supporting documentation and

compliance-related reports and documents that are required to be submitted. The overall effect of the rulemaking will be to reduce costs to the public that are associated with application submittals and compliance activity reporting to the District.

SUBJECT AREA TO BE ADDRESSED: Environmental resource permitting.

RULEMAKING AUTHORITY: 373.044, 373.046, 373.113, 373.149, 373.171, 373.414, 373.421(2), 373.149 FS.

LAW IMPLEMENTED: 373.0361, 373.042, 373.079(4)(a), 373.083(5), 373.114, 373.171, 373.403, 373.413, 373.4135, 373.4136, 373.414, 373.4144, 373.416, 373.421(2), 373.429, 373.441 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Southwest Florida Water Management District Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899, telephone (352)796-7211, ext. 4702 or 1(800)423-1476 (FL only), ext. 4702; TDD (FL only) 1(800)231-6103 or email to ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Barbara Martinez, Sr. Administrative Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660 (OGC#2010053)

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-40.044	General Permit for Site Conditions Assessment
40D-40.302	Conditions for Issuance of General Permits

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to reduce the number of site conditions assessment permit application copies that are required to be submitted from 5 copies to 1 original and 2 copies. The application form is also revised accordingly. These amendments are part of a larger District rulemaking initiative to reduce the number of copies of permit application forms,

supporting materials and compliance-related reports and documents that are required to be submitted. The overall purpose and effect of this initiative is to reduce costs to the public that are associated with the submittal of permit applications and the reporting of permit compliance activities to the District.

SUBJECT AREA TO BE ADDRESSED: Environmental resource permitting.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.079(4)(a), 373.083(5), 373.413, 373.414, 373.416, 373.419 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Southwest Florida Water Management District Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899, telephone (352)796-7211, ext. 4702 or 1(800)423-1476 (FL only), ext. 4702; TDD (FL only) 1(800)231-6103 or email to ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Barbara Martinez, Sr. Administrative Assistant, Office of General Counsel, Southwest Florida Water Management District, 2379 Broad St., Brooksville, FL 34606-6899, (352)796-7211, ext. 4660 (OGC#2010053)

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.:	RULE TITLE:
40D-400.500	General Permit for Construction, Operation, Maintenance, Alteration, Abandonment or Removal of Minor Silvicultural Surface Water Management Systems

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to adopt a revised Application Procedure for a Noticed General Permit for a Minor Silvicultural Surface Water Management System and Notice of Intent to Construct a

Minor Silvicultural Surface Water Management System Form, which form is amended to reduce the number of copies required for submittal from 5 to 1 original and 2 copies. This amendment is part of a District initiative to reduce the number of copies of permit application forms, supporting materials and compliance-related reports and documents that are required to be submitted. The overall purpose and effect of this initiative is to reduce costs to the public associated with the submittal of permit applications and the reporting of permit compliance activities to the District.

SUBJECT AREA TO BE ADDRESSED: Environmental resource permitting.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.413, 373.414, 373.416, 373.419 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Southwest Florida Water Management District Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899; telephone (352)796-7211, ext. 4702 or 1(800)423-1476 (FL only), ext. 4702; TDD (FL only) 1(800)231-6103 or email to ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Barbara Martinez, Sr. Administrative Assistant, Office of General Counsel, Southwest Florida Water Management District, 2379 Broad St., Brooksville, FL 34606-6899, (352)796-7211, ext. 4660 (OGC#2010053)

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.320
RULE TITLE: Therapy Services

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.320, F.A.C., is to incorporate by reference the Florida Medicaid Therapy Services Coverage and Limitations Handbook, October 2011. The rule will update the Medicaid Therapy Services Coverage and Limitations Handbook by

clarifying policy and requiring prior authorization for therapy treatment visits, effective November 2011. The prior authorization requirement will satisfy a legislative mandate requiring utilization management for therapy services reimbursed by Medicaid set forth in Section 409.912(42), F.S. The Therapy Services Coverage and Limitations Handbook contains policy for therapy services reimbursed under the Medicaid program.

SUBJECT AREA TO BE ADDRESSED: Therapy Services.

An additional area to be addressed during the workshop will be the potential regulatory impact Rule 59G-4.320, F.A.C., will have as provided for under Sections 120.54 and 120.541, F.S.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.905, 409.907, 409.908, 409.912, 409.913 FS.

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

DATE AND TIME: Tuesday, October 18, 2011, 9:00 a.m. – 10:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308-5407

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: Judy Taylor-Fischer at the Bureau of Medicaid Services, (850)412-4217. 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: Judy Taylor-Fischer, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4217, e-mail: judy.taylor-fischer@ahca.myflorida.com. To download a draft copy of this rule, if available, go to <http://ahca.myflorida.com/Medicaid/review/index.shtml>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.320 Therapy Services.

(1) This rule applies to all therapy services providers enrolled in the Medicaid program.

(2) All therapy providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Therapy Services Coverage and Limitations Handbook, October 2011 ~~2003, updated July 2008~~, incorporated by reference, ~~and the Florida Medicaid Provider Reimbursement Handbook, CMS 1500, which is incorporated in Rule 59G-4.001, F.A.C. The Both handbooks is are~~ available from

the Medicaid fiscal agent's Web site Portal at www.my Medicaid-florida.com. ~~Select Click on~~ Public Information for Providers, then ~~on~~ Provider Support, and then ~~on~~ Handbooks. Paper copies of the handbooks may be obtained by calling the Medicaid fiscal agent at 1(800)289-7799 and selecting Option 4.

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.907, 409.908, 409.912, 409.913 FS. History—New 5-24-92, Amended 4-12-93, Formerly 10C-7.068, Amended 5-4-94, 12-26-95, 3-9-99, 12-2-03, 12-3-08, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-18.011
 RULE TITLE: Definitions

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to renumber the rule accordingly.

SUBJECT AREA TO BE ADDRESSED: Definitions.

RULEMAKING AUTHORITY: 471.008, 471.013(1)(a)1., 2. FS.

LAW IMPLEMENTED: 471.003(2)(f), 471.005(6), (7), 471.013(1)(a)1., 2., 471.023(1), 471.033(1)(j) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303-5268

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-23.003
 RULE TITLE: Procedures for Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to modify language to update the Federal Information Processing Standard Publication and to provide the website address where the standards can be downloaded.

SUBJECT AREA TO BE ADDRESSED: Procedures for signing and sealing electronically transmitted plans, specifications, reports or other documents.

RULEMAKING AUTHORITY: 471.025(1), 668.006 FS.

LAW IMPLEMENTED: 471.025 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303-5268

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-29.001
 RULE TITLE: Certification Definition, Procedures, Prohibitions

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and add new language to clarify the certification procedure.

SUBJECT AREA TO BE ADDRESSED: Certification definition, procedures, prohibitions.

RULEMAKING AUTHORITY: 471.008 FS.

LAW IMPLEMENTED: 471.025(3), 471.003(1)(j) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303-5268

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DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: 64B1-4.012
 RULE TITLE: Acupoint Injection Therapies

PURPOSE AND EFFECT: The purpose of this rule development is to develop a negative formulary regarding injectable materials for acupuncturists in injection therapy adjunctive modalities.

SUBJECT AREA TO BE ADDRESSED: Acupoint Injection Therapies.

RULEMAKING AUTHORITY: 457.102(1), 457.104 FS.

LAW IMPLEMENTED: 457.102 FS.

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

DATE AND TIME: December 9, 2011, following the conclusion of the general business meeting.

PLACE: Holiday Inn & Suite, 2725 Graves Road, Tallahassee, FL 32303

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: Anthony Jusevitch, Executive Director, Board of Acupuncture/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256. 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: Anthony Jusevitch, Executive Director, Board of Acupuncture/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-13.005 **RULE TITLE:** Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify the violations and penalties to the disciplinary guidelines.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

RULEMAKING AUTHORITY: 456.079(1) FS.

LAW IMPLEMENTED: 456.072(2), 456.079(1), 466.028 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-51.006 **RULE TITLE:** Rule Governing Licensure and Inspection of Electrology Facilities

PURPOSE AND EFFECT: The amendments made to section (2)(b) of the rule incorporates the revised electrology licensure application that includes the questions referenced in Section 456.0635, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Electrology Facility Licensure.

RULEMAKING AUTHORITY: 478.43(1), (4) FS.

LAW IMPLEMENTED: 456.037(2), (3), (5), 478.49, 478.51 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Executive Director, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-3.019 **RULE TITLE:** Address of Record

PURPOSE AND EFFECT: The Board is revising the rule to set standards for electronic notification of change of address.

SUBJECT AREA TO BE ADDRESSED: Address of Record.

RULEMAKING AUTHORITY: 456.035, 463.005(1) FS.

LAW IMPLEMENTED: 456.035 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bruce Deterding, Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-4.002 RULE TITLE: Reexamination

PURPOSE AND EFFECT: The Board proposes this rule amendment to take into account the varying scheduling of the annual clinical exam so re-exam applicants are not barred because the first exam taken was scheduled several weeks earlier than the retake exam.

SUBJECT AREA TO BE ADDRESSED: Reexamination.

RULEMAKING AUTHORITY: 456.017(2), 463.005 FS.

LAW IMPLEMENTED: 456.017(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bruce Deterding, Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-4.006 RULE TITLE: Security and Monitoring Procedures for Licensure Examination

PURPOSE AND EFFECT: The Board proposes this rule amendment to establish security and monitoring procedures for licensure exam.

SUBJECT AREA TO BE ADDRESSED: Security and Monitoring Procedures for Licensure Examinations.

RULEMAKING AUTHORITY: 456.017(1)(d) FS.

LAW IMPLEMENTED: 456.017(1)(d) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bruce Deterding, Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-15.005 RULE TITLE: Designation of Administrative Violations; Major; Minor

PURPOSE AND EFFECT: The Board proposes the rule amendment to implement Chapter 2011-112, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Designation of Administrative Violations; Major; Minor.

RULEMAKING AUTHORITY: 456.079 FS.

LAW IMPLEMENTED: 456.079 FS.

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DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.103 RULE TITLE: Continuing Education Credits; Renewal

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify course approval requirements and to provide for additional credits for pharmacy technicians.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Credits; Renewal.

RULEMAKING AUTHORITY: 465.005, 465.022 FS.

LAW IMPLEMENTED: 456.013, 456.025(3), 465.018, 465.019, 465.0193, 465.0196, 465.0197, 465.022 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Fritz Hayes, B. Pharm, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.1003 RULE TITLE: Active License Renewal Fees

PURPOSE AND EFFECT: The Board proposes the rule amendment to reduce the fees paid by pharmacists.

SUBJECT AREA TO BE ADDRESSED: Active License Renewal Fees.

RULEMAKING AUTHORITY: 456.036, 465.008, 465.0125, 465.0126 FS.

LAW IMPLEMENTED: 456.036, 456.065(3), 465.008, 465.0125, 465.0126, 465.014 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Fritz Hayes, B. Pharm, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

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DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.206 RULE TITLE: Application for Pharmacist Licensure by Endorsement (Foreign Pharmacy Graduates)

PURPOSE AND EFFECT: The Board proposes the rule promulgation to create a new rule for endorsement candidates that are foreign trained.

SUBJECT AREA TO BE ADDRESSED: Application for Pharmacist Licensure by Endorsement (Foreign Pharmacy Graduates).

RULEMAKING AUTHORITY: 465.005, 465.0075 FS.

LAW IMPLEMENTED: 456.013(1), 456.033, 465.007, 465.0075, 465.022 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Fritz Hayes, B. Pharm, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

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DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-28.100 RULE TITLE: Pharmacy Permits – Applications and Permitting

PURPOSE AND EFFECT: The Board proposes the rule promulgation to provide a single rule for permitting of pharmacies by combining the permitting rules into one rule and to incorporate new applications.

SUBJECT AREA TO BE ADDRESSED: Pharmacy Permits – Applications and Permitting.

RULEMAKING AUTHORITY: 465.005, 465.022 FS.

LAW IMPLEMENTED: 456.013, 456.025(3), 465.018, 465.019, 465.0193, 465.0196, 465.0197, 465.022 FS.

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

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DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-28.1081 RULE TITLE: Regulation of Daily Operating Hours

PURPOSE AND EFFECT: The Board proposes the rule amendment to provide a way for a pharmacy to be open less than 40 hours a week.

SUBJECT AREA TO BE ADDRESSED: Regulation of Daily Operating Hours.

RULEMAKING AUTHORITY: 465.005, 465.022 FS.

LAW IMPLEMENTED: 465.022(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Fritz Hayes, B. Pharm, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

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DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-28.303 RULE TITLE: Destruction of Controlled Substances All Permittees (excluding Nursing Homes)

PURPOSE AND EFFECT: The Board proposes the rule amendment to provide an easier method for destruction of controlled substances.

SUBJECT AREA TO BE ADDRESSED: Destruction of Controlled Substances All Permittees (excluding Nursing Homes).

RULEMAKING AUTHORITY: 465.005, 465.022 FS.

LAW IMPLEMENTED: 465.022, 465.018 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Fritz Hayes, B. Pharm, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

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DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-30.001 RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the guidelines, minor violations and citations.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

RULEMAKING AUTHORITY: 456.072, 456.079, 465.005 FS.

LAW IMPLEMENTED: 456.072, 456.079 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Fritz Hayes, B. Pharm, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

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DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-30.003 RULE TITLE: Citations

PURPOSE AND EFFECT: The Board proposes the rule amendment to update violations and citations.

SUBJECT AREA TO BE ADDRESSED: Citations.

RULEMAKING AUTHORITY: 456.073, 456.077, 465.005 FS.

LAW IMPLEMENTED: 456.077 FS.

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

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

Hayes, B. Pharm, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

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

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20-2.001
 RULE TITLE: Licensure by Certification of Credentials

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address the licensure by certification of credentials for speech-language pathologists or audiologists.

SUBJECT AREA TO BE ADDRESSED: Licensure by Certification of Credentials.

RULEMAKING AUTHORITY: 456.013(7), 468.1135(4) FS.
 LAW IMPLEMENTED: 456.013(7), 468.1145(2), 468.1185 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Jusevitch, Executive Director, Board of Speech-Language Pathology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32314-3256

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

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20-2.003
 RULE TITLE: Provisional Licensure; Requirements

PURPOSE AND EFFECT: The Board proposes to development of rule amendment to address the requirements for provisional license.

SUBJECT AREA TO BE ADDRESSED: Provisional License; Requirements.

RULEMAKING AUTHORITY: 468.1135(4) FS.
 LAW IMPLEMENTED: 468.1145(2), 468.1155(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Jusevitch, Executive Director, Board of Speech-Language Pathology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32314-3256

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

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20-4.001
 RULE TITLE: Certification of Assistants

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address the certification of speech-language pathologist or audiologist assistants.

SUBJECT AREA TO BE ADDRESSED: Certification of Assistants.

RULEMAKING AUTHORITY: 468.1125(9), 468.1135(4) FS.
 LAW IMPLEMENTED: 468.1125(3), (9), 468.1215 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Jusevitch, Executive Director, Board of Speech-Language Pathology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32314-3256

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

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.: 64B32-2.001
 RULE TITLE: License by Endorsement

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the revised on-line application.

SUBJECT AREA TO BE ADDRESSED: The rule amendment will notify of new revised application on website. <http://www.doh.state.fl.us/mqa/respiratory/index.html>.

RULEMAKING AUTHORITY: 468.353(1), 468.358(3) FS.
 LAW IMPLEMENTED: 456.013(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Executive Director, Board of Respiratory Care Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.: 64B32-6.001 RULE TITLE: Continuing Education Requirement
 PURPOSE AND EFFECT: The Board proposes to revise the rule to reflect mandatory completion of credit hours in Florida laws and rules, and to better clarify the language which makes credits taken to renew other currently held licenses and the CRT license applicable to the renewal of the CRT or RRT license.

SUBJECT AREA TO BE ADDRESSED: Continuing education course requirements and application of renewal credits from other currently held licenses.

RULEMAKING AUTHORITY: 456.013(9), 468.361(2) FS.

LAW IMPLEMENTED: 468.361(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Executive Director, Board of Respiratory Care Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Board of Athletic Training

RULE NO.: 64B33-2.001 RULE TITLE: Licensure Requirements
 PURPOSE AND EFFECT: The Board proposes the rule amendment to modify language for the requirements for licensure and to update form DOH-AT-001, "Board of Athletic Training State of Florida Examination Application for Licensure, revised 6/11", pursuant to statutory change.

SUBJECT AREA TO BE ADDRESSED: Licensure requirements.

RULEMAKING AUTHORITY: 456.013(7), (9), 468.705 FS.

LAW IMPLEMENTED: 456.013(7), 468.707 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Athletic Training/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Athletic Training

RULE NO.: 64B33-2.003 RULE TITLE: Requirements for Continuing Education

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the requirements for continuing education courses, pursuant to statutory change.

SUBJECT AREA TO BE ADDRESSED: Requirements for continuing education.

RULEMAKING AUTHORITY: 456.013, 456.034(5), 468.705, 468.711(2), (3) FS.

LAW IMPLEMENTED: 456.013(7), 456.034, 468.711(2) FS.

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

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DEPARTMENT OF HEALTH

Board of Athletic Training

RULE NO.: 64B33-2.005 RULE TITLE: Requirements for Reactivation of an Inactive License

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify the language for reactivation of an inactive license, pursuant to statutory change.

SUBJECT AREA TO BE ADDRESSED: Requirements for reactivation of an inactive license.

RULEMAKING AUTHORITY: 456.036, 468.705 FS.
 LAW IMPLEMENTED: 456.036 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Athletic Training/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NO.: 69B-221.100
 RULE TITLE: Terms and Conditions of Contract; Surrender Form

PURPOSE AND EFFECT: The proposed rule amendment expands the list of events that constitute a breach of a principal’s obligations to a surety company, allowing a surety company to rightfully act to apprehend, arrest, and surrender principal, in addition to denying a principal the right to any refund of premium. New paragraph 69B-221(1)(f), F.A.C., is added to the aforementioned list, describing an event where the indemnitor fails to make premium payment(s) as obligated under an agreement pursuant to subsection 69B-221.105(5), F.A.C. Subsection (2) of the proposed rule adds a link to the Department’s website where licensees may obtain copies of form DFS-H2-1542 (Statement of Surrender Form). The language in the existing rule that directs licensees to obtain the form from the Department’s Bail Bond Section is deleted.

SUBJECT AREA TO BE ADDRESSED: Terms and conditions that constitute breach of contract between of principal and a surety for a bail bond.

RULEMAKING AUTHORITY: 648.26 FS.

LAW IMPLEMENTED: 648.4425 FS.

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

DATE AND TIME: Tuesday, October 18, 2011, 10:30 a.m.

PLACE: 116 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Richard Brinkley, (850)413-5654 or

Richard.Brinkley@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Richard Brinkley, Government Analyst II, Bureau of Investigation, Division of Insurance Agent & Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0319, (850)413-5654

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NO.: 69B-221.105
 RULE TITLE: Premium Charge Only Permitted

PURPOSE AND EFFECT: To amend the rule to allow for a minimum partial payment of at least 10% of the total premium due per the applicable rate filing of a bail bond premium at the time the bond is executed. The proposed rule requires a “written agreement” that includes all terms, conditions and other information, as specified. The proposed rule requires a bond to be fully collateralized at the time of execution and further provides that the time period for collection of the full payment of the bond premium must not exceed 180 days. Where full premium is not collected within the 180 day period, or a violation of any other terms and conditions contained in the written agreement occurs: 1) the defendant may be surrendered to custody and; 2) the bail bond agent or surety company shall be entitled to retain any portion of the premium actually paid on the bond. The proposed rule also requires form DFS-H2-1542 (Statement of Surrender Form) to be completed upon the surrender of a defendant. The proposed rule has been renumbered accordingly.

SUBJECT AREA TO BE ADDRESSED: Partial Payment of Bail Bond Premium.

RULEMAKING AUTHORITY: 624.308, 648.26(1)(a) FS.

LAW IMPLEMENTED: 624.307(1), 624.308, 648.26(1)(a), 648.33, 648.36, 648.44(1)(o), 648.44(6)(c) FS.

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

DATE AND TIME: Tuesday, October 18, 2011, 10:30 a.m.

PLACE: 116 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by

contacting: Richard Brinkley, (850)413-5654 or Richard.Brinkley@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Richard Brinkley, Government Analyst II, Bureau of Investigation, Division of Insurance Agent and Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0319, (850)413-5654

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DEPARTMENT OF FINANCIAL SERVICES

Division of Worker’s Compensation

RULE NO.: 69L-5.201 RULE TITLE: Definitions

PURPOSE AND EFFECT: The original intent of the rule was to avoid the complexities of an affiliated self-insurer structure where a parent company exists to hold the self-insurance authorization was addressed by the clause “which do not have a parent company to hold the self-insurance authorization.” A parent company able to, but not wanting to hold the self-insurance authorization, and wanting to execute a parental guaranty under Rule 69L-5.215, F.A.C., would be precluded from doing so under the existing language of subsection 69L-5.201(2), F.A.C. The added language will allow an affiliated self-insurer structure and utilization of the financial strength of a parent company for purposes of providing a parental guaranty for affiliated self-insurers under Rule 69L-5.215, F.A.C., where the parent company could but elects to not hold the self-insurance authorization.

SUBJECT AREA TO BE ADDRESSED: Affiliated Self-Insurers and Parental Guaranty.

RULEMAKING AUTHORITY: 440.38(1), (2), (3), 440.385(6), 440.591 FS.

LAW IMPLEMENTED: 440.38(1), (2), (3), 440.385(1), (3), (6) FS.

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

DATE AND TIME: Wednesday, October 19, 2011, 9:30 a.m.
 PLACE: Room 102, Hartman Building, 2012 Capital Circle Southeast, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Pam Macon, (850)413-1708 or

Pamela.Macon@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pam Macon, Bureau Chief, Bureau of Monitoring and Audit, Division of Workers’ Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4224, (850)413-1708 or Pamela.Macon@myfloridacfo.com

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

AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY

Enterprise IT Services

RULE NOS.:	RULE TITLES:
71B-2.001	Financial Reporting
71B-2.002	Cost recovery
71B-2.003	Standards
71B-2.004	Service Level Agreements

PURPOSE AND EFFECT: The purpose of these rules is to develop and establish rules relating to the operation of the state data center system. The rules will: ensure that financial information is captured and reported consistently and accurately; identify standards for hardware and other operational software for the primary data centers; require annual full cost recovery on an equitable rational basis to ensure that no service or customer is subsidizing another service or customer; require a consistent process for imposing any special assessments; specify the criteria and form of rebates to be given to state data center customers; establish requirements for service-level agreements.

SUBJECT AREA TO BE ADDRESSED: Operation of the State Data Center System.

RULEMAKING AUTHORITY: 282.201(6) FS.

LAW IMPLEMENTED: 282.201(2)(e) FS.

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

DATE AND TIME: Friday, November 4, 2011, 9:00 a.m.
 PLACE: FSU Turnbull Conference Center, 555 W. Pensacola St., Tallahassee, FL

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: Heather Pence, Operations and Communications Manager, Agency for Enterprise Information Technology, e-mail: Heather.Pence@aeit.myflorida.com, phone

(850)922-7502. 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: Renee Harkins, Agency for Enterprise Information Technology. The preliminary draft will be available at the following website October 28: <https://aeit.myflorida.com/rulemaking>. E-mail: Renee.Harkins@aeit.myflorida.com, phone (850)922-7502
 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

RULE NO.:	RULE TITLE:
12-3.0015	Interest Applicable to Unpaid Tax Liabilities or Amounts Not Timely Refunded

PURPOSE AND EFFECT: Prior to posting forms and other documents on the Department’s website, taxpayers were able to obtain forms and tax information using the Department’s Fax on Demand System. With forms and tax information readily available on the website, the Fax on Demand System has been discontinued.

Effective January 1, 2012, section 22, Chapter 2011-76, L.O.F., repeals the emergency excise tax.

The purpose of the proposed amendments to Rule 12-3.0015, F.A.C. (Interest Applicable to Unpaid Tax Liabilities or Amounts Not Timely Refunded), is to remove provisions regarding the obsolete Fax on Demand System and provisions regarding the emergency excise tax that will be repealed effective January 1, 2012.

SUMMARY: The proposed amendments to Rule 12-3.0015, F.A.C. (Interest Applicable to Unpaid Tax Liabilities or Amounts Not Timely Refunded), remove provisions regarding the obsolete Fax on Demand System and provisions referring to Chapter 221, F.S., which imposes the Florida emergency excise tax.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 213.06(1) FS.

LAW IMPLEMENTED: 231.235, 213.255 FS.

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

DATE AND TIME: October 26, 2011, 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: Tammy Miller at (850)617-8346. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

THE FULL TEXT OF THE PROPOSED RULE IS:

12-3.0015 Interest Applicable to Unpaid Tax Liabilities or Amounts Not Timely Refunded.

(1) The provisions of Section 213.235, F.S., and this rule apply to all taxes listed in Section 213.05, F.S., except those taxes imposed by ~~Chapter Chapters 220 and 221~~, F.S. The interest rate provisions of Rule 12C-1.343, F.A.C., ~~shall continue to~~ apply to the taxes imposed by ~~Chapter Chapters 220 and 221~~, F.S.

(2) through (3) No change.

(4)(a) The interest rate determined pursuant to Section 213.235, F.S., is subject to change on January 1st and July 1st of each year.

(b) The applicable interest rate for any 6-month period can be obtained by any of the following methods:

1. Accessing the Department's website at www.myflorida.com/dor/taxes ~~web site at the address in brackets [http://www.myflorida.com/dor/].~~

2. Calling Taxpayer Tax Information Services during regular business hours at 1(800)352-3671.

~~3. Calling the Department's Fax on Demand Retrieval System by dialing (850)922-3676 from the handset of the fax machine.~~

(5) No change.

Rulemaking Specific Authority 213.06(1) FS. Law Implemented 213.235, 213.255 FS. History--New 4-2-00, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 20, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 29, 2011 (Vol. 37, No. 30, p. 2181). No comments were received by the Department.

DEPARTMENT OF REVENUE

RULE NO.: 12-6.0015
RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12-6.0015, F.A.C. (Public Use Forms), is to adopt, by reference, changes to Form DR-835 (Power of Attorney and Declaration of Representative) that will provide for the inclusion of an e-mail address at which the Department may contact a taxpayer's representative.

SUMMARY: The proposed amendments to Rule 12-6.0015, F.A.C. (Public Use Forms), adopt, by reference, changes to Form DR-835 (Power of Attorney and Declaration of Representative), used by taxpayers to grant a representative the authority to perform certain duties on their behalf with the Department.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

herein: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences with activities for providing the public tax information and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 213.06(1), 213.21(1) FS.

LAW IMPLEMENTED: 72.011, 119.071(5), 213.21 FS.

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

DATE AND TIME: October 26, 2011, 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: Tammy Miller at (850)617-8346. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

THE FULL TEXT OF THE PROPOSED RULE IS:

12-6.0015 Public Use Forms.

The following form is employed by the Department in its dealings with the public. This form is hereby incorporated by reference in this rule. Copies of this form are available, without cost, by using one or more of the following methods: 1) downloading the form from the Department's Internet site at www.myflorida.com/dor/forms; or, 2) calling the Department at (800)352-3671, Monday through Friday, 8:00 a.m. to 7:00 p.m., Eastern Time; or, 3) visiting any local Department of Revenue Service Center; or, 4) writing the Florida Department of Revenue, Taxpayer Services, Mail Stop 3-2000, 5050 West Tennessee Street, Tallahassee, Florida 32399-0112. Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331 or (850)922-1115.

Form Number	Title	Effective Date
DR-835	Power of Attorney and Declaration of Representative (R. 10/11 09/09)	_____ 06/10

Rulemaking Authority 213.06(1), 213.21(1) FS. Law Implemented 72.011, 119.071(5), 213.21 FS. History--New 3-6-03, Amended 4-5-07, 1-27-09, 6-28-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Janet Young, Tax Law Specialist, Technical Assistance and
Dispute Resolution, Department of Revenue, P. O. Box 7443,
Tallahassee, Florida 32314-7443, telephone (850)717-7610

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

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: September 20, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: A Notice of Proposed Rule
Development was published in the Florida Administrative
Weekly on July 29, 2011 (Vol. 37, No. 30, pp. 2181-2182). No
comments were received by the Department.

DEPARTMENT OF REVENUE

RULE NO.: RULE TITLE:
12-16.003 Form of Consent Agreements

PURPOSE AND EFFECT: Prior to posting forms and other tax
information on the Department's website, taxpayers were able
to obtain forms and tax information using the Department's
Fax on Demand System. With forms and tax information
readily available on the website, the Fax on Demand System
has been discontinued. The purpose of the proposed rule
amendments to Rule 12-16.003, F.A.C. (Form of Consent
Agreements), is to remove obsolete provisions regarding the
Fax on Demand System.

SUMMARY: The proposed amendments to Rule 12-6.003,
F.A.C. (Form of Consent Agreements), remove provisions
regarding the obsolete Fax on Demand System.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 213.06(1), 213.23(2) FS.

LAW IMPLEMENTED: 213.23 FS.

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

DATE AND TIME: October 26, 2011, 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: Tammy Miller at (850)617-8346. If you are hearing
or speech impaired, please contact the agency using the Florida
Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770
(Voice).

THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULE IS: Janet Young, Tax Law Specialist,
Technical Assistance and Dispute Resolution, Department of
Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443,
telephone (850)717-7610

THE FULL TEXT OF THE PROPOSED RULE IS:

12-16.003 Form of Consent Agreements.

(1) No change.

(2) The Department prescribes Form DR-872, Consent to
Extend the Time to Issue an Assessment or to File a Claim for
Refund, dated October 2003, as the form to be used for the
purposes of this chapter and incorporates this form by
reference. A copy of this form may be obtained, without cost,
by one or more of the following methods: 1) downloading the
form from the Department's Internet site at
www.myflorida.com/dor/forms; writing the Florida
Department of Revenue, Taxpayer Services, Mail Stop 3-2000,
5050 West Tennessee Street, Tallahassee, Florida 32399-0112;
or, 2) calling the Department at 1(800)352-3671, Monday
through Friday, 8:00 a.m. to 7:00 p.m., Eastern Time; faxing
the Distribution Center at (850)922-2208; or, 3) using a fax
machine telephone handset to call the Department's automated
Fax on Demand system at (850)922-3676; or, 4) visiting any
local Department of Revenue Service Center to personally
obtain a copy; or, 4) writing the Florida Department of
Revenue, Taxpayer Services, Mail Stop 3-2000, 5050 West
Tennessee Street, Tallahassee, Florida 32399-0112 5) calling
the Forms Request Line during regular office hours at
1(800)352-3671; or, 6) downloading selected forms from the
Department's Internet site at the address shown inside the
parentheses (www.myflorida.com/dor). Persons with hearing
or speech impairments may call the Department's TDD at
1(800)367-8331. The Department will provide this form to the
taxpayer with the information specified in subsection (1) of
this rule already entered on the form.

Rulemaking Specific Authority 213.06(1), 213.23(2) FS. Law
Implemented 213.23 FS. History--New 12-28-88, Amended 3-16-93,
12-2-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 20, 2011
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 29, 2011 (Vol. 37, No. 30, p. 2182). No comments were received by the Department.

DEPARTMENT OF REVENUE

RULE NOS.:	RULE TITLES:
12-18.001	Authorization for Compensation
12-18.004	Submission of Information and Claims for Compensation

PURPOSE AND EFFECT: Effective January 1, 2012, Section 22, Chapter 2011-76, L.O.F., repeals the emergency excise tax. The purpose of the proposed amendments to Rule 12-18.001, F.A.C. (Authorization for Compensation), and Rule 12-18.004, F.A.C. (Submission of Information and Claims for Compensation), is to reflect the repeal of the emergency excise tax.

SUMMARY: The proposed amendments to Rule 12-18.001, F.A.C. (Authorization for Compensation), remove provisions regarding the emergency excise tax.

The proposed amendments to Rule 12-18.004, F.A.C. (Submission of Information and Claims for Compensation), adopt, by reference, changes to Form DR-55 (Application for Compensation for Tax Information) that remove reference to the emergency excise tax.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 213.06(1), 213.30(1) FS.
 LAW IMPLEMENTED: 92.525(2), 119.071(5), 213.30 FS.
 A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: October 26, 2011, 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: Tammy Miller at (850)617-8346. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

THE FULL TEXT OF THE PROPOSED RULES IS:

12-18.001 Authorization for Compensation.

(1)(a) The Executive Director of the Department of Revenue or the Executive Director’s designee is authorized to compensate persons who provide information leading to the punishment of, or collection of taxes, surtaxes, surcharges, fees, penalties, or interest from, any person with respect to the taxes enumerated in Section 213.05, F.S. The Department is not authorized to compensate persons who provide information with respect to a revenue or tax law that is not administered, regulated, controlled, and collected by the Department, as provided in Section 213.05, F.S. No person is authorized under these rules to make any offer, or promise, or otherwise to bind the Executive Director or the Executive Director’s designee with respect to the payment of any compensation or the amount thereof.

(b) The Department administers, regulates, controls, and collects the following:

1. No change.
2. Corporate income ~~and emergency excise tax~~;
3. through 18. No change.

(2) No change.

Rulemaking Authority 213.06(1), 213.30(1) FS. Law Implemented 213.30 FS. History—New 6-21-88, Amended 11-14-91, 9-14-93, 10-19-99, 6-1-09,_____.

12-18.004 Submission of Information and Claims for Compensation.

(1) through (2) No change.

(3)(a) The Department designates Form DR-55, Application for Compensation for Tax Information, as the form to be used by claimants for this purpose. Form DR-55, Application for Compensation for Tax Information (R. 01/12 09/09, Effective 06/10), is hereby incorporated, by reference, in this rule.

(b) No change.

Rulemaking Authority 213.06(1), 213.30(1) FS. Law Implemented 92.525(2), 119.071(5), 213.30 FS. History—New 6-21-88, Amended 11-14-91, 10-19-99, 10-1-03, 10-30-06, 6-1-09, 6-28-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 20, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 29, 2011 (Vol. 37, No. 30, pp. 2182-2183). No comments were received by the Department

DEPARTMENT OF REVENUE

RULE NOS.:	RULE TITLES:
12-22.005	Disclosure Procedures
12-22.007	Registration Information Sharing and Exchange Program

PURPOSE AND EFFECT: The purpose of the proposed rule amendments to Rule 12-22.005, F.A.C. (Disclosure Procedures), is to remove language on how to obtain copies of forms from the Department that is redundant of the provisions of Rule 12-6.0015, F.S., which incorporates by reference, Form DR-835 (Power of Attorney and Declaration of Representative).

The purpose of the proposed amendments to Rule 12-22.007, F.A.C. (Registration Information Sharing and Exchange Program), is to: (1) amend the agreements used by the Department to administer the Program, requiring an indication of which locally-imposed tax the participating Government Entity is requesting an exchange of tax information for; (2) create a separate form for Program participants to make the required annual certification regarding the confidentiality of the information exchanged under the Program; (3) clarify that each authorized employee of a Program participant must execute the certification regarding confidentiality requirements

by January 31 of each year; and (4) update the Registration Information Sharing and Exchange Program Coordinator’s contact information.

SUMMARY: The proposed amendments to Rule 12-22.005, F.A.C. (Disclosure Procedures), remove information on how to obtain copies of Form DR-835 (Power of Attorney and Declaration of Representative) from the Department redundant of the provisions of Rule 12-6.0015, F.A.C.

The proposed amendments to Rule 12-22.007, F.A.C. (Registration Information Sharing and Exchange Program): (1) update the Registration Information Sharing and Exchange Program Coordinator’s contact information; (2) adopt, by reference, forms used by the Department in the administration of the Program; and (3) clarify that each authorized employee of a Program participant must execute the certification regarding confidentiality requirements by January 31 of each year.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 213.0535(4), 213.06(1) FS.

LAW IMPLEMENTED: 213.053, 213.0535, 213.22 FS.

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

DATE AND TIME: October 26, 2011, 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: Tammy Miller at (850)617-8346. If you are hearing

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

THE FULL TEXT OF THE PROPOSED RULES IS:

12-22.005 Disclosure Procedures.

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

3. A taxpayer may authorize his representative to receive confidential state tax information by a documented Power of Attorney filed with the Department. The Department prescribes form DR-835, Power of Attorney and Declaration of Representative (incorporated by reference in Rule 12-6.0015, F.A.C.), as the form to be used for the purposes of this chapter. ~~This form may be obtained through one of the following methods: 1) writing the Florida Department of Revenue, Records Management Room 1-4364, 5050 West Tennessee Street, Tallahassee, Florida 32399 0158; or, 2) faxing the request for forms to the Forms Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax on Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 1(800)352-3671; or, 6) downloading selected forms from the Department's Internet site at the address shown in parentheses (www.myflorida.com/dor).~~

4. No change.

(3) through (5) No change.

Rulemaking Specific Authority 213.06(1) FS. Law Implemented 213.053, 213.22 FS. History--New 12-18-88, Amended _____.

12-22.007 Registration Information Sharing and Exchange Program.

(1)(a) No change.

(b) General information regarding the RISE Program and specific questions regarding the status of any data supplied by the Department should be directed to the General Tax Administration RISE Coordinator, General Tax Administration Resource Management, Mail Stop 1-1229 Compliance Enforcement Process Manager's Office, 5050 West Tennessee Street, Tallahassee, Florida 32399-0131 or by telephone, (850)717-6370 ~~(850)717-6730~~ or by visiting the Department's Internet site at <http://www.myflorida.com/dor/governments/rise.html>.

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

(c) The Department hereby incorporates the following agreements used in the administration of the RISE Program. Copies of these agreements may be obtained, without cost, by: 1) downloading the selected agreement from the Department's Internet site at www.myflorida.com/dor; or, 2) calling the General Tax Administration RISE Coordinator at (850)717-6370 ~~(850)717-6730~~; or, 3) writing the General Tax Administration RISE Coordinator, General Tax Administration Resource Management, Mail Stop 1-1229 Compliance Enforcement Process Manager's Office, 5050 West Tennessee Street, Tallahassee, Florida 32399-0131. Persons with hearing or speech impairment may call the Department's TDD at 1(800)367-8331.

Number	Title	Effective Date
1. GT-400210	Registration and Information Sharing and Exchange (RISE) Program – Level-One Agreement (R. <u>01/12</u> 10/06)	____ <u>04/07</u>
2. GT-400211	Registration and Information Sharing and Exchange (RISE) Program – Level-Two Agreement (R. <u>01/12</u> 10/06)	____ <u>04/07</u>
3. <u>GT-400212</u>	<u>Registration Information Sharing and Exchange (RISE) Program Participant Certification for Access to Confidential State Tax Information (N. 01/12)</u>	____

(d) No change.

(e) 1. Section 213.053(8)(j), F.S., provides that the Department may provide the information authorized under Section 213.0535, F.S., to eligible participants and certified public accountants for such participants in the RISE Program. As a part of the Level-one RISE Agreement (GT-400210), or the Level-two RISE Agreement (GT-400211), each authorized employee of the participating government agency is required to execute Form GT-400212 (Registration Information Sharing and Exchange (RISE) Attachment C, Program Participant Certification for Access to Confidential State Tax Information), with the confidentiality requirements of Section 213.053, F.S., and Rule Chapter 12-22, F.A.C., ~~by January 31 of each year.~~ Any person who becomes an authorized employee subsequent to January 31 must execute a separate certification. Executed certifications must be forwarded to the RISE Coordinator within 15 business days of the date of hire or the date of change in employment status.

2. Each year each authorized employee of the participating government agency is required to execute Form GT-400212 certifying his or her familiarity with the confidentiality requirements. Executed certifications must be forwarded to the RISE Coordinator by January 31 of each year.

(3) through (4) No change.

Rulemaking Authority 213.0535(4), 213.06(1) FS. Law Implemented 213.053(8)(j), 213.0535 FS. History--New 3-17-93, Amended 4-2-00, 4-16-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 20, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development of Rule 12-22.005, F.A.C., was published in the Florida Administrative Weekly on July 29, 2011 (Vol. 37, No. 30, p. 2183). A Notice of Proposed Rule Development of Rule 12-22.007, F.A.C., was published in the Florida Administrative Weekly on August 12, 2011 (Vol. 37, No. 32, pp. 2331-2332). No comments were received by the Department.

DEPARTMENT OF REVENUE

RULE NOS.:	RULE TITLES:
12-29.002	Florida Tax Credit Scholarship Program; Participation; Allocation; Carryforward; Rescindment
12-29.003	Florida Tax Credit Scholarship Program; Applications

PURPOSE AND EFFECT: Chapter 2011-123, L.O.F., extends the period for which tax credits authorized under the Florida Tax Credit Scholarship Program may be taken from three years to five years, eliminates the 75% limitation on the corporate income tax and insurance premium tax credits, and allows taxpayers who have previously rescinded a tax credit more than once to obtain approval to rescind an outstanding tax credit.

Effective January 1, 2012, section 22, Chapter 2011-76, L.O.F., repeals the emergency excise tax.

The purpose of the amendments to Rule 12-29.002, F.A.C. (Florida Tax Credit Scholarship Program; Participation; Allocation; Carryforward; Rescindment), and to Rule 12-29.003, F.A.C. (Florida Tax Credit Scholarship Program; Applications), is to incorporate these law changes.

SUMMARY: The proposed amendments to Rule 12-29.002 (Florida Tax Credit Scholarship Program; Participation; Allocation; Carryforward; Rescindment): (1) remove the limitation on the corporate income tax and insurance premium tax credits that were limited to 75% of the tax due after the required deductions; (2) provide that the five-year carryforward period is applicable to all credits approved under the Program for carryforward on or after July 1, 2011, and to all unused carryforward credits that were eligible to be carried forward as of July 1, 2011; (3) remove the limitation that prevented taxpayers who had previously rescinded a tax credit authorized under the Program from obtaining approval to rescind an outstanding tax credit; and (4) remove obsolete provisions.

The proposed amendments to Rule 12-29.003, F.A.C. (Florida Tax Credit Scholarship Program; Applications), adopt, by reference, changes to forms used in the administration of the Program to incorporate the changes made by Chapters 2011-76 and 2011-123, L.O.F.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 213.06(1), 1002.395(13) FS.
LAW IMPLEMENTED: 92.525(1)(b), 211.0251, 212.1831, 213.37, 220.1875, 561.1211, 624.51055, 1002.395(1)-(3), (13) FS.

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

DATE AND TIME: October 26, 2011, 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: Tammy Miller at (850)617-8346. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Robert DuCasse, Revenue Program Administrator, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-6476

THE FULL TEXT OF THE PROPOSED RULES IS:

12-29.002 Florida Tax Credit Scholarship Program; Participation; Allocation; Carryforward; Rescindment.

(1) No change.

(2) TAXPAYERS ELIGIBLE TO PARTICIPATE IN THE PROGRAM. Taxpayers who pay any of the following taxes may apply to the Department for a credit allocation as follows:

(a) For the taxes administered by the Department:

1. through 4. No change.

~~5. Taxpayers who were eligible for tax credits authorized by Sections 220.187 and 624.51055, F.S., prior to July 1, 2010, remain eligible for the tax credit now authorized by Section 1002.395, F.S.~~

(b) No change.

(3) through (4) No change.

(5) TAX CREDITS.

(a)1. Corporate Income Tax – For tax years ending on or after July 1, 2011, a ~~A~~ tax credit of 100 percent of the contribution against any corporate income tax due for the tax year is allowed. The amount of the tax credit for a tax year:

a. Is taken in the order of the credits provided against the corporate income tax in Section 220.02(8), F.S. Is limited to 75 percent of the corporate income tax due after application of any other allowable credits taken by the taxpayer for that tax year;

b. through c. No change.

2. No change.

(b)1. Insurance Premium Tax – For tax years ending on or after July 1, 2011, a ~~A~~ tax credit of 100 percent of the contribution against any insurance premium tax due under Section 624.509(1), F.S., for the tax year is allowed. The amount of the tax credit is limited to ~~75 percent~~ of the insurance premium tax due after deducting:

a. through c. No change.

2. No change.

(c)1. Sales and Use Tax – ~~A~~ Beginning January 1, 2011, a tax credit of 100 percent of the contribution is allowed against any sales and use tax due imposed under Chapter 212, F.S., to any taxpayer who holds a valid Sales and Use Tax Direct Pay Permit issued by the Department.

(d) through (f) No change.

(6) CARRYFORWARD OF UNUSED CREDITS.

(a) When a taxpayer is unable to use a tax credit during the period specified by the Department in the approval letter, because the taxpayer's liability is insufficient, the taxpayer may apply to carry forward the unused tax credit amount for a period not to exceed five ~~three~~ years. The five-year carryforward period is applicable to all credits approved for carryforward on or after July 1, 2011, and to all unused carryforward credits that were eligible to be carried forward as of July 1, 2011. Taxpayers must apply on-line using the Department's website at www.myflorida.com/dor/taxes/tax_incentives.html or submit an Application for Tax Credit for Contributions to Nonprofit Scholarship Funding

Organizations (SFOs) (Form DR-116000, incorporated by reference in Rule 12-29.003, F.A.C.) requesting approval to carry forward the unused portion of the tax credit during the year in which the taxpayer wants to carry forward the unused tax credit. Applications to carry forward amounts beyond the five-year ~~three-year~~ period will not be accepted by the Department. See paragraph (3)(a) for submitting the application to the Department.

(b) No change.

(c) Within ten days of receipt of the application, the Department will send written correspondence regarding the amount of the credit carryforward, or the reason the carryforward request could not be approved. For excise tax on liquor, wine, and malt beverages, the Division must approve the carryforward before the Department will issue such correspondence. No request will be approved when the application for a credit allocation carryforward is submitted for a period beyond five ~~three~~ years from the year in which the credit allocation was approved.

(d) Examples.

1. Corporate Income Tax Example – A calendar year taxpayer applied for and was approved for a credit allocation against corporate income tax for the year ending December 31, 2011. To carry forward the unused portion of the credit allocation from its tax year ending December 31, 2011, to its tax year ending December 31, 2012, the taxpayer must apply to the Department, specifying the carryforward amount, on or after January 3, 2012. The application must be filed on or before December 31, 2012. If any unused portion of the credit allocation remains, the taxpayer must apply for a carryforward of the unused portion. Any unused carryforward from its tax year ending December 31, 2011, expires on December 31, 2016 ~~2014~~.

2. Insurance Premium Tax Example – A taxpayer applied for and was approved for a credit allocation against insurance premium tax due for calendar year 2010. To carry forward the unused portion of the credit allocation that was not taken on the 2010 insurance premium tax return (due March 1, 2011) to the 2011 insurance premium tax return, the taxpayer must apply to the Department, specifying the carryforward amount, on or after January 3, 2011. The application must be filed and approved on or before December 31, 2011. If any unused portion of the credit allocation remains, the taxpayer must apply for a carryforward of the unused portion. Any unused carryforward from its tax year ending December 31, 2010, expires on December 31, 2015 ~~2013~~.

3. Sales and Use Tax Example – A taxpayer who holds a Sales Tax Direct Pay Permit applied for and was approved for a credit allocation against sales and use tax due to the Department for the state fiscal year 2011-2012. The taxpayer paid the contribution to an eligible nonprofit scholarship funding organization on July 15, 2011, and submitted a copy of the certificate of contribution received from the organization to

the Department. The taxpayer’s liability was insufficient to use the entire credit allocation on sales and use tax returns filed with the Department on or before June 30, 2012. To carry forward the unused portion of the tax credit to the 2012-2013 state fiscal year, the taxpayer must apply to the Department, specifying the carryforward amount during the 2012-2013 state fiscal year. The application must be filed and approved, and any approved carryforward must be taken on a sales and use tax return filed on or before June 30, 2013. If any unused portion of the credit allocation remains, the taxpayer must apply for a carryforward of the unused portion to be used during the following state fiscal year. Any unused carryforward from the 2011-2012 state fiscal year expires June 30, 2017 ~~2015~~.

4. Tax on Oil and Gas Production – The same application periods and credit carryforward periods that apply to a sales and use tax credit allocation apply to a credit allocation against the tax on oil and gas production.

5. Excise Taxes on Liquor, Wine, and Malt Beverages
 Example - A taxpayer who holds a liquor license issued by the Division applied for and was approved for a credit allocation against the liquor excise tax for returns due during the state fiscal year 2011-2012. The taxpayer’s liability was insufficient to use the entire credit allocation during that state fiscal year. To carry forward the unused portion of the tax credit to the 2012-2013 state fiscal year, the taxpayer must apply to the Department, specifying the carryforward amount during the 2012-2013 state fiscal year. The application must be filed and approved, and any approved carryforward must be taken on a return filed with the Division, on or before June 30, 2013. If any unused portion of the credit allocation remains, the taxpayer must apply for a carry forward of the unused portion to be used during the following state fiscal year. Any unused carryforward from the 2011-2012 state fiscal year expires June 30, 2017 ~~2015~~.

(e) No change.

(7) RESCINDMENT OF UNUSED TAX CREDITS.

(a) No change.

(b) An application for rescindment of the unused credit allocation by the Department will not be approved when:

1. The amount of credit allocation requested to be rescinded has been claimed as a credit on a previously filed return; or

~~2. The taxpayer has had more than one approved rescindment of credit within the last three tax years; or,~~

~~2.3.~~ 2. The allocation year is closed for all taxpayers. The allocation period for a calendar year is closed for all taxes and all taxpayers on November 30 of the subsequent calendar year.

(c) through (d) No change.

Rulemaking Authority 1002.395(13) F.S. Law Implemented 92.525(1)(b), 211.0251, 212.1831, 213.37, 220.1875, 561.1211, 624.51055, 1002.395(1)-(3), (13) FS. History–New 6-6-11, Amended

12-29.003 Florida Tax Credit Scholarship Program; Applications.

(1)(a) The following application forms and instructions are used by the Department in its administration of the Florida Tax Credit Scholarship Program. These forms are hereby incorporated by reference in this rule.

(b) No change.

Form Number	Title	Effective Date
(2)(a) DR-116000	Application for Tax Credit Allocation for Contributions to Nonprofit Scholarship Funding Organizations (SFOs) (R. 07/11 04/11)	____ 06/11
	(http://www.flrules.org/Gateway/reference.asp?No=Ref-__ 00269)	
(b) DR-116100	Application for Rescindment of Tax Credit Allocation for Contributions to Nonprofit Scholarship Funding Organizations (SFOs) (N. 07/11 01/11)	____ 06/11
	(http://www.flrules.org/Gateway/reference.asp?No=Ref-__ 00270)	

Rulemaking Authority 213.06(1), 1002.395(13) FS. Law Implemented 92.525(1)(b), 211.0251, 212.1831, 213.37, 220.1875, 561.1211, 624.51055, 1002.395(1)-(3), (13) FS. History–New 6-6-11, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Robert DuCasse, Revenue Program Administrator, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-6476

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 20, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 29, 2011 (Vol. 37, No. 30, pp. 2183-2184). No comments were received by the Department.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NOS.:	RULE TITLES:
12A-1.0142	Refund of Tax Paid on Purchases of Equipment, Machinery, and Other Materials for Renewable Energy Technologies
12A-1.097	Public Use Forms
12A-1.107	Enterprise Zone and Florida Neighborhood Revitalization Programs

PURPOSE AND EFFECT: The Department of Environmental Protection Florida Renewable Energy Technologies Sales Tax Program, as provided in Section 212.08(7)(ccc), F.S.,

established by Section 9, Chapter 2008-227, L.O.F., expired July 1, 2010. Section 1, Chapter 2011-3, L.O.F., removes the obsolete statutory section from the Florida Statutes. The purpose of the proposed repeal of Rule 12A-1.0142, F.A.C. (Refund of Tax Paid on Purchases of Equipment, Machinery, and Other Materials for Renewable Energy Technologies), is to remove obsolete provisions regarding the Department's administration of the Program.

Form DR-1 (Florida Business Tax Application) has been updated and reorganized to simplify the registration process for Florida's taxes administered by the Department and to obtain information from taxpayers that will allow the Department to provide information regarding Florida's tax laws to those taxpayers impacted by the law. In addition, the use of the sales and use tax returns is currently limited to reporting tax for a single calendar year. The purpose of the proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms), is to: (1) adopt the changes to Form DR-1 (Florida Business Tax Application); (2) consolidate and simplify instructions for sales and use tax returns; and (3) remove the limitation of the use of the tax return to a single calendar year.

Prior to posting forms and other documents on the Department's website, taxpayers were able to obtain forms and documents by fax, using the Department's Fax on Demand System. With forms and documents readily available on the website, the Fax on Demand System has been discontinued. The purpose of the proposed rule amendments to Rule 12A-1.107, F.A.C. (Enterprise Zone and Florida Neighborhood Revitalization Programs), is to remove provisions regarding the obsolete Fax on Demand System.

SUMMARY: The proposed repeal of Rule 12A-1.0142, F.A.C. (Refund of Tax Paid on Purchases of Equipment, Machinery, and Other Materials for Renewable Energy Technologies), removes obsolete provisions regarding the Department's administration of the Program.

The proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms), adopt, by reference, updates to Form DR-1 (Florida Business Tax Application), changes to sales and use tax returns, and updates to direct pay permits issued by the Department to qualified taxpayers.

The proposed amendments to Rule 12A-1.107, F.A.C. (Enterprise Zone and Florida Neighborhood Revitalization Programs), remove provisions regarding the obsolete Fax on Demand System.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (g)6., (h)6., (n)4., (o)4., (7), (15)(e), 212.11(5)(b), 212.12(1)(b)2., 212.17(6), 212.18(2), (3), 213.06(1), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2), (7) FS.

LAW IMPLEMENTED: 92.525(1)(b), (3), 95.091, 119.071(5), 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 201.17(1)-(5), 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1), (4), (5), 212.12(1), (2), (9), (13), 212.13, 212.14(4), (5), 212.15(2), 212.17, 212.18(2), (3), 213.235, 213.255, 213.29, 213.37, 215.26, 219.07, 288.1083, 288.1258, 376.70, 376.75, 377.801-.806, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7) FS.

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

DATE AND TIME: October 26, 2011, 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: Tammy Miller at (850)617-8346. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

THE FULL TEXT OF THE PROPOSED RULES IS:

12A-1.0142 Refund of Tax Paid on Purchases of Equipment, Machinery, and Other Materials for Renewable Energy Technologies.

Rulemaking Authority 212.08(7)(ccc), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.08(7)(ccc), 213.255, 215.26, 377.801-.806 FS. History—New 6-4-08, 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) No change.

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

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

Form Number	Title	Effective Date
(2)(a) DR-1	<u>Florida Business Tax Application to Collect and/or Report Tax in Florida</u> (R. <u>07/11 09/09</u>)	___ <u>06/10</u>
<u>(b) DR-1N</u>	<u>Instructions for Completing the Florida Business Tax Application (Form DR-1) (N. 07/11)</u>	___
<u>(c)(b) DR-1CON</u>	<u>Application for Consolidated Sales and Use Tax Filing Number</u> (R. <u>02/11 03/04</u>)	___ <u>09/04</u>
(3) through (4)	No change.	
(5)(a) DR-7	Consolidated Sales and Use Tax Return (R. <u>01/12 04/11</u>)	___ <u>04/11</u>
(b) DR-7N	Instructions for Consolidated Sales and Use Tax Return (R. <u>01/12 04/11</u>)	___ <u>04/11</u>
(c) DR-15CON	Consolidated Summary – Sales and Use Tax Return (R. <u>01/12 04/11</u>)	___ <u>04/11</u>
(6)(a) DR-15	Sales and Use Tax Return (R. <u>01/12 04/11</u>)	___ <u>04/11</u>
<u>(b) DR-15N</u>	<u>Instructions for DR-15 Sales and Use Tax Returns</u> (R. <u>01/12</u>)	___
<u>(b) DR-15CS</u>	<u>Sales and Use Tax Return</u> (R. <u>01/11</u>)	___ <u>04/11</u>
(e) DR-15CSN	DR-15 Sales and Use Tax Instructions (R. <u>01/11</u>)	___ <u>04/11</u>
<u>(c)(d) DR-15EZ</u>	<u>Sales and Use Tax Return</u> (R. <u>01/12 04/11</u>)	___ <u>04/11</u>
(e) DR-15EZCSN	DR-15EZ Sales and Use Tax Return Instructions (R. <u>01/11</u>)	___ <u>04/11</u>

<u>(d)(f) DR-15EZN</u>	Instructions for 2011 DR-15EZ Sales and Use Tax Returns (R. <u>01/12 04/11</u>)	___ <u>04/11</u>
<u>(e)(e) DR-15JEZ</u>	No change.	
<u>(f)(h) DR-15MO</u>	No change.	
<u>(i) DR-15N</u>	Instructions for 2011 DR-15 Sales and Use Tax Returns (R. <u>01/11</u>)	___ <u>04/11</u>
(j) through (m)	renumbered (g) through (j) No change.	
(7)(a)	No change.	
(b) DR-16P*	Sales and Use Tax Direct Pay Permit (R. <u>09/11 N. 01/03</u>)	___ <u>06/03</u>
(c)	No change.	
(8) through (23)	No change.	

Rulemaking Authority 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (7), 212.11(5)(b), 212.12(1)(b)2., 212.17(6), 212.18(2), (3), 213.06(1), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2), (7) FS. Law Implemented 92.525(1)(b), (3), 95.091, 119.071(5), 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 201.17(1)-(5), 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1), (4), (5), 212.12(1), (2), (9), (13), 212.13, 212.14(4), (5), 212.17, 212.18(2), (3), 213.235, 213.29, 213.37, 219.07, 288.1258, 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7) FS. History—New 4-12-84, Formerly 12A-1.97, Amended 8-10-92, 11-30-97, 7-1-99, 4-2-00, 6-28-00, 6-19-01, 10-2-01, 10-21-01, 8-1-02, 4-17-03, 5-4-03, 6-12-03, 10-1-03, 9-28-04, 6-28-05, 5-1-06, 4-5-07, 1-1-08, 4-1-08, 6-4-08, 1-27-09, 9-1-09, 11-3-09, 1-11-10, 4-26-10, 6-28-10, 7-12-10, 1-12-11, _____.

12A-1.107 Enterprise Zone and Florida Neighborhood Revitalization Programs.

(1) through (7) No change.
 (8) OBTAINING FORMS.

(a) The forms referenced in this rule are available, without cost, by one or more of the following methods: 1) downloading the form from the Department's Internet site at www.myflorida.com/dor/forms; writing the Florida Department of Revenue, Taxpayer Services, Mail Stop 3-2000, 5050 West Tennessee Street, Tallahassee, Florida 32399 0112; or, 2) calling the Department at 1(800)352-3671, Monday through Friday, 8:00 a.m. to 7:00 p.m., Eastern Time; faxing the Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax on Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) writing the Florida Department of Revenue, Taxpayer Services, Mail Stop 3-2000, 5050 West Tennessee Street, Tallahassee, Florida 32399-0112 5) calling the Forms Request Line during regular office hours at 1(800)352-3671; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the

parentheses (www.myflorida.com/dor). Persons with hearing or speech impairments may call the Department's TDD at 1(800)367-8331.

(b) These forms may also be obtained from the Enterprise Zone Development Agency for the enterprise zone in which the business is located.

(9) No change.

Rulemaking Authority 212.08(5)(g)6., (h)6., (n)4., (o)4., (15)(e), 212.11(5)(b), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.08(5)(g), (h), (n), (o), (q), (15), 212.096, 212.11(5), 212.15(2), 212.17(6), 212.18(2) FS. History--New 1-3-96, Amended 6-19-01, 8-1-02, 5-4-03, 5-1-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 20, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 29, 2011 (Vol. 37, No. 30, pp. 2184-2185). No comments were received by the Department.

DEPARTMENT OF REVENUE

Sales and Use Tax

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

PURPOSE AND EFFECT: Currently, the use of the solid waste and rental car surcharge form is limited to a single calendar year. The purpose of the proposed amendments to Rule 12A-16.008, F.A.C. (Public Use Forms), is to consolidate and simplify instructions for the solid waste fees and the rental car surcharge returns and to remove the limitation of the use of the tax return to a single calendar year.

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

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

herein: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences with activities for providing the public tax information and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

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

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

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

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

DATE AND TIME: October 26, 2011, 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: Tammy Miller at (850)617-8346. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-16.008 Public Use Forms.

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

(b) No change.

Form Number	Title	Effective Date
(2) DR-15SW	Solid Waste and Surcharge Return (R. 01/12 01/11)	___ 01/11
(3) DR-15SWN	Instructions for DR-15SW Solid Waste and Surcharge Returns (R. 01/12 01/11)	___ 01/11

(4) No change.

Rulemaking Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.0606, 212.12(2), 213.235, 376.70, 403.717, 403.718, 403.7185 FS. History-New 11-14-89, Amended 7-7-91, 8-10-92, 3-21-95, 6-19-01, 4-17-03, 9-28-04, 6-28-05, 7-25-06, 4-5-07, 1-1-08, 1-27-09, 1-11-10, 1-12-11, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 20, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 29, 2011 (Vol. 37, No. 30, p. 2185). No comments were received by the Department.

DEPARTMENT OF REVENUE

Sales and Use Tax

<p>RULE NOS.:</p> <p>12A-19.041</p> <p>12A-19.100</p>	<p>RULE TITLES:</p> <p>Sales of Communications Services to a Residential Household</p> <p>Public Use Forms</p>
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PURPOSE AND EFFECT: Chapter 2011-119, L.O.F., revises the classification of “resort condominiums” and “resort dwellings,” in Chapter 509, F.S., as “public lodging establishments” to “vacation rentals.” The purpose of the proposed amendments to Rule 12A-19.041, F.A.C. (Sales of Communications Services to a Residential Household), is to update “resort dwellings” to “vacation rentals,” as an example of a transient public lodging establishment consistent with the provisions of Chapter 509, F.S.

Chapter 2011-120, L.O.F., modifies Section 202.16(3), F.S., eliminating the requirement of the Department to provide tax amounts and brackets to communications services dealers and stating the requirement of communications services dealers to compute the state and the local communications services tax based on a rounding algorithm.

Providers of communications services address/jurisdiction databases and vendors of such databases may request that the Department certify their database for accuracy of the address/jurisdictions contained within the database. To apply, service providers and database vendors must submit Form DR-700012 (Application for Certification of Communications Services Database), along with their database containing a combination of FIPS 55 place codes and GNIS Feature Identifier place codes. When the place codes do not correlate, the database is returned to the applicant for correction.

The purpose of the proposed amendments to Rule 12A-19.100, F.A.C. (Public Use Forms), is to: (1) adopt, by reference, updates to Form DR-700012 to clarify that the FIPS 55 place codes and the GNIS Feature Identifier place codes contained within a database submitted for certification must correlate; (2) provide the version of form DR-700016 that is to be used to report the communications services tax during the specified reporting periods; (3) remove the instructions contained under “Rounding rule,” on Page 20 of Form DR-700016, Florida Communications Services Tax Return (R. 07/11); and (4) update the local communications services tax rates that will be in effect on January 1, 2012, on Form DR-700016, Florida Communications Services Tax Return (R. 01/12).

SUMMARY: The proposed amendments to Rule 12A-19.041, F.A.C. (Sales of Communications Services to a Residential Household), change the example of a transient public lodging establishment from “resort dwellings” to “vacation rentals,” consistent with Chapter 509, F.S., as amended by Chapter 2011-119, L.O.F.

The proposed amendments to Rule 12A-19.100, F.A.C. (Public Use Forms), adopt, by reference, changes to forms used in the administration of the communications services tax to clarify provisions regarding place codes contained within a database submitted to the Department for certification, to remove obsolete provisions regarding tax brackets, and to update the local communications services tax rates.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

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

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

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

DATE AND TIME: October 26, 2011, 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: Tammy Miller at (850)617-8346. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Heather Miller, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7104

THE FULL TEXT OF THE PROPOSED RULES IS:

12A-19.041 Sales of Communications Services to a Residential Household.

(1) through (2) No change.

(3) TRANSIENT PUBLIC LODGING ESTABLISHMENTS. The partial exemption for sales to residential households does not apply to sales to any residence that constitutes all or part of a transient public lodging establishment, as defined by Section 509.013, F.S.

(a) through (b) No change.

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

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

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

(d) Transient public lodging establishments are rented to guests whose occupancy is intended to be temporary. Examples of transient public lodging establishments include hotels, motels, bed and breakfast inns, transient apartments, transient rooming houses, and vacation rentals ~~resort dwellings~~.

(4) through (5) No change.

Rulemaking Authority 202.26(3)(c) FS. Law Implemented 202.125(1), 202.13(2), 202.16(4), 202.19(10), 202.34(3), 202.35(4) FS. History—New 1-31-02, Amended 2-7-11, _____.

12A-19.100 Public Use Forms.

(1) No change.

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

REVISION DATE	REPORTING PERIODS	SERVICE BILLING DATES
01/12	January 2012 –	January 1, 2012 –
07/11	July 2011 – December 2011	July 1, 2011 – December 31, 2011
01/11	January 2011 – June 2011	January 1, 2011 – June 30, 2011
08/10	August 2010 – December 2010	August 1, 2010 – December 31, 2010
01/10	January 2010 – July 2010	January 1, 2010 – July 31, 2010
06/09	June 2009 – December 2009	June 1, 2009 – December 31, 2009
01/09	January 2009 – May 2009	January 1, 2009 – May 31, 2009
09/08	September 2008 – December 2008	September 1, 2008 – December 31, 2008
06/08	June 2008 – August 2008	June 1, 2008 – August 31, 2008
05/08	May 2008	May 1, 2008 – May 31, 2008
01/08	January 2008 – April 2008	January 1, 2008 – April 30, 2008
09/07	September 2007 – December 2007	September 1, 2007 – December 31, 2007
06/07	June 2007 – August 2007	June 1, 2007 – August 31, 2007
02/07	February 2007 – May 2007	February 1, 2007 – May 31, 2007
01/07	January 2007	January 1, 2007 – January 31, 2007
06/06	June 2006 – December 2006	June 1, 2006 – December 31, 2006
01/06	January 2006 – May 2006	January 1, 2006 – May 31, 2006
11/05	November 2005 – December 2005	November 1, 2005 – December 31, 2005
06/05	June 2005 – October 2005	June 1, 2005 – October 31, 2005
01/05	January 2005 – May 2005	January 1, 2005 – May 31, 2005
11/04	November 2004 – December 2004	November 1, 2004 – December 31, 2004
10/04	October 2004	October 1, 2004 – October 31, 2004
06/04	June 2004 – September 2004	June 1, 2004 – September 30, 2004
01/04	January 2004 – May 2004	January 1, 2004 – May 31, 2004

12/03	December 2003	December 1, 2003 – December 31, 2003
11/03	November 2003	November 1, 2003 – November 30, 2003
10/03	October 2003	October 1, 2003 – October 31, 2003
06/03	June 2003 – September 2003	June 1, 2003 – September 30, 2003
03/03	March 2003 – May 2003	March 1, 2003 – May 31, 2003
01/03	January 2003 – February 2003	January 1, 2003 – February 28, 2003
12/02	December 2002	December 1, 2002 – December 31, 2002
11/02	November 2002	November 1, 2002 – November 30, 2002
10/02	October 2002	October 1, 2002 – October 31, 2002
01/02	January 2002 – September 2002	January 1, 2002 – September 30, 2002
12/01	October 2001 – December 2001	October 1, 2001 – December 31, 2001

Form Number	Title	Effective Date
(3) DR-700012	Application for Certification of Communications Services Database (R. 05/11 40/09)	___ 06/10
<u>(4)(a) DR-700016</u>	<u>Florida Communications Services Tax Return (R. 01/12)</u>	___
<u>(b) DR-700016</u>	<u>Florida Communications Services Tax Return (R. 07/11)</u>	___

- (a) through (gg) renumbered (c) through (ii) No change.
- (5) through (12) No change.

Rulemaking Authority 175.1015(5), 185.085(5), 202.151, 202.16(2), 202.26(3)(a), (c), (d), (e), (j), 202.27(7) FS. Law Implemented 119.071(5), 175.1015, 185.085, 202.11(3), (10), (11), 202.12(1), (3), 202.13(2), 202.151, 202.16(2), (4), 202.17(6), 202.19(1), (7), 202.22(6), 202.27, 202.28(1), (2), 202.29, 202.30(3), 202.33, 202.34(3), (4)(c), 202.35(1), (2) FS. History—New 4-17-03, Amended 7-31-03, 10-1-03, 9-28-04, 6-28-05, 11-14-05, 7-16-06, 4-5-07, 11-6-07, 12-20-07, 1-28-08, 1-27-09, 1-11-10, 6-28-10(3), 6-28-10(5), 2-7-11,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Heather Miller, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7104

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 20, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 29, 2011 (Vol. 37, No. 30, pp. 2185-2186). No comments were received by the Department.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NOS.:	RULE TITLES:
12B-4.003	Public Use Forms
12B-4.060	Tax on Transfers of Ownership Interest in Legal Entities

PURPOSE AND EFFECT: Section 201.02(1)(b), F.S., created by Chapter 2009-131, Laws of Florida (L.O.F.), imposes tax on transfers of ownership interests in a conduit entity when the transfer is within three years of a transfer of Florida real property into the conduit entity, and documentary stamp tax

was not paid on the full consideration when the real property was transferred into the conduit entity. The purpose of the creation of Rule 12B-4.060, F.A.C. (Tax on Transfers of Ownership Interest in Legal Entities), is to clarify the application of the tax. The purpose of the proposed amendments to Rule 12B-4.003, F.A.C., is to adopt, by reference, changes to Form DR-228 (Documentary Stamp Tax Return for Nonregistered Taxpayers' Unrecorded Documents) to provide for payment of the tax when documents to transfer ownership in a conduit entity are not filed or recorded.

SUMMARY: The creation of Rule 12B-4.060, F.A.C. (Tax on Transfers of Ownership Interest in Legal Entities), provides: (1) definitions of the terms “conduit entity” and “full consideration” for purposes of the rule; (2) that tax is due on the transfer of an ownership interest in a conduit entity that occurs within three years of the transfer of real property to the conduit entity; (3) that tax is due on the amount of consideration paid or given for the ownership interest in the conduit entity and how the tax is to be computed; (4) when the tax is due and how the tax is to be remitted to the Department; (5) that tax is not due on a gift of ownership interest in the conduit entity or transfers of equity interest that are traded on public regulated security exchanges; (6) that the discretionary surtax imposed in Miami-Dade County applies to transfers of ownership as provided in the rule; (7) that provisions of this rule do not affect the tax imposed under Section 201.02(4), F.S., on documents which convey or transfer, pursuant to Section 689.071, F.S., any beneficial interest in lands, tenements, or other real property; and (8) examples of when the tax is due.

The proposed amendments to Rule 12B-4.003, F.A.C. (Public Use Forms), adopt, by reference, changes to Form DR-228 (Documentary Stamp Tax Return for Nonregistered Taxpayers' Unrecorded Documents), to provide for the reporting of the tax imposed under Section 201.02(1)(b), F.S., when the transfer of ownership in a conduit entity is not filed or recorded in Florida.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 201.11, 213.06(1) FS., s. 6, Ch. 2009-131, L.O.F.

LAW IMPLEMENTED: 119.071(5), 201.01, 201.02(1), (4), 201.031, 201.07, 201.08(1)(a), 201.133 FS.

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

DATE AND TIME: October 26, 2011, 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: Tammy Miller at (850)617-8346. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Tim Phillips, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7224

THE FULL TEXT OF THE PROPOSED RULES IS:

12B-4.003 Public Use Forms.

(1)(a) The following public-use forms and instructions are employed by the Department of Revenue in its administration of the documentary stamp tax, and are hereby incorporated in this rule by reference.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading the form from the Department's Internet site at www.myflorida.com/dor/forms; or, 2) calling the Department at 1(800)352-3671, Monday through Friday, 8:00 a.m. to 7:00 p.m., Eastern Time; or, 3) visiting any local Department of Revenue Service Center; or, 4) writing the Florida Department of Revenue, Taxpayer Services, Mail Stop 3-2000, 5050 West

Tennessee Street, Tallahassee, Florida 32399-0112. Persons with hearing or speech impairments may call the Department's TDD at 1(800)367-8331 or (850)922-1115.

Form Number	Title	Effective Date
(2) No change.		
(3) DR-228	Documentary Stamp Tax Return for Nonregistered Taxpayers' Unrecorded Documents (R. 08/11 10/09)	_____ 06/10
(4) No change.		

Rulemaking Authority 201.11, 213.06(1) FS. Law Implemented 119.071(5), 201.01, 201.02(1), (4), 201.031(1), 201.07, 201.08(1)(a), 201.133 FS. History—Revised 8-18-73, Formerly 12A-4.03, Amended 9-26-77, 12-11-78, Formerly 12B-4.03, Amended 12-5-89, 2-16-93, 10-20-93, 12-30-97, 5-4-03, 6-28-05, 1-1-08, 4-14-09, 1-11-10, 06-28-10, _____.

12B-4.060 Tax on Transfers of Ownership Interest in Legal Entities.

(1)(a) Scope. This rule applies to transfers of an ownership interest in a conduit entity to which real property was transferred without tax paid on the full consideration for the property.

(b) Definitions. For purposes of this rule:

1. "Conduit entity" means a legal entity to which real property is transferred without full consideration by a grantor who owns a direct or indirect interest in the entity or a successor entity.

2. "Full consideration" means the consideration that would be paid in an arm's length transaction between unrelated parties, which would be the consideration as provided in Section 201.02(1)(a), F.S., but an amount not less than the fair market value of the real property.

(2) When there is a transfer of an ownership interest in a conduit entity for consideration within 3 years after a transfer of real property to the conduit entity, the transfer of such ownership interest is subject to tax if the conduit entity continues to own property that would cause the entity to be considered a conduit entity.

(3) The tax is based on the consideration paid or given for the ownership interest in the conduit entity, which includes the amount of any mortgage attached to real property that was transferred to the conduit entity, less the consideration upon which tax was paid on the transfer of the Florida real property to the conduit entity. No refund is due of tax paid on the document that transferred the property to the entity solely because the consideration for the ownership interest in the conduit entity is less than the consideration for the property transferred. If the conduit entity owns assets other than the real property described in subsection (2), tax is calculated by multiplying the consideration for the interest in the conduit entity by a fraction, the numerator of which is the value of the real property described in subsection (2) and the denominator of which is the value of all assets owned by the conduit entity, and then multiplying the result by the tax rate.

(4) A gift of an ownership interest in a conduit entity is not subject to tax to the extent there is no consideration.

(5) The transfer of shares or similar equity interests that are dealt in or traded on public, regulated security exchanges is not subject to the tax.

(6)(a) If an instrument is filed or recorded in Florida by the 20th day of the month following the month the ownership interest is transferred, the tax must be remitted at the time of the filing or recording. If an instrument is not filed or recorded by the 20th day of the month following the month the ownership interest is transferred, the tax is due to the Department on or before the 20th day of the month following the ownership transfer. The tax must be reported on a Documentary Stamp Tax Return for Nonregistered Taxpayers' Unrecorded Documents (Form DR-228, incorporated by reference in Rule 12B-4.003, F.A.C.).

(b) When the 20th day falls on a Saturday, Sunday, or legal holiday, payments accompanied with returns will be accepted as timely if postmarked on the next succeeding day which is not a Saturday, Sunday, or legal holiday. For purposes of this rule, a "legal holiday" means a holiday that is observed by federal or state agencies as a legal holiday as this term is defined in Chapter 683, F.S., and Section 7503 of the Internal Revenue Code of 1986, as amended. A "legal holiday" pursuant to Section 7503 of the Internal Revenue Code of 1986, as amended, means a legal holiday in the District of Columbia or a statewide legal holiday at a location outside the District of Columbia but within an Internal Revenue district.

(7) The provisions of this rule do not affect the imposition of tax on transactions described in Section 201.02(4), F.S., on documents which convey or transfer, pursuant to Section 689.071, F.S., any beneficial interest in lands, tenements, or other real property.

(8) The discretionary surtax imposed under Section 201.031, F.S., applies to taxable transfers under Section 201.02(1)(b), F.S., and this rule.

(9) Examples.

(a) Example 1: On July 2, 2009, Lloyd transferred Orange County, Florida real property (the real property), owned by him alone, to a limited liability company (LLC) he owned alone. No documentary stamp tax was paid on the document that transferred the real property to the LLC. On July 3, 2009, Lloyd transferred his interest in the LLC for \$1,000,000. The LLC owned no assets other than the real property. Documentary stamp tax of \$7,000 was due on the transfer of Lloyd's ownership interest in the LLC based on the \$1,000,000 consideration, since tax was not paid on the full consideration when the real property was transferred to the LLC.

(b) Example 2: On July 2, 2009, Calvin and Sally transferred Duval County, Florida real property (the real property), which they owned equally, to a limited liability company (LLC) owned equally by Calvin and Sally. The full consideration at the time of the transfer was \$30,000.

Documentary stamp tax of \$210 was paid on the document that transferred the real property to the LLC. On July 10, 2009, Calvin and Sally sold their ownership interests in the LLC. No documentary stamp tax was due on the transfer of Calvin's and Sally's ownership interests in the LLC, since no "conduit entity" was created pursuant to Section 201.02(1)(b)1.a., F.S., and this rule, since tax was paid on the full consideration for the real property when it was transferred to the LLC.

(c) Example 3: On July 2, 2009, Vern and Carol transferred Miami-Dade County, Florida commercial real property (the real property), which they owned equally, to a limited liability company (LLC) owned equally by Vern and Carol. No documentary stamp tax was paid on the document that transferred the real property to the LLC. On July 10, 2009, Vern sold his interest in the LLC for \$200,000. The LLC owned no assets other than the real property. Tax of \$1400 and discretionary surtax of \$900 were due on the transfer of Vern's ownership interest in the LLC, since tax was not paid on the full consideration for the real property when it was transferred to the LLC.

(d) Example 4: On July 2, 2009, Pam and Mike transferred Walton County, Florida real property (the real property), which they owned equally, to a corporation. The corporation was owned equally by Mike and a limited liability company (LLC) owned by Pam alone. No documentary stamp tax was paid on the document that transferred the real property to the corporation. On July 10, 2009, Pam sold her interest in the LLC (thereby selling her indirect ownership interest in the corporation) for \$45,000. The corporation owned assets in addition to the real property transferred to it on July 2, 2009. The value of the real property was \$85,000, and the real property made up 95% of the value of all assets owned by the corporation. The only asset owned by the LLC was its interest in the corporation. Tax of \$299.60 was due on the transfer of Pam's ownership interest based on consideration of \$42,750 (\$45,000 multiplied by the 95% attributable to the real property), since tax was not paid on the full consideration for the real property when it was transferred to the corporation.

(e) Example 5: On July 2, 2009, Tom transferred Broward County, Florida real property (the real property), owned by him alone, to a limited liability company (LLC) he owned alone. No documentary stamp tax was paid on the document that transferred the real property to the LLC. On July 10, 2009, Tom sold 50% of his interest in the LLC to Imogene for \$200,000. The LLC owned no assets other than the real property. Tax of \$1,400 was due on the transfer of Tom's 50% ownership interest in the LLC based on consideration of \$200,000, since documentary stamp tax was not paid on the full consideration for the real property when it was transferred to the LLC. On July 25, 2009, Tom sold one-half of his remaining 50% ownership interest in the LLC for \$105,000, and Imogene sold one-half of her 50% ownership interest in the LLC for \$105,000. Tax of \$735 was due on the transfer of

Tom's ownership interest, since tax was not paid on the full consideration for the real property when it was transferred to the LLC. No tax was due on Imogene's transfer, since tax was due and paid on Tom's transfer to Imogene.

(f) Example 6: On July 2, 2009, Sue transferred Polk County, Florida real property (the real property), owned by her alone, to a limited liability company (LLC) she owned alone. The real property was encumbered by a mortgage at the time of the transfer of an amount less than the property's fair market value. The LLC owned no assets other than the real property. Documentary stamp tax of \$525 was paid on the document that transferred the real property to the LLC based on the mortgage balance of \$75,000. On July 31, 2009, Sue sold her interest in the LLC for \$110,000. Tax of \$245 was due on the transfer of Sue's ownership interest in the LLC based on consideration of \$35,000, the amount beyond the consideration on which tax was paid when the property was transferred to the LLC.

Rulemaking Authority s. 6, Ch. 2009-131, L.O.F. Law Implemented 201.02(1), (4), 201.031 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tim Phillips, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7224

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 20, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on December 31, 2009 (Vol. 35, No. 52, pp. 6696-6697). A rule development workshop was held on January 27, 2010, to receive public comment. In response to public comment received, a second Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 29, 2011 (Vol. 37, No. 30, pp. 2186-2187). No comments were received by the Department at a rule development workshop held on August 16, 2011.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NOS.:	RULE TITLES:
12B-5.030	Importers
12B-5.040	Carriers
12B-5.050	Terminal Suppliers
12B-5.060	Wholesalers
12B-5.070	Terminal Operators
12B-5.080	Exporters
12B-5.090	Local Government Users

12B-5.100	Mass Transit Systems
12B-5.110	Blenders
12B-5.121	Temporary Licenses Issued Under a Declared Emergency
12B-5.130	Refunds
12B-5.150	Public Use Forms
12B-5.200	Wholesalers of Alternative Fuel
12B-5.400	Producers and Importers of Pollutants

PURPOSE AND EFFECT: Section 206.02(2)(c), F.S., requires terminal suppliers, importers, exporters, blenders, biodiesel manufacturers, and wholesalers to pay a \$30 license tax to obtain an annual fuel license or to renew an annual fuel license. Similar provisions are provided for carriers and terminal operators to obtain an annual fuel license in Sections 206.021(3) and 206.022(2), F.S. Section 206.89(4), F.S., provides that a \$5 filing fee is required to obtain a license as a retailer of alternative fuel.

Sections 206.05(1), 206.051, and 206.89(2), F.S., provide that terminal suppliers, importers, exporters, wholesalers, and retailers of alternative fuel are required to post a bond to obtain a Florida fuel license. Section 206.9931(1), F.S., provides bond requirements for applicants applying for a license as an importer or producer of pollutants.

To obtain a Florida fuel license, the licensee is required to maintain a bond sufficient to ensure payment to the state of the amount of the tax, plus any penalties and interest, for which the person may become liable. A wholesaler who has no import or export activity that sells only undyed diesel fuel and that is not authorized by the Department to remit fuel tax to its supplier would have no liability to the state and would not be required to post a bond. Any applicant for a pollutants tax license for the sole purpose of applying for refunds of tax-paid pollutants would not be required to post a bond.

The purpose of the proposed amendments to Rule Chapter 12B-5, F.A.C. (Tax on Motor Fuels, Diesel Fuels, Alternative Fuels, Aviation Fuels, and Pollutants), is to: (1) correct the use of the term "license fee" to "license tax" and to correct the use of the term "registration fee" to "filing fee," consistent with Sections 206.02(2)(c), 206.021(3), 206.022(2), and 206.89(4), F.S., as requested by the Joint Administrative Procedures Committee; (2) update provisions regarding bonding requirements consistent with Sections 206.05(1), 206.051, 206.89(2), 206.9931(1), F.S.; and (3) adopt, by reference, changes to the fuel and pollutant returns to include the annual updates to the state fuel sales tax rate and the local option tax rates effective January 2012.

Section 206.8745(1), F.S., provides that any purchaser who purchases tax-paid diesel fuel and has paid the fuel taxes to the seller may claim a refund of the fuel taxes paid, as provided in Section 215.26, F.S., if the fuel is used for an exempt purpose as provided in Section 206.874(3), F.S. The purpose of the

proposed amendments to Rule 12B-5.130, F.A.C. (Refunds), is to amend the rule to reflect the provisions of Sections 206.874(3) and 206.8745(1), F.S.

SUMMARY: The proposed amendments to Rule Chapter 12B-5, F.A.C. (Tax on Motor Fuels, Diesel Fuels, Alternative Fuels, Aviation Fuels, and Pollutants): (1) revise terms to be consistent with the statutory terms “license tax” and “filing fee” for purposes of obtaining an annual Florida fuel tax license; (2) clarify that there is no license fee or license tax for local government users or mass transit systems to obtain a Florida fuel tax license; (3) clarify bonding requirements for licensing of wholesalers of fuel; (4) remove provisions regarding the availability of a refund of tax paid on diesel fuel used in the operations of boats, vessels, or equipment for fishing that are not consistent with the provisions of Section 206.8745(1), F.S.; (5) provide the procedures on how to obtain a refund of the fuel taxes paid on diesel fuel used for commercial fishing purposes or by a vessel engaged in the commercial transportation of persons or property consistent with the provisions of Section 206.8745(1), F.S.; (6) clarify that diesel fuel used for such commercial purposes is subject to sales tax, plus any applicable discretionary sales surtax; (7) adopt, by reference, updates to the fuel and pollutant tax returns.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

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

LAW IMPLEMENTED: 119.071(5), 206.02, 206.021, 206.022, 206.025, 206.026, 206.027, 206.028, 206.05, 206.055, 206.095, 206.11, 206.404, 206.41, 206.43, 206.44, 206.485, 206.64, 206.86, 206.874, 206.8745, 206.877, 206.90, 206.91, 206.92, 206.97, 206.9835, 206.9865, 206.9931, 206.9943, 212.0501, 213.255, 213.755, 526.203 FS.

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

DATE AND TIME: October 26, 2011, 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: Tammy Miller at (850)617-8346. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ronald Gay, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-6745

THE FULL TEXT OF THE PROPOSED RULES IS:

PART I TAX ON MOTOR AND DIESEL FUEL

12B-5.030 Importers.

(1) No change.

(2) LICENSING AND BONDING.

(a) 1. through 5. No change.

6. Each initial and renewal application must be accompanied by a \$30 license tax fee.

(b) No change.

(3) through (5) No change.

Rulemaking Authority 206.14(1), 206.485(1), 206.59(1), 206.87(1)(e)2., 213.06(1), 213.755(8) FS. Law Implemented 206.01(3), 206.02, 206.026, 206.027, 206.028, 206.03, 206.05, 206.051, 206.054, 206.43, 206.48(2), 206.485, 206.9835, 213.755 FS. History—New 7-1-96, Amended 11-21-96, 10-27-98, 5-1-06, 6-1-09, _____.

12B-5.040 Carriers.

(1) LICENSING.

(a) through (c) No change.

(d) Each initial or renewal application must be accompanied by a \$30 license tax fee.

(2) through (3) No change.

Rulemaking Authority 206.14(1), 206.485(1), 206.59(1), 206.97, 206.9915, 213.06(1), 213.755(8) FS. Law Implemented 206.021, 206.09, 206.199, 206.20, 206.204, 206.205, 206.485, 213.755 FS. History—New 7-1-96, Amended 11-21-96, 5-1-06, 6-1-09,_____.

12B-5.050 Terminal Suppliers.

(1) No change.

(2) LICENSING AND BONDING.

(a)1. through 6. No change.

7. Each initial or renewal application must be accompanied by a \$30 license tax fee.

8. through 9. No change.

(b) No change.

(3) through (5) No change.

(6) REFUNDS AND CREDITS.

(a) No change.

(b) Motor and Diesel Fuel Used for Agricultural Purposes.

1. Sales by terminal suppliers of taxable motor diesel fuel to persons for agricultural uses as provided in Rule 12B-5.020, F.A.C., are exempt from the local option fuel tax, the state comprehensive transportation system tax, and the fuel sales tax imposed by Section 206.41(1)(e), (f), and (g), F.S.

2. No change.

Rulemaking Authority 206.14(1), 206.485(1), 206.59(1), 206.87(1)(e)2., 213.06(1), 213.755(8) FS. Law Implemented 206.01, 206.02, 206.05, 206.41, 206.413, 206.414, 206.43, 206.48, 206.485, 206.62, 206.86, 206.87, 206.872, 206.873, 206.874, 206.8745, 206.90, 206.91, 206.97, 206.9815, 206.9941, 206.9942, 213.755 FS. History—New 7-1-96, Amended 11-21-96, 10-27-98, 5-1-06, 6-1-09,_____.

12B-5.060 Wholesalers.

(1) No change.

(2) LICENSING AND BONDING.

(a)1. through 5. No change.

6. Each initial and renewal application must be accompanied by a \$30 license tax fee.

(b) No change.

(c)1. Each wholesaler that which is licensed pursuant to Section 206.02, F.S., will be required to furnish a bond to the Department in a sum of not more than \$100,000, for each product type (motor fuel, diesel fuel, and aviation fuel).

~~2. A bond will not be required if the sum of three times the average monthly fuel tax is less than \$50.~~

3. through 7. renumbered 2. through 6. No change.

7. A wholesaler who has no import or export activity, who sells only undyed diesel fuel, and who is not authorized by the Department to remit fuel tax to its supplier is not required to post a bond.

8. through 9. No change.

(d) No change.

(e) To conduct business as a retailer wholesaler of alternative fuel, a bond must be posted and calculated pursuant to Section 206.90, F.S., not to exceed \$100,000. If the bond of a wholesaler of diesel fuel who sells alternative fuel is less than \$100,000, an additional bond for the retailer wholesaler of alternative fuel will calculated and added to the bond of the wholesaler of diesel fuel. The combined bond will not exceed \$100,000.

(3) through (6) No change.

Rulemaking Authority 206.14(1), 206.485(1), 206.59(1), 206.97, 213.06(1), 213.755(8) FS. Law Implemented 206.01(6), 206.02, 206.05, 206.404, 206.43, 206.48, 206.485, 206.86, 206.89, 206.90, 206.91, 206.9825, 213.755 FS. History—New 7-1-96, Amended 11-21-96, 10-27-98, 5-1-06, 6-1-09,_____.

12B-5.070 Terminal Operators.

(1) LICENSING.

(a) through (c) No change.

(d) Each initial or renewal application must be accompanied by a \$30 license tax fee for each terminal location operated.

(2) No change.

Rulemaking Authority 206.14(1), 206.485(1), 206.59(1), 206.97, 213.06(1), 213.755(8) FS. Law Implemented 206.01(19), 206.022, 206.095, 206.485, 206.872, 213.755 FS. History— New 7-1-96, Amended 11-21-96, 5-1-06, 6-1-09,_____.

12B-5.080 Exporters.

(1) No change.

(2) LICENSING AND BONDING.

(a) No change.

(b)1. through 5. No change.

6. Each initial or renewal application must be accompanied by a \$30 license tax fee.

(c) No change.

(3) through (6) No change.

Rulemaking Authority 206.14(1), 206.485(1), 206.59(1), 206.87(1)(e)2., 213.06(1), 213.755(8) FS. Law Implemented 206.01(21), 206.02, 206.03, 206.04, 206.05, 206.051, 206.052, 206.41, 206.416, 206.43, 206.48, 206.485, 206.62, 206.87, 206.90, 206.91, 206.97, 206.9915, 213.755 FS. History—New 7-1-96, Amended 11-21-96, 10-27-98, 5-1-06, 6-1-09,_____.

12B-5.090 Local Government Users.

(1) No change.

(2) LICENSING AND BONDING.

(a)1. through 2. No change.

3. There is no application fee or license fee or license tax for a local government user to obtain a license.

(b) No change.

(3) No change.

(4) REFUNDS AND CREDITS.

(a) No change.

(b)1. Any county, municipality, or school district, which is not licensed as a local government user, that uses tax-paid diesel fuel, gasoline, or gasohol in vehicles operated on the highways, may seek a refund each calendar quarter for the fuel ~~taxes sales tax~~ imposed under Section 206.41(1)(b) and (g), F.S., for gasoline and gasohol, ~~and~~ 1 cent of the tax imposed under Section 206.87(1)(a), F.S., and all of the tax imposed under Section 206.87(1)(~~e~~)(~~b~~), F.S., on diesel fuel.

2. through 4. No change.

Rulemaking Authority 206.14(1), 206.59(1), 206.87(1)(e)2., 213.06(1), 213.755(8) FS. Law Implemented 206.41(4), 206.86(11), 206.874(4), 213.755 FS. History–New 7-1-96, Amended 11-21-96, 10-27-98, 5-1-06, 6-1-09,_____.

12B-5.100 Mass Transit Systems.

(1) No change.

(2) LICENSING AND BONDING.

(a)1. through 2. No change.

3. There is no ~~application fee or license fee~~ or license tax for a mass transit system to obtain a license.

(b) No change.

(3) through (4) No change.

Rulemaking Authority 206.14(1), 206.59(1), 206.87(1)(e)2., 213.06(1), 213.755(8) FS. Law Implemented 206.41(4), 206.86(12), 206.874(5)(a), 213.755 FS. History–New 7-1-96, Amended 11-21-96, 10-27-98, 5-1-06, 6-1-09,_____.

12B-5.110 Blenders.

(1) No change.

(2) LICENSING.

(a)1. thugh 4. No change.

5. Each initial or renewal application must be accompanied by a \$30 license tax fee.

(b) No change.

(3) No change.

Rulemaking Authority 206.14(1), 206.485(1), 206.59(1), 206.87(1)(e)2., 213.06(1), 213.755(8) FS. Law Implemented 206.02(3), 206.48(1), 206.485, 206.86(7), 206.87(2)(e), 213.755 FS. History–New 7-1-96, Amended 11-21-96, 10-27-98, 5-1-06, 6-1-09,_____.

12B-5.121 Temporary Licenses Issued Under a Declared Emergency.

(1) No change.

(2) LICENSING.

(a) through (b) No change.

(c) No licensing tax fee is required to obtain a temporary fuel license. No criminal background investigation of an applicant will be conducted.

(d) through (e) No change.

(3) through (7) No change.

Rulemaking Authority 206.14(1), 206.59(1) FS. Law Implemented 206.02(8), 206.021(5), 206.051(4), 206.052, 206.41(1), 206.43(1), 206.62, 206.87(1), 206.8745, 206.91, 206.9825(1)(a), 213.255(2), (3), 215.26(2) FS. History–New 6-1-09, Amended_____.

12B-5.130 Refunds.

(1) FUEL USED FOR AGRICULTURAL, AQUACULTURAL, COMMERCIAL FISHING, AND COMMERCIAL AVIATION PURPOSES.

(a)1. No change.

2. Persons using motor fuel ~~or diesel fuel~~ in the operation of boats, vessels, or equipment used exclusively for the taking of fish, crayfish, oysters, shrimp, and sponges from the salt or fresh waters of Florida for sales are entitled to a refund of municipal fuel tax and local option, state comprehensive enhanced transportation system, ~~municipal fuel tax~~, and fuel sales taxes paid under Section 206.41(1)(c), (e), (f), and (g), F.S., ~~and Sections 206.87(1)(e), (d), (e), F.S.~~

3. No change.

(b) through (c) No change.

(2) through (3) No change.

(4) DIESEL FUEL SOLD FOR USE IN VESSELS.

(a) through (b) No change.

(c) Undyed diesel fuel sold to a purchaser for use in a commercial fishing vessel or a vessel engaged in the business of commercial transportation of persons or property is subject to the fuel taxes imposed under Section 206.87(1), F.S. The purchaser may obtain a refund of diesel fuel tax paid as follows:

1. The purchaser must file an Application for Refund of Tax Paid on Undyed Diesel Used for Off-Road or Other Exempt Purposes (Form DR-309639) with the Department within three years after the right to refund has accrued.

2. The purchaser is required to submit original invoices or copies of invoices showing the amount of fuel taxes paid with the application. Form DR-309639 must meet the requirements of Sections 213.255(2) and (3), F.S., and Rule 12-26.003, F.A.C.

3. The purchaser is required to pay the sales tax, plus any applicable discretionary sales surtax. The Department will reduce the amount of refund due on tax-paid diesel fuel used for commercial fishing purposes or for use by a vessel engaged in the business of commercial transportation of persons or property by the amount of sales tax and discretionary sales surtax due.

(5) No change.

Rulemaking Authority 206.14(1), 206.59(1), 213.06(1) FS. Law Implemented 206.41(4), (5), 206.43(5), (6), 206.64, 206.8745, 206.97, 213.255(2), (3), 215.26 FS. History–New 7-1-96, Amended 11-21-96, 10-27-98, 5-1-06, 1-27-09, 6-1-09,_____.

Cross Reference – Rules 12A-1.059 and 12A-1.0641, F.A.C.

12B-5.150 Public Use Forms.

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

(b) No change.

Form Number	Title	Effective Date
(2) DR-138	Application for Fuel Tax Refund – Agriculture, Aquacultural, Commercial Fishing or Commercial Aviation Purposes (R. 01/12 01/11)	01/11
(3) through (6)	No change.	
(7) DR-157A	Assignment of Time Deposit (R. 09/11 05/05)	05/06
(8) and (9)	No change.	
(10) DR-160	Application for Fuel Tax Refund – Mass Transit System Users (R. 01/12 01/11)	01/11
(11) through (13)	No change.	
(14) DR-182	Florida Air Carrier Fuel Tax Return (R. 01/12 01/11)	01/11
(15)	No change.	
(16) DR-189	Application for Fuel Tax Refund – Municipalities, Counties and School Districts (R. 01/12 01/11)	01/11
(17) DR-190	Application for Fuel Tax Refund – Non-Public Schools (R. 01/12 01/11)	01/11
(18) DR-191	Application for Aviation Fuel Refund – Air Carriers (R. 01/12 07/06)	04/07
(19) DR-248	2012 2011 Alternative Fuel Use Permit Application, Renewal, and Decal Order Form (R. 11/11 11/10)	01/11
(20) DR-904	Pollutants Tax Return (R. 01/12 01/11)	01/11
(21) DR-309631	Terminal Supplier Fuel Tax Return (R. 01/12 01/11)	01/11
(22) DR-309631N	Instructions for Filing Terminal Supplier Fuel Tax Return (R. 01/12 01/11)	01/11
(23) DR-309632	Wholesaler/Importer Fuel Tax Return (R. 01/12 01/11)	01/11
(24) DR-309632N	Instructions for Filing Wholesaler/Importer Fuel Tax Return (R. 01/12 01/11)	01/11
(25) DR-309633	Mass Transit System Provider Fuel Tax Return (R. 01/12 01/11)	01/11
(26) DR-309633N	Instructions for Filing Mass Transit System Provider Fuel Tax Return (R. 01/12 01/11)	01/11
(27) DR-309634	Local Government User of Diesel Fuel Tax Return (R. 01/12 01/11)	01/11

(28) DR-309634N	Instructions for Filing Local Government User of Diesel Fuel Tax Return (R. 01/12 01/11)	01/11
(29) DR-309635	Blender/Retailer of Alternative Fuel Tax Return (R. 01/12 01/11)	01/11
(30) DR-309635N	Instructions for Filing Blender/Retailer of Alternative Fuel Tax Return (R. 01/12 01/11)	01/11
(31) DR-309636	Terminal Operator Information Return (R. 01/12 01/11)	01/11
(32) DR-309636N	Instructions for Filing Terminal Operator Information Return (R. 01/12 01/11)	01/11
(33) DR-309637	Petroleum Carrier Information Return (R. 01/12 01/11)	01/11
(34) DR-309637N	Instructions for Filing Petroleum Carrier Information Return (R. 01/12 01/11)	01/11
(35) DR-309638	Exporter Fuel Tax Return (R. 01/12 01/11)	01/11
(36) DR-309638N	Instructions for Filing Exporter Fuel Tax Return (R. 01/12 01/11)	01/11
(37) DR-309639	Application for Refund of Tax Paid on Undyed Diesel Used for Off-Road or Other Exempt Purposes (with instructions) (R. 01/12 07/11)	07/11
(38) DR-309640	Application for Refund of Tax Paid on Undyed Diesel Consumed by Motor Coaches During Idle Time in Florida (R. 01/12 01/11)	01/11
(39) DR-309645	2012 2011 Refundable Portion of Local Option and State Comprehensive Enhanced Transportation System (SCETS) Tax (R. 01/12 01/11)	01/11
(40) DR-309660	Application for Pollutants Pollutant Tax Refund (R. 01/12 01/11)	01/11

(41) No change.

Rulemaking Authority 206.14(1), 206.485(1), 206.59(1), 213.06(1), 213.755(8), 526.206 FS. Law Implemented 119.071(5), 206.02, 206.021, 206.022, 206.025, 206.026, 206.027, 206.028, 206.05, 206.055, 206.06, 206.095, 206.11, 206.404, 206.41, 206.43, 206.44, 206.485, 206.86, 206.874, 206.8745, 206.877, 206.90, 206.91, 206.92, 206.9835, 206.9865, 206.9931, 206.9942, 206.9943, 212.0501, 213.255, 213.755, 526.203 FS. History—New 11-21-96, Amended 10-27-98, 5-1-06, 4-16-07, 1-1-08, 1-27-09, 4-14-09, 6-1-09, 6-1-09(5), 1-11-10, 7-28-10, 1-12-11, 7-20-11,_____.

PART II TAX ON ALTERNATIVE FUEL

12B-5.200 Retailers of Alternative Fuel.

(1) No change.

(2) LICENSING AND BONDING.

(a)1. No change.

2. Each initial or renewal application must be accompanied by a \$5 filing registration fee.

(b) through (c) No change.

(3) through (5) No change.

Rulemaking Specific Authority 206.14(1), 206.59(1), 206.877, 213.06(1) FS. Law Implemented 206.485, 206.877, 206.89 FS. History--New 11-21-96, Amended 10-27-98, 5-1-06,_____.

PART IV TAX ON POLLUTANTS

12B-5.400 Producers and Importers of Pollutants.

(1) through (2) No change.

(3) LICENSING AND BONDING.

(a) through (d) No change.

(e) No bond ~~is will be~~ required to obtain a pollutant tax license for the sole purpose of applying for refunds of tax paid on pollutants, as provided in Section 206.9942, F.S. if three times the average monthly pollutants tax paid or due is less than \$50.

(4) through (7) No change.

Rulemaking Authority 206.14(1), 206.59(1), 213.06(1), 213.755(8) FS. Law Implemented 206.9915, 206.9925, 206.9931, 206.9935, 206.9941, 206.9942, 206.9943, 213.755 FS. History--New 11-21-96, Amended 10-27-98, 5-1-06, 6-1-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ronald Gay, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-6745

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 20, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 29, 2011 (Vol. 37, No. 30, pp. 2187-2188). No comments were received by the Department.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NOS.:	RULE TITLES:
12B-7.008	Public Use Forms
12B-7.026	Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rules 12B-7.008 and 12B-7.026, F.A.C. (Public Use Forms), is to adopt, by reference, changes to forms used by the Department in the administration of the severance tax imposed on oil, gas, sulfur, and solid minerals produced in Florida.

SUMMARY: The proposed amendments to Rule 12B-7.008, F.A.C. (Public Use Forms), adopt, by reference, updates to Forms DR-144 and DR-144ES for reporting the tax on gas and sulfur production in Florida.

The proposed amendments to Rule 12B-7.026, F.A.C. (Public Use Forms), adopt, by reference, updates to Forms DR-142 and DR-142ES for reporting the severance taxes on the solid mineral production in Florida.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

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

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

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

DATE AND TIME: October 26, 2011, 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: Tammy Miller at (850)617-8346. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

THE FULL TEXT OF THE PROPOSED RULES IS:

12B-7.008 Public Use Forms.

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

(b) No change.

Form Number	Title	Effective Date
(2) DR-144	Gas and Sulfur Production Quarterly Tax Return (R. 07/11 01/11)	01/11
(3) DR-144ES	Declaration of Estimated Gas and Sulfur Production Tax (R. 07/11 01/11)	01/11

(4) through (5) No change.

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

12B-7.026 Public Use Forms.

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

(b) No change.

Form Number	Title	Effective Date
(2) DR-142	Solid Mineral Severance Tax Return (R. 01/12 01/11)	01/11
(3) DR-142ES	Declaration/Installment Payment of Estimated Solid Mineral Severance Tax (R. 01/12 01/11)	01/11

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 20, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 29, 2011 (Vol. 37, No. 30, p. 2188). No comments were received by the Department.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NOS.:	RULE TITLES:
12B-8.001	Premium Tax; Rate and Computation
12B-8.0012	Insurance Policy Surcharge; Rate and Computation
12B-8.003	Tax Statement; Overpayments
12B-8.006	State Fire Marshal Regulatory Assessment and Surcharge; Levy and Amount
12B-8.007	Deposit of Certain Tax Receipts; Refund of Improper Payments
12B-8.016	Retaliatory Provisions

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule Chapter 12B-8, F.A.C. (Insurance Premium Taxes, Fees and Surcharges), is to update statutory and rule references, remove unnecessary effective dates, remove provisions regarding the emergency excise tax repealed effective January 1, 2012, by section 22, Chapter 2011-76, L.O.F., and provide technical changes.

SUMMARY: The proposed amendments to Rule 12B-8.001, F.A.C. (Premium Tax; Rate and Computation), update statutory references, remove unnecessary effective dates, remove provisions regarding the emergency excise tax, and update an example regarding credits against the tax.

The proposed amendments to Rule 12B-8.0012, F.A.C. (Insurance Policy Surcharge; Rate and Computation), remove unnecessary effective dates and the trust fund into which the insurance policy surcharge proceeds are deposited, as provided in Section 252.372, F.S.

The proposed amendments to Rule 12B-8.003, F.A.C. (Tax Statement; Overpayments): (1) remove the requirement for a corporate officer or attorney to declare the correctness and completeness of the insurance premium tax, fee, and surcharge return that is redundant of provisions contained in insurance premium tax returns; and (2) adopt, by reference, changes to forms used by the Department in the administration of the insurance premium taxes, fees, and surcharges.

The proposed amendments to Rule 12B-8.006, F.A.C. (State Fire Marshal Regulatory Assessment and Surcharge; Levy and Amount), remove obsolete provisions regarding the trust fund into which the regulatory assessment and surcharge are deposited. Section 624.516, F.S., requires the regulatory assessment imposed under Section 624.515(1), F.S., and the surcharge imposed under Section 624.515(2), F.S., to be deposited into the Insurance Regulatory Trust Fund.

The proposed repeal of Rule 12B-8.007, F.A.C. (Deposit of Certain Tax Receipts; Refund of Improper Payments), removes unnecessary provisions regarding the deposit and distribution of proceeds from all premium taxes that are provided in Section 624.521, F.S.

The proposed amendments to Rule 12B-8.016, F.A.C. (Retaliatory Provisions), remove unnecessary effective dates, obsolete provisions, and provisions regarding the emergency excise tax.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 213.06(1), 220.183(4)(d), 288.99(11), 624.5105(4)(b), 1002.395(13) FS., Ch. 93-128, L.O.F.

LAW IMPLEMENTED: 92.525, 175.041, 175.101, 175.1015, 175.111, 175.121, 175.141, 175.151, 185.02, 185.03, 185.08, 185.085, 185.09, 185.10, 185.12, 185.13, 213.05, 213.053, 213.235, 213.37, 220.183, 220.19, 220.191, 252.372, 288.99, 440.51, 443.1216, 624.11, 624.402, 624.4072, 624.4094, 624.4621, 624.4625, 624.475, 624.501, 624.509, 624.5091, 624.5092, 624.50921, 624.510, 624.5105, 624.51055, 624.5107, 624.511, 624.515, 624.516, 624.518, 624.519, 624.520, 624.521, 624.601, 624.610, 626.7451(11), 627.311, 627.351, 627.3512, 627.357(9), 627.7711, 627.943, 628.6015, 629.401, 629.5011, 631.72, 632.626, 634.131, 634.313(2), 634.415(2), 636.066, 642.0301, 642.032, 1002.395 FS., Ch. 93-128, s. 29, Ch. 2005-280, L.O.F.

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

DATE AND TIME: October 26, 2011, 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: Tammy Miller at (850)617-8346. 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: Terrence Branch, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-6196

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-8.001 Premium Tax; Rate and Computation.

(1) No change.

(a) A tax at the rate of 1.75 percent of the gross amount of receipts for insurance premiums and assessments shall be applied to the following types of policies:

1. through 2. No change.

3. Reciprocal insurance under Chapter 629 Section 629.5014, F.S.

4. through 9. No change.

(b) No change.

(c) A Effective July 1, 1988, a tax at the rate of 1.6 percent of the gross premiums, contributions, and assessments received by the following shall be applied:

1. Commercial self-insurance fund under Section 624.475, F.S.

2. Group self-insurance fund under Section 624.4621, F.S.

(d) A tax at the rate of 1.6 percent of the gross premiums, contributions, or assessments received by the following shall be applied:

1. Medical Malpractice Self-Insurance under Section 627.357, F.S.

2. Assessable Mutual Insurers under Section 628.6015, F.S., effective October 1, 1991.

3. Corporation Not for Profit Self-Insurance Funds under Section 624.4625, F.S.

4. Public Housing Authorities Self-Insurance Funds under Section 624.46226, F.S.

(e) No change.

(2) No change.

(a) The installment of the estimated premium tax due shall not be less than 90 percent of the amount finally shown to be due in any quarter, as evidenced by the annual report, without deductions for any credits. The Effective January 1, 1993, the 90 percent is shall be based on the actual tax paid for that year, as evidenced by the annual return, after allowable credits. The 90 percent will be determined by computing the gross tax due for each quarter, direct premiums written times the tax rate, less 25 percent of the allowable credits as evidenced by line 2 of the first page of the annual return filed for that year times 90 percent. However, the taxpayer has the option of paying, in each installment, 27 percent of the amount of annual tax reported, after allowable credits, on his return for the previous

year without penalty or interest applying. If a return was not filed for the previous year, the installments must meet the 90 percent requirement. If the tax is not paid in this manner, a 10 percent penalty shall be imposed on each underpayment or late payment of tax due and payable for that quarter. If the installment is based on 27 percent of the amount of the annual tax reported on the return for the preceding year and the installment payment is remitted to the Department after the due date, the installment shall be based on the 90 percent requirement instead of the 27 percent method. Any underpayment or delinquent payment shall be subject to a penalty of 10 percent, and interest from the due date until paid.

(b) through (c) No change.

(3) Credits Against the Tax.

(a)1. The corporate income tax imposed under Chapter 220, F.S., ~~and the emergency excise tax imposed under Chapter 221, F.S., which is~~ are, or should have been, filed and paid by an insurer shall discharge the liability for the insurance premium tax ~~(IPT)~~ imposed under Section 624.509, F.S., for the annual period in which such tax payment is, ~~payments are~~ or should have been made, to the extent of the maximum allowed. Any insurer issuing policies insuring against loss or damage from the risks of fire, tornado, and certain casualty lines may take a credit against gross premium receipts tax for the excise tax(es) imposed by Sections 175.101 and 185.08, F.S.

2.a. When an insurer is required to file a corporate income tax return where the due date and extended due date are in different calendar years, the due date, or the extended date when a valid extension of time is made of said Florida return, determines the annual period in which such tax payments should have been made.

b. For example, a Florida corporate income tax return for tax year ending August 31, 2013 ~~2000~~, is due, without extension, on December 1, 2013 ~~2000~~. Since the Florida corporate income tax return is due on or before December 31, 2013 ~~2000~~, the insurer should include the amount of tax due on the return in computation of the corporate income tax ~~and emergency excise tax~~ credit on its 2013 ~~2000~~ insurance premium tax return (Form, ~~the 2000~~ DR-908, which is due March 1, 2014 ~~2004~~). If, however, the insurer extended the due date of the Florida corporate income tax return to June 1, 2014 ~~2004~~, and did not file and pay the return on or before December 31, 2013 ~~2000~~, the amount of tax due on the return is included in the computation of the corporate income tax ~~and emergency excise tax~~ credit on its 2014 ~~2004~~ insurance premium tax return (Form, ~~the 2004~~ DR-908, which is due March 1, 2015 ~~2002~~).

3. If a taxpayer is required to amend its corporate income tax liability under Chapter 220, F.S., the taxpayer shall amend its corresponding insurance premium tax return for the tax year in which it claimed, or was entitled to claim the credit provided in Section 624.509(4), F.S., for the corporate income tax paid

for that tax year. The taxpayer shall file an amended insurance premium tax return and pay additional tax due, if any, or claim a refund, if any, as provided in Section 624.50921, F.S.

(b) Salaries. Fifteen percent of the amount paid ~~after June 30, 1988~~, in salaries by the insurer to employees located or based in Florida may be credited against the net tax imposed by Section 624.509, F.S.

1. through 2. No change.

3. Salary credit shall be allowed only to the extent that:

a. The employees are not disqualified under Section 624.509(5), F.S.;

b. The employees are located or based in Florida; and

c. The insurer claiming the credit is the employer, as defined in Section 443.036~~(47)~~, F.S., of the claimed employees, and said insurer satisfies the Chapter 60BB-2 ~~38B-2~~, F.A.C., filing requirements.

4. through 5. No change.

6. Net tax is the tax imposed under Section 624.509(1), F.S., after deductions for the corporate income tax imposed under Chapter 220, F.S., ~~the emergency excise tax imposed under Chapter 221, F.S.,~~ and for gross premium receipts tax payable for firefighters' ~~firefighter's~~ pension trust funds under Section 175.101, F.S., and police officers' retirement funds under Section 185.08, F.S.

7. Salary Tax Credit Exceptions.

a. through c. No change.

d. ~~Effective July 1, 2006~~, Section 624.509(6)(b), F.S., provides that, to the extent that the salary tax credit is limited by the 65 percent limitation, the excess of the salary tax credit that was available and exceeded the 65 percent limitation may be transferred to any insurer that is a member of that insurer's affiliated group if such excess salary tax credit is related to salaries and wages of employees whose place of employment is located within an enterprise zone created pursuant to Chapter 290, F.S. The amount of such excess salary tax credit transferred to all affiliates can not exceed 25 percent of such excess salary tax credit. An affiliated group of corporations that participates in a concurrent common paymaster arrangement as defined in Section 443.1216, F.S., is not eligible to use this provision. Any such transferred credits are subject to the same provisions and limitations set forth in Part IV, Chapter 624, F.S.

(c) Assessments Credited Against the Tax.

1. No change.

2.a. ~~Insurers Effective with the tax return filed for the 1997 taxable year, insurers~~ who have paid an assessment to the Florida Life and Health Insurance Guaranty Association (Association) may claim a credit for part of such assessment as provided in Section 631.72, F.S. Any credits not taken or utilized when available cannot be carried forward.

b. through c. No change.

(d) No change.

(e) Certified Capital Company (CAPCO) Credit.

1. through 2. No change.

3. Transfer/Sale of CAPCO Credit. ~~Effective May 26, 2005,~~ CAPCO credits may be sold. A transfer or sale of a CAPCO credit will not affect the time schedule for taking the CAPCO credit. The claim of a transferee of a certified investor's unused CAPCO credit is permitted in the same manner and subject to the same provisions and limitations as the original certified investor. Transfers or sales of a current year CAPCO credit (the amount of CAPCO credit available to be claimed in the current tax year), future year CAPCO credits (the amount of CAPCO credit available to be claimed in future years – excluding carryover CAPCO credits), and CAPCO credit carryovers (the amount of CAPCO credit carried over from prior years where the current year CAPCO credit at that time was not fully used) are allowed.

a. through b. No change.

4. No change.

(f) No change.

(4) The maximum allowable credit for corporate income tax, ~~emergency excise tax~~ and salaries cannot exceed sixty-five percent of the tax due under Section 624.509(1), F.S., after deducting the taxes paid under Sections 175.101 and 185.08, F.S., and assessments pursuant to Section 440.51, F.S.

(5) No change.

(6) Credits and deductions against the tax imposed by Sections 624.509 and 624.510, F.S., shall be taken in the following order:

(a) Deductions for assessments under Section 440.51, F.S.

(b) Credits for taxes paid under Sections 175.101 and 185.08, F.S.

(c) Credits for corporate income taxes paid under Chapter 220, F.S.

~~(d) Credits for the emergency excise tax paid under Chapter 221, F.S.~~

~~(d)(e)~~ Salary tax credit.

~~(e)(f)~~ All other available credits and deductions.

~~(f)(g)~~ A refund will not be created by credits.

(7) through (9) No change.

Rulemaking Authority 213.06(1), 220.183(4)(d), 288.99(11), 624.5105(4)(b), 1002.395(13) FS. Law Implemented 175.101, 175.1015, 175.121, 175.141, 185.08(3), 185.085, 185.10, 185.12, 213.05, 213.235, 220.183(3), 288.99(11), 624.4621, 624.46226, 624.4625, 624.475, 624.509, 624.5092, 624.50921, 624.510, 624.5105, 624.51055, 624.511, 624.518, 624.519, 624.520(2), 626.7451(11), 627.3512, 627.357(9), 628.6015, 629.5011, 634.131, 634.313(2), 634.415(2), 1002.395 FS. History—New 2-3-80, Formerly 12B-8.01, Amended 3-25-90, 4-10-91, 2-18-93, 6-16-94, 10-19-94, 1-2-96, 12-9-97, 6-2-98, 4-2-00, 10-15-01, 8-1-02, 6-20-06, 9-1-09, 4-26-10, 6-6-11,_____.

12B-8.0012 Insurance Policy Surcharge; Rate and Computation.

(1) Every insurer must collect a surcharge of \$2 and \$4 from the policyholders of certain types of property insurance issued or renewed ~~on or after May 1, 1993. The proceeds will be deposited into the Emergency Management, Preparedness, and Assistance Trust Fund.~~

(2) The \$2 surcharge applies to each residential dwelling fire policy, homeowner's, mobile homeowner's, tenant homeowner's, condominium unit owner's, and any other type of insurance coverage on residential property, ~~issued or renewed on or after May 1, 1993.~~

(3) The \$4 surcharge applies to each commercial fire, commercial multiple peril, and business owner's property insurance policy ~~issued or renewed on or after May 1, 1993,~~ including marine policies if the coverage includes real property.

(4) through (14) No change.

Rulemaking Specific Authority 213.06(1) FS., Ch. 93-128, L.O.F. Law Implemented 624.5092 FS., Ch. 93-128, L.O.F. History—New 6-16-94, Amended 6-20-06,_____.

12B-8.003 Tax Statement; Overpayments.

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

(2) No change.

~~(3) The prescribed forms shall be sworn by one or more of the executive officers or attorney (if reciprocal insurer) of the insurer making the return, by signing the return after attesting to the following:~~

~~"Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct and complete. If prepared by a person other than the taxpayer, this declaration is based on all information of which the preparer has any knowledge [Section 92.525(1)(b), F.S.]." Tax returns and accompanying data will be maintained by the Department for purposes of analysis and audit.~~

~~(3)(4)~~ No change.

Form Number	Title	Effective Date
(4)(5) (a) DR-907	Florida Insurance Premium Installment Payment (R. 01/12 01/11)	___ 01/11
(b) DR-907N	Information for Filing Insurance Premium Installment Payment (Form DR-907) (R. 01/12 01/11)	___ 01/11
(5)(6) (a) DR-908	Insurance Premium Taxes and Fees Return for Calendar Year 2011 2010 (R. 01/12 01/11)	___ 01/11

(b) DR-908N Instructions for Preparing Form
 DR-908 Florida Insurance Premium
 Taxes and Fees Return
 (R. ~~01/12~~ ~~01/11~~) _____ ~~01/11~~
 (6)(7) DR-350900 ~~2011~~ ~~2010~~ Insurance Premium Tax
 Information for Schedules XII and
 XIII, DR-908 (R. 01/12 ~~01/11~~) _____ ~~01/11~~

Rulemaking Authority 213.06(1) FS. Law Implemented ~~92.525~~,
 175.041, 175.101, 175.1015, 175.111, 175.121, 175.141, 175.151,
 185.02, 185.03, 185.08, 185.085, 185.09, 185.10, 185.12, 185.13,
 213.05, 213.053, 213.235, 213.37, 220.183, 220.19, 220.191,
 252.372, 288.99, 440.51, 443.1216, 624.11, 624.402, 624.4072,
 624.4094, 624.4621, 624.4625, 624.475, 624.501, 624.509, 624.5091,
 624.5092, 624.50921, 624.510, 624.5105, 624.5107, 624.511,
 624.515, 624.516, 624.518, 624.519, 624.520, 624.521, 624.601,
 624.610, 626.7451(11), 627.311, 627.351, 627.3512, 627.357(9),
 627.7711, 627.943, 628.6015, 629.401, 629.5011, 631.72, 632.626,
 634.131, 634.313(2), 634.415(2), 636.066, 642.0301, 642.032, FS.,
 Ch. 93-128, s. 29, Ch. 2005-280, L.O.F. History–New 2-3-80,
 Formerly 12B-8.03, Amended 3-25-90, 3-10-91, 2-18-93, 6-16-94,
 12-9-97, 3-23-98, 7-1-99, 10-15-01, 8-1-02, 5-4-03, 9-28-04, 6-28-05,
 6-20-06, 4-5-07, 1-1-08, 1-27-09, 1-11-10, 1-12-11,_____.

12B-8.006 State Fire Marshal Regulatory Assessment and
 Surcharge; Levy and Amount.

(1) through (4) No change.

~~(5) The surcharge imposed under Section 624.515(2), F.S., shall be deposited by the Department of Revenue, when received and audited, into the Fire College Trust Fund.~~

Rulemaking Authority 213.06(1) FS. Law Implemented 213.05,
 624.509, 624.510, 624.511, 624.515, 624.516 FS. History–New
 2-3-80, Formerly 12B-8.06, Amended 4-10-91, 2-18-93, 12-9-97,
 7-31-03, 12-25-08,_____.

12B-8.007 Deposit of Certain Tax Receipts; Refund of
 Improper Payments.

~~Rulemaking Specific Authority 20.21(5) FS. Law Implemented 624.521 FS. History–New 2-3-80, Formerly 12B-8.07. Repealed _____.~~

12B-8.016 Retaliatory Provisions.

(1) through (2) No change.

(3)(a) Other items which shall be included in the
 retaliatory calculations are:

1. The excise taxes imposed under Sections 175.101 and
 185.08, F.S., as well as comparable taxes in other states.

2. The State Fire Marshal Regulatory Assessment imposed
 under Section 624.515, F.S., as well as comparable
 assessments in other states.

3. The Florida corporate income tax (CIT) imposed under
 Chapter 220, F.S., ~~and the emergency excise tax imposed under Chapter 221, F.S.,~~ as well as comparable taxes in other states.
 Insurers ~~must should always~~ use the prior year’s taxable
 income and resulting CIT liability when calculating Florida’s
 aggregate taxes. However, the insurer ~~must should~~ use the
 income from the taxable year applicable for calculating any

CIT in its state of incorporation. Such taxable years may vary
 depending upon the individual state’s taxing statutes. These
 taxable years may reflect the prior year’s taxable income or the
 current year’s taxable income.

4. through 6. No change.

~~7. Any credits obtained prior to January 1, 1990, pursuant to the provisions of Section 624.5105, F.S.~~

(b) through (c) No change.

~~(4) The For the years 1997 and after, the amount of any deduction against premium taxes granted under Section 440.51, F.S., as well as comparable deductions in other states shall be added back to net premium taxes.~~

~~(5) For purposes of this rule, the corporate income tax return (CIT) imposed under Chapter 220, F.S., and the emergency excise tax (EET) imposed under Chapter 221, F.S., is the amount of CIT and EET used to compute the corporate income and emergency excise tax credit in Rule 12B-8.001, F.A.C.~~

Rulemaking Authority 213.06(1) FS. Law Implemented 213.05,
 624.509, 624.5091, 624.5092 FS. History–New 3-25-90, Amended
 4-10-91, 12-9-97, 3-23-98, 10-15-01, 6-1-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Terrence Branch, Tax Law Specialist, Technical Assistance and
 Dispute Resolution, Department of Revenue, P. O. Box 7443,
 Tallahassee, Florida 32314-7443, telephone (850)717-6196

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

DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: September 20, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: A Notice of Proposed Rule
 Development was published in the Florida Administrative
 Weekly on July 29, 2011 (Vol. 37, No. 30, pp. 2188-2189). No
 comments were received by the Department.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NOS.: RULE TITLES:

12C-1.003 Definitions

12C-1.051 Forms

12C-1.343 Interest Computations

PURPOSE AND EFFECT: Effective January 1, 2012, Section
 22, Chapter 2011-76, L.O.F., repeals the emergency excise tax.

The purpose of the proposed amendments to Rule 12C-1.003,
 F.A.C. (Definitions), is to update the definition of the term
 “written notice” to include any original or amended corporate
 income tax or franchise tax return, or any original or amended
 emergency excise tax return due prior to January 1, 2012.

The purpose of the proposed amendments to Rule 12C-1.051, F.A.C. (Forms), is to adopt, by reference, changes to tax returns used by the Department in the administration of the corporate income tax, and to remove an obsolete form no longer used by the Department.

The purpose of the proposed amendments to Rule 12C-1.343, F.A.C. (Interest Computations), is to: (1) update the provisions regarding interest, as provided in Section 220.807, F.S., on any underpayment or erroneous refund of the corporate income tax or franchise tax, or the emergency excise tax imposed prior to January 1, 2012, and the payment of interest on any overpayment of such taxes, removing obsolete or unnecessary provisions; and (2) provide how to obtain the interest rates.

SUMMARY: The proposed amendments to Rule 12C-1.003, F.A.C. (Definitions), define the term "written notice" to include any original or amended corporate income tax or franchise tax return, or any original or amended emergency excise tax return due prior to January 1, 2012.

The proposed amendments to Rule 12C-1.051, F.A.C. (Forms), adopt, by reference, changes to tax returns used by the Department in the administration of the corporate income tax and remove obsolete Form DR-703 (Dealer Questionnaire), which is no longer used by the Department.

The proposed amendments to Rule 12C-1.343, F.A.C. (Interest Computations): (1) update the provisions regarding interest, as provided in Section 220.807, F.S., on any underpayment or erroneous refund of the corporate income tax or franchise tax, or the emergency excise tax imposed prior to January 1, 2012, and the payment of interest on any overpayment of such taxes; (2) remove obsolete or unnecessary provisions; and (3) provide how to obtain the interest rates.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

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

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

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

DATE AND TIME: October 26, 2011, 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: Tammy Miller at (850)617-8346. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jennifer Ensley, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7659

THE FULL TEXT OF THE PROPOSED RULES IS:

12C-1.003 Definitions.

Any term used in these rules shall have the meaning which is ascribed to it in Chapter 220, F.S., unless a clearly different meaning is indicated from the context in which the term is used. For the purposes of these rules:

(1) through (5) No change.

(6) "Written Notice" means any corporate income tax, franchise tax, or emergency excise tax return ~~the corporate income/franchise and emergency excise tax return~~ required by Section Sections 220.22, F.S., former Section and 221.04, F.S., or Rule 12C-1.022, F.A.C., amended returns (Form F-1120X or an amended F-1120 or F-1120A), or a final determination made pursuant to an audit.

Rulemaking Authority 213.06(1), 220.51 FS. Law Implemented 220.03, 220.13, 220.15, 220.16, 220.22, 220.63, 220.64 FS. History--New 10-20-72, Amended 10-8-74, 8-4-75, 9-6-76, 4-11-77, 12-18-83, Formerly 12C-1.03, Amended 12-21-88, 4-8-92, 5-17-94, _____.

12C-1.051 Forms.

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

(b) No change.

Form Number	Title	Effective Date
(2) DR-703	Dealer Questionnaire (R. 01/10)	06/10
(2)(3) No change.		
(3)(4) (a) F-1065	Florida Partnership Information Return (R. 01/12 01/11)	___ 01/11
(b) F-1065N	Instructions for Preparing Form F-1065 Florida Partnership Information Return (R. 01/12 01/11)	___ 01/11
(4)(5) F-1120A	Florida Corporate Short Form Income Tax Return (R. 01/12 01/11)	___ 01/11
(5)(6) (a) F-1120	Florida Corporate Income/ Franchise and Emergency Excise Tax Return (R. 01/12 01/11)	___ 01/11
(b) F-1120N	F-1120 Instructions – Corporate Income/ Franchise and Emergency Excise Tax Return for taxable years beginning on or after January 1, 2011 2010 (R. 01/12 01/11)	___ 01/11
(6)(7) F-1120ES	Declaration/Installment of Florida Estimated Income/ Franchise and Emergency Excise Tax For Taxable Year Beginning on or after January 1, 2012 2011 (R. 01/12 01/11)	___ 01/11
(8) through (11) renumbered (7) through (10) No change.		
(11)(12) (a) No change.		
(b) F-1193T	Notice of Intent to Transfer A Florida Energy Tax Credit (R. 01/12 01/11)	___ 01/11
(12)(13) No change.		
(13)(14) F-7004	Florida Tentative Income/ Franchise and Emergency Excise Tax Return and Application for Extension of Time to File Return (R. 01/12 01/11)	___ 01/11

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

12C-1.343 Interest Computations.

(1) ~~The Effective for taxable years ending on or after December 31, 1986,~~ the interest rate on any underpayment of tax or on any overpayment will be determined pursuant to Section 220.807, F.S.

~~(2) For taxable years ending on or after December 31, 1986, interest shall be allowed and paid in accordance with the provision of Section 220.807, F.S., upon any overpayment.~~

~~(2)(3)(a) Interest For taxable years ending on or after December 31, 1986, interest on any overpayment accrues shall accrue~~ from the date the taxpayer files written notice with the Department. However, if an overpayment is refunded or credited within 3 months after the date upon which the taxpayer files written notice advising the Department ~~department~~ of the overpayment, no interest ~~is shall be~~ allowed on such overpayment.

(b) Subsection 12C-1.003(6), F.A.C., defines “written notice” as an original return, an amended return, or a final determination of an audit liability.

~~(3)(4) Interest on deficiencies For taxable years ending prior to December 31, 1986, interest~~ accrues from the due date of the return without regard to extensions of time to file.

~~(4)(5) Erroneous refund.~~

~~(a) Any tax, interest or penalty which has been erroneously refunded for a taxable year ending before December 31, 1986, and which is recoverable by the Department, shall bear interest at the rate of 12 percent per year. Interest will be assessed from the date of payment of such refund to the date of recovery.~~

~~(b) Any tax, interest, or penalty which has been erroneously refunded for a taxable year ending on or after December 31, 1986, and which is recoverable by the Department will shall~~ bear interest at the rate provided in Section 220.807, F.S., and will be assessed from the date of payment of such refund to the date of recovery.

~~(c) Erroneous refund.~~ An amount will be considered to be an “erroneous refund” whenever a taxpayer is refunded any amount of tax finally determined to be due. ~~The interest provisions of Section 220.809(6), F.S., apply to an amount equal to the refund, regardless of whether the basis for the refund is the same basis for which a deficiency is later~~

~~assessed. Any additional tax, penalty, or interest should be assessed within the time limitations set forth in Section 95.091(3)(a)1.a., F.S., and interest computed pursuant to Section 220.809(1), F.S.~~

~~(5)(6) The daily rate of interest computed under this rule shall use a year based on 365 days, and 366 days in a leap year. This daily rate will be carried out to nine decimal places.~~

~~(6)(7) Interest Rates.~~

~~(a) The interest rate determined pursuant to Section 220.807, F.S., is subject to change on January 1st and July 1st of each year. Effective January 1, 1987, interest rates are computed every 6 months.~~

~~(b) The applicable interest rate for any period can be obtained by:~~

~~1. Accessing the Department's website at www.myflorida.com/dor/taxes; or~~

~~2. Calling Taxpayer Services during regular business hours at 1(800)352-3671.~~

~~3. Persons with hearing or speech impairments may call the Department's TDD at 1(800)367-8331 or (850)922-1115 is published as a Tax Information Publication (TIP), by the Department. The applicable interest rate may also be obtained through the Department's Fax on Demand Document Retrieval System by dialing (850)922-3676 from the handset of the fax machine.~~

Rulemaking Specific Authority 213.06(1), 220.51 FS. Law Implemented 220.723, 220.807, 220.809 FS. History—New 4-2-78, Amended 12-21-88, 4-8-92, 5-17-94, 3-18-96,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jennifer Ensley, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7659

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 20, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 29, 2011 (Vol. 37, No. 30, pp. 2189-2190). No comments were received by the Department.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

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

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12C-2.0115, F.A.C. (Public Use Forms), is to adopt, by reference, changes to the forms used by the Department in the administration of the tax on governmental leasehold estates and to provide the 2012 Valuation Factor Table used to calculate the amount of tax due.

SUMMARY: The proposed amendments to Rule 12C-2.0115, F.A.C. (Public Use Forms), adopt, by reference, changes to the form used by the Department in the administration of the tax on governmental leasehold estates.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 199.202(2), 213.06(1) FS.

LAW IMPLEMENTED: 119.071(5), 196.199(2), 199.032 (2005), 199.042 (2005), 199.103(7), 199.135 (2005), 199.202, 199.232, 199.282 (2005), 199.292, 213.24(3), 215.26 FS.

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

DATE AND TIME: October 26, 2011, 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: Tammy Miller at (850)617-8346. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tim Phillips, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7224

THE FULL TEXT OF THE PROPOSED RULE IS:

12C-2.0115 Public Use Forms.

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

(b) No change.

Form Number	Title	Effective Date
(2) DR-601G	Governmental Leasehold Intangible Personal Property Tax Return for 2012 2011 Tax Year (R. 01/12 01/11)	_____ 01/11

(3) through (5) No change.

Rulemaking Authority 199.202(2), 213.06(1) FS. Law Implemented 119.071(5), 196.199(2), 199.032 (2005), 199.042 (2005), 199.103(7), 199.135 (2005), 199.202, 199.232, 199.282 (2005), 199.292, 213.24(3), 215.26 FS. History—New 11-21-91, Amended 1-5-94, 10-9-01, 5-4-03, 9-28-04, 6-28-05, 10-30-06, 1-28-08, 1-27-09, 1-31-10, 2-7-11, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tim Phillips, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7224

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 20, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 29, 2011 (Vol. 37, No. 30, p. 2190). No comments were received by the Department.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NOS.:	RULE TITLES:
12C-3.0015	Documents, Extensions, and Due Dates for Filing
12C-3.008	Public Use Forms

PURPOSE AND EFFECT: Section 1, Chapter 2011-86, L.O.F., extends the expiration of the period of exemption from filing a Florida Estate Tax Return for decedents who die after December 31, 2004, and prior to January 1, 2013. The purpose of the proposed amendments to Rule 12C-3.0015, F.A.C. (Documents, Extensions, and Due Dates for Filing), and to Rule 12C-3.008, F.A.C. (Public Use Forms), is to update the rules and forms adopted by reference to provide the statutory period for the exemption from the requirement to file a Florida Estate Tax Return.

SUMMARY: The proposed amendments to Rule 12C-3.0015, F.A.C. (Documents, Extensions, and Due Dates for Filing), update the rule to provide when a Florida estate tax return is due for decedents who died prior to January 1, 2005, or on or after December 31, 2012.

The proposed amendment to Rule 12C-3.008, F.A.C. (Public Use Forms), adopt, by reference, updates to Form DR-312 (Affidavit of No Florida Estate Tax Due), Form DR-313 (Affidavit of No Florida Estate Tax Due When Federal Return is Required), and Form F-706 (Florida Estate Tax Return for Residents, Nonresidents, and Nonresident Aliens) to reflect the extension of the exemption period from filing a Florida Estate Tax Return, as provided in Chapter 2011-86, L.O.F.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 198.08, 198.32(2), 213.06(1) FS.

LAW IMPLEMENTED: 92.525(1)(b), 119.071(5), 198.02, 198.03, 198.04, 198.05, 198.08, 198.13, 198.14, 198.15, 198.22, 198.23, 198.26, 198.32, 198.33(1), 198.38, 198.39, 213.37, 837.06 FS.

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

DATE AND TIME: October 26, 2011, 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: Tammy Miller at (850)617-8346. 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: Debra Gifford, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-6752

THE FULL TEXT OF THE PROPOSED RULE IS:

12C-3.0015 Documents, Extensions, and Due Dates for Filing.

(1) Decedents who died prior to January 1, 2005, or, after December 31, ~~2012~~ 2010.

(a)1. When the decedent died prior to January 1, 2005, or after December 31, ~~2012~~ 2010, and the personal representative of an estate is required to file a federal estate tax form (Form 706 or 706-NA), the personal representative of every Florida resident, nonresident, or alien decedent whose estate includes Florida real property is required to file with the Department within nine months from the date of decedent's death:

- a. A Florida estate tax return (Form F-706, incorporated by reference in Rule 12C-3.008, F.A.C.);
 - b. A copy of the executed federal estate tax return; and
 - c. Any payment of the Florida estate tax due.
2. through 3. No change.

(b) No change.

(2) Decedents who died on or after January 1, 2005, and prior to January 1, ~~2013~~ 2011.

(a) No Florida estate tax return is required to be filed when the decedent died on or after January 1, 2005, and prior to January 1, ~~2013~~ 2011.

(b) through (c) No change.

(3) through (5) No change.

Rulemaking Authority 198.08, 198.32(2), 213.06(1) FS. Law Implemented 198.02, 198.03, 198.04, 198.05, 198.13, 198.14, 198.15, 198.32 FS. History—New 12-13-94, Amended 1-22-01, 4-14-09, _____.

12C-3.008 Public Use Forms.

(1)(a) The following public-use forms and instructions are employed by the Department in its administration of the Florida estate tax and are hereby adopted by reference.

(b) No change.

Form Number	Title	Effective Date
(2) through (3)	No change.	
(4) DR-312	Affidavit of No Florida Estate Tax Due (R. 06/11 <u>07/07</u>)	_____ <u>11/07</u>
(5) DR-313	Affidavit of No Florida Estate Tax Due When Federal Return is Required (R. 06/11 <u>N. 12/07</u>)	_____ <u>04/09</u>

(6) F-706 Florida Estate Tax Return for Residents, Nonresidents and Nonresident Aliens (R. ~~06/11~~ 10/09) _____ 06/10

Rulemaking Authority 198.08, 198.32(2), 213.06(1) FS. Law Implemented 92.525(1)(b), 119.071(5), 198.08, 198.13, 198.22, 198.23, 198.26, 198.32(2), 198.33(1), 198.38, 198.39, 213.37, 837.06 FS. History—New 9-26-77, Formerly 12C-3.08, Amended 1-11-93, 8-25-94, 1-22-01, 5-4-03, 10-30-06, 11-6-07, 4-14-09, 6-28-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Debra Gifford, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-6752

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 20, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 29, 2011 (Vol. 37, No. 30, pp. 2190-2191). No comments were received by the Department.

DEPARTMENT OF TRANSPORTATION

RULE NO.: 14-15.0081
 RULE TITLE: Toll Facilities Description and Toll Rate Schedule

PURPOSE AND EFFECT: The Florida Department of Transportation (Department) is proposing changes to Rule 14-15.0081, F.A.C., Toll Facilities Description and Toll Rate Schedule. Pursuant to Section 338.165(3), F.S., the Department is implementing indexing of tolls for all Department toll facilities, including the Florida Turnpike System toll facilities. The rule is being amended to include an initial increase of cash toll rates based on indexing, an adjustment of SunPass and TOLL-BY-PLATE toll rates based on the indexed cash toll rates, and a methodology for indexing of toll rates in future years. Also, the method of calculating the multi-axle rates from the two-axle rate on the Sunshine Skyway Bridge and the Pinellas Bayway is being amended to equal the number of axles of each vehicle minus one, multiplied by the two-axle toll rate. In addition, toll rates for the I-4/Selmon Expressway Interchange (Connector) in Hillsborough County are being fixed as an all-electronic toll facility as part of the Florida Turnpike System. Indexing of toll rates on the Connector will start on the July 1st after one full year of operation, which is expected to open in summer of 2013.

SUMMARY: The toll facilities affected by toll rate indexing are Alligator Alley (Everglades Parkway), Sunshine Skyway Bridge, Beachline East Expressway, Pinellas Bayway System, Florida's Turnpike Mainline (Southern Coin, Ticket, and Northern Coin Systems, the Homestead Extension of Florida's Turnpike (H.E.F.T.), and the Beachline West Expressway),

Polk Parkway, Sawgrass Expressway, Southern Connector Extension, Seminole Expressway, Suncoast Parkway, Veterans Expressway, the Florida Turnpike System segment of the Western Beltway, Part C, and the I-4/Selmon Expressway Interchange (Connector).

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 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: Section 120.80(17), F.S., exempts the indexing of toll rates from the SERC requirement and legislative ratification.

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

RULEMAKING AUTHORITY: 334.044(2), 338.155(1) FS.

LAW IMPLEMENTED: 338.155, 338.165, 338.222, 338.2216, 338.231 FS.

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

DATE AND TIME: Tuesday, October 25, 2011, 6:00 p.m.

PLACE: This rulemaking hearing is being held as a statewide webinar proceeding which can be accessed by registering at the following website: www.floridasturnpike.com/tools_tollrate_notices.cfm.

For those persons wishing to participate who do not have access to the World Wide Web can attend in person at one of several access points across the state.

SITE ACCESS LOCATIONS ARE ALSO LOCATED AT:

PLACE Florida's Turnpike Enterprise Headquarters Auditorium, Turnpike Mile Post 263, Building 5315, Ocoee, FL 34761

PLACE Florida Department of Transportation, District 4 West Palm Beach Operations Auditorium, 7900 Forest Hill Boulevard, West Palm Beach, FL 33413

PLACE Florida Department of Transportation, District 7 Executive Conference Room, 11201 North Malcolm McKinley Drive, Tampa, FL 33612

PLACE Florida Department of Transportation, District 6 Sunguide Operations, 1000 NW 111th Avenue, Miami, FL 33172

PLACE Florida Department of Transportation, District 1, Mike Rippe Auditorium, 801 N. Broadway, Bartow, Florida 33831

PLACE Florida Department of Transportation, District 1, SWIFT Building Conf. Rm., 10041 Daniels Parkway, Fort Myers, FL 33913

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: Carleen Flynn, Project Manager, Florida's Turnpike Enterprise, Milepost 263, Florida's Turnpike, Building 5315, Ocoee, Florida, 34761. 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: Deanna R. Hurt, Senior Attorney and Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458, deanna.hurt@dot.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

14-15.0081 Toll Facilities Description and Toll Rate Schedule.

(1) The Toll Facilities Description and Toll Rate Schedule, adopted November 15, 1987, and amended on February 8, 1988, August 1, 1988, February 2, 1989, May 10, 1989, July 1, 1991, August 1, 1991, November 6, 1991, July 11, 1993, November 28, 1993, September 18, 1994, June 6, 1995, July 9, 1995, January 1, 1996, March 31, 1996, April 28, 1996, June 2, 1996, July 28, 1996, September 23, 1997, November 24, 1997, February 12, 1998, June 30, 1998, July 29, 1998, January 6, 1999, February 9, 1999, April 29, 1999, June 21, 1999, September 4, 2001, March 26, 2002, and April 10, 2003, October 1, 2003, December 11, 2003, March 7, 2004, May 20, 2004, November 1, 2005, February 5, 2006, July 27, 2006, October 26, 2006, January 15, 2007, ~~and~~ May 17, 2010, and _____ is hereby incorporated by this rule and made a part of the rules of the Department. Copies of this Department of Transportation Toll Facilities Description and Toll Rate Schedule ~~and any amendments thereto~~ are available at no more than cost.

(2) Toll Indexing. Toll rate schedules for the Department toll facilities, including Florida Turnpike System toll facilities, are subject to toll rate adjustments based on the annual Consumer Price Index (CPI).

(a) For the purposes of this rule, the index used is the CPI published by the Bureau of Labor Statistics of the United States Department of Labor, which uses 1982-1984 as the base, and is the Annual Average for all expenditure items for all urban consumers, U.S. city average.

(b) Toll rates on these facilities distinguish between transaction methods offered on the various toll facilities, which are cash transactions, SunPass pre-paid toll transactions, and TOLL-BY-PLATE video billing transactions. Not all transaction methods are offered at each toll facility.

(c) Toll Facilities.

1. The Department toll facilities, other than the Florida Turnpike System, affected by toll rate indexing will be Alligator Alley (Everglades Parkway), Sunshine Skyway Bridge, Beachline East Expressway, and Pinellas Bayway System.

2. The Florida Turnpike System toll facilities affected by toll rate indexing are Florida's Turnpike Mainline (Southern Coin, Ticket, and Northern Coin Systems, the Homestead Extension of Florida's Turnpike (H.E.F.T.), and the Beachline West Expressway), Polk Parkway, Sawgrass Expressway, Southern Connector Extension, Seminole Expressway, Suncoast Parkway, Veterans Expressway, the Florida Turnpike System segment of the Western Beltway, Part C, and I-4/Selmon Expressway Interchange (Connector).

(d) Base Toll Rates. The base toll rate is the two-axle toll rate for each of the toll transaction methods. On the Beachline East Expressway the base toll rate for the Department portion of the toll at the Beachline Main Plaza is \$0.25.

(e) Multi-axle Toll Rate Calculations. On all the Department facilities, including Florida Turnpike System toll facilities, except for the Turnpike Ticket System, the multi-axle toll rates equal the number of axles of each vehicle minus one, multiplied by the base toll rate. On the Turnpike Ticket System the multi-axle toll rates equal the base rate divided by two and multiplied by the number of axles.

(f) Indexing of Toll Rates. Indexing of toll rates means adding to the toll rate in effect for the period immediately preceding the indexing adjustment the amount derived by multiplying the percentage change in the CPI times the toll rate in effect immediately preceding the indexing adjustment. Toll rates for the Department toll facilities, including Florida Turnpike System toll facilities, are subject to indexing as prescribed below:

1. No later than June 30, 2012:

a. The base cash toll rate on all Department toll facilities, including Florida Turnpike System toll facilities, is being initially indexed using the percentage change between the CPI for year ending December 31, 2010, and the CPI for year ending December 31, 2005, which is 11.7%. The base cash toll rate will be adjusted to the next higher quarter (\$0.25) on the Department toll facilities, including Florida Turnpike System toll facilities, except the Turnpike Ticket System, which will be adjusted to the next higher dime (\$0.10).

b. For all toll locations not having cash toll rates, the base TOLL-BY-PLATE toll rate for each of those locations on all Department toll facilities, including Florida Turnpike System toll facilities, is being initially indexed using the percentage

change between the CPI for year ending December 31, 2010, and the CPI for year ending December 31, 2005, which is 11.7%. The base TOLL-BY-PLATE toll rate will be adjusted to the next higher quarter (\$0.25) on the Department toll facilities, including Florida Turnpike System toll facilities, except the Turnpike Ticket System, which will be adjusted to the next higher dime (\$0.10).

c. The base toll rates for SunPass transactions on all Department toll facilities, including Florida Turnpike System toll facilities, except the Turnpike Ticket System, will be a quarter (\$0.25) less than the adjusted base cash toll rate for each toll location, and 25% less than the adjusted base cash toll rate on the Turnpike Ticket System.

d. TOLL-BY-PLATE toll rates are set to equal the adjusted base cash toll rate.

2. Beginning on July 1, 2013 and on each subsequent July 1st thereafter:

a. Toll rates for SunPass transactions on all Department toll facilities, including Florida Turnpike System toll facilities, will be indexed annually using the base SunPass toll rate for the immediately preceding fiscal year multiplied by the percentage change of the CPI for the immediately preceding year ended December 31st compared to the CPI for the second most recent year ended December 31st. CPI adjustments to the base SunPass toll rate will be rounded to the nearest penny (\$0.01).

b. Toll rates for TOLL-BY-PLATE transactions on all Department toll facilities, including Florida Turnpike System toll facilities, will be indexed annually using the base TOLL-BY-PLATE toll rate for the immediately preceding fiscal year multiplied by the percentage change of the CPI for the immediately preceding year ended December 31st compared to the CPI for the second most recent year ended December 31st. CPI adjustments to the base TOLL-BY-PLATE toll rate will be rounded to the nearest penny (\$0.01).

3. Beginning July 1, 2017 and every fifth year thereafter, the base cash toll rate on all Department toll facilities, including Florida Turnpike System toll facilities, will be indexed using the base cash toll rate for the immediately preceding fiscal year multiplied by the percentage change of the CPI for the immediately preceding year ending December 31st compared to the CPI for the sixth most recent year ending December 31st. For adjustments to the base cash toll rate, if the CPI adjustment would cause any increase to the toll rate, then the new base cash toll rate will be adjusted to the next higher quarter (\$0.25) for all Department toll facilities, including Florida Turnpike System toll facilities, except the Turnpike Ticket System, which will be adjusted to the next higher dime (\$0.10).

(g) If the resulting CPI ratio is negative, the CPI ratio for that year will be set to zero resulting in no toll rate increase that year.

(h) Adjustments to toll rates will be published on the Department website: www.floridasturnpike.com/tools/tollrates.cfm.

Rulemaking Specific Authority 334.048(3), 336.045(1) FS. Law Implemented 336.045 FS. History—New 1-22-76, Amended 7-13-81, 6-24-84, Formerly 14-15.02, Amended 8-25-86, 11-29-89, 11-1-94, 5-15-01, 7-9-02, 11-24-05, 10-16-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane Gutierrez-Scaccetti, Executive Director and Chief Executive Officer, Florida’s Turnpike Enterprise

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ananth Prasad, P.E., Secretary, Florida Department of Transportation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 9, 2011

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.726 RULE TITLE: Visitor Searches

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to transfer via rulemaking Forms DC1-803 and DC1-804 from Rule 33-601.737, F.A.C., to this rule and to remove reference to hats.

SUMMARY: Forms DC1-803 and DC1-804 are being transferred to this rule and out of Rule 33-601.737, F.A.C., and the rule removes reference to hats.

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.

Based on analysis from the Bureau of Institutions, Security Operations, and the Bureau of Classification and Central Records, the rule only affects internal management matters relating to visitation and will not have an impact on small business or the private sector; accordingly, the rule is not expected to require legislative ratification.

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

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.23, 944.47, 944.8031 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kendra Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.726 Visitor Searches.

(1) No change.

(2) Authorized visitor searches include:

(a) Search of the interior and exterior of any hand-carried item.

1. No change.

2. If the item would be damaged, destroyed, or impaired by the search, the visitor shall not be allowed to bring the item into the institution.

(b) through (c) No change.

(d) Removal of and searching inside the visitor’s hat, shoes and gloves;

(e) Removal of any clothing such as scarves, overcoats, or sweaters worn over a visitor’s first layer of exterior clothing; and a search by visual inspection and touching of the interior and exterior and pockets of such clothing;

(f) through (i) No change.

(j) Careful search by touching of clothing worn next to the body such as stockings, socks, and diapers, using sufficient pressure to detect contraband items. If it is necessary to remove the diaper of an infant or toddler, written consent from the parent, legal guardian, or authorized adult shall be obtained as provided in subsection (3), and it shall be done in the privacy of a search room and by an officer of the same sex.

(3) The visitor shall be instructed to sign Form DC1-803, an Unclothed Body Search Consent, Form DC1-803, if specific factual reasons support the suspicion that contraband is concealed on a visitor’s person; and this suspicion is not resolved by a less intrusive search. The parent, legal guardian, or authorized adult shall sign the consent form if a minor is to be searched. Form DC1-803 is hereby incorporated by reference in Rule 33-601.737, F.A.C. A copy of this form is available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date is 11-18-01.

(a) No change.

(b) The visitor shall also be asked to sign Form DC1-804, a Consent to or Notification of Search, Form DC1-804, if reasons exist to search the visitor’s vehicle. Form DC1-804 is hereby incorporated by reference in Rule 33-601.737, F.A.C. A copy of this form is available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date is 11-18-01. Visiting shall be denied if the visitor refuses to give written consent to search the vehicle.

(4) through (5) No change.

Rulemaking Specific Authority 944.09, ~~944.23~~ FS. Law Implemented 20.315, 944.09, 944.23, 944.47, 944.8031 FS. History--New 11-18-01, Amended 5-27-02, 1-25-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Russell Hosford, Assistant Secretary of Institutions
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kenneth S. Tucker, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 6, 2011
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 8, 2011

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.203
RULE TITLE: Control of Contraband
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify that certain Uniform Commercial Code materials are disallowed.

SUMMARY: The proposed rule clarifies that certain Uniform Commercial Code materials are impermissible contraband.

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: An analysis from the Bureau of Institutions, Security Operations, the proposed rule only addresses internal management and inmate discipline and will have no effect on the private sector or small business.

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

RULEMAKING AUTHORITY: 944.09, 945.215 FS.
LAW IMPLEMENTED: 944.09, 944.47, 945.215 FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kendra Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

- 33-602.203 Control of Contraband.
- (1) General Definition of Contraband.

(a) Any item or article inside an institution or facility, on the property of a facility or in the possession of an inmate that was not ~~neither~~:

- 1. through 3. No change.
- 4. Authorized and approved for delivery by mail; or ~~or~~
- 5. through (6) No change.

(7) No inmate shall manufacture or possess any forms that may be used in the fraudulent filing of Uniform Commercial Code liens and/or publications that promote this practice. An inmate shall not possess any Uniform Commercial Code (UCC) Article 9 form, including but not limited to any financing statement (UCC1, UCC1Ad, UCC1AP, UCC3, UCC3Ad, UCC3AP), or correction statement (UCC5), whether printed, copied, typed or hand written, or any document concerning a scheme involving an inmate's "strawman," "House Joint Resolution 192 of 1933," the "Redemptive Process," "Acceptance for Value" presentments or document indicating copyright or attempted copyright of an inmate's name absent prior written authorization from the warden.

~~(8)(7)~~ Disposition of Contraband.

(a) Those contraband items retained for use in disciplinary hearings as evidence will be stored until such time as the warden or his designee approves of their being destroyed or disposed of. A secure area within the institution will be designed as the storage area for all contraband items. A Contraband Log, Form DC6-219, will be utilized to document the storage of contraband items. Form DC6-219 is hereby incorporated by reference. Copies of this form may be obtained from the Forms Control Administrator, ~~Office of Research, Planning and Support Services~~, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of this form is 3-2-00.

(b) Contraband items to be used during outside court cases as evidence will be referred to the Inspector General's Office for handling. The Inspector General's Office will either assume custody of the contraband or instruct the institution to hold it as evidence. In either case, the initial confiscating authority will establish the chain of evidence, and insure it is properly followed. Form DC1-801, Chain of Custody, shall be used for this purpose. Form DC1-801 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, ~~Office of Research, Planning and Support Services~~, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of this form is 7-8-03.

(c) through (i) No change.

~~(9)(a)(8)(a)~~ All cells, lockers, dormitories and other areas of an institution may be searched in a reasonable manner at any time. A copy of Form DC6-220, Inmate Impounded Personal Property List, shall be given for any property taken in such a search if the inmate acknowledges possession or if the property was taken from an area occupied by the inmate or under his control. The inmate's acceptance of his copy of Form DC6-220

shall not constitute admission of possession of contraband. Form DC6-220 is incorporated by reference in subsection ~~33-602.201(17)~~ ~~33-602.201(16)~~, F.A.C.

(b)1. The Regional Director of Institutions is authorized to declare an emergency situation to exist if he finds, upon the advice and request of the warden, that an immediate mass search is necessary to preserve the security and order of the institution and sufficient staff are not available to follow routine procedures of accounting and receipting for property. Within 72 hours after the declaration, the warden shall prepare a written statement setting forth the facts showing such emergency, which statement shall be forwarded to the Regional Director, who shall prepare a report to the Secretary justifying the declaration.

2. through 3. No change.

4. If an investigation determines that inmate personal property has been damaged or destroyed by Department staff, the procedure as outlined in subsection ~~33-602.201(14)~~ ~~33-602.201(11)~~, F.A.C., shall be followed in order to replace the property.

Rulemaking Authority 944.09, 945.215 FS. Law Implemented ~~944.09~~, 944.47, 945.215 FS. History—New 10-8-76, Amended 2-24-81, 4-18-82, 8-13-84, 2-13-85, 6-2-85, Formerly 33-3.06, Amended 2-9-87, 11-3-87, 8-14-90, 11-21-91, 1-6-94, 5-28-96, 10-26-97, Formerly 33-3.006, Amended 3-2-00, 7-8-03, 11-10-03, 6-28-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Russell Hosford, Assistant Secretary of Institutions
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kenneth S. Tucker, Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 7, 2011
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 2, 2011

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-2.013
 RULE TITLE: Dental Examination

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language, add new language to clarify the requirements and grading for dental examinations and to update or modify the practical or clinical examination and the Diagnostic Skills Examination.

SUMMARY: The proposed changes will delete unnecessary language and add new language to clarify the requirements and grading for dental examinations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: During discussion 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 Cost (SERC) was not necessary. No person or interested party submitted additional information

regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule. These rule amendments will not require ratification by the Legislature. Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 466.004(4) FS.

LAW IMPLEMENTED: 456.017(1)(b), (2), 466.006(4), 466.009 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 64B5-2.013, F.A.C. See Florida Administrative Code for present text.)

~~64B5-2.013 Dental Examination Requirements and Grading.~~

(1)(a) Applicants for examination or re-examination must have taken and successfully completed the National Board of Dental Examiner's dental examination and received a National Board Certificate.

(b) Each applicant is required to complete the examinations as provided for in Section 466.006, F.S. The examinations for dentistry shall consist of a Written Examination, a Practical or Clinical Examination and a Diagnostic Skills Examination. Effective October 1, 2011, the practical or clinical examination and the Diagnostic Skills Examination is the American Dental Licensing Examination (ADLEX) developed by the American Board of Dental Examiners, Inc., or its successor entity if the successor entity is determined by the Board to comply with the provision of Section 466.006, Florida Statutes. The ADLEX is inclusive of a comprehensive diagnostic skills examination covering the full scope of practice of dentistry.

(c) A candidate must successfully complete all three examinations as provided for in Section 466.006, F.S., within an eighteen (18) month period in order to qualify for licensure. If the candidate fails to successfully complete all three examinations within that time period, then the candidate must retake all three of the examinations.

(d) All examinations will be conducted in English.

(2) WRITTEN EXAMINATION.

(a) The Written Examination for dental licensure shall consist of the laws and rules of the State of Florida regulating the practice of dentistry and dental hygiene.

(b) A final grade of 75 or better is required to pass the Written Examination.

(3) PRACTICAL OR CLINICAL EXAMINATION:

(a) Provided the Board maintains representation on the board of directors of the American Board of Dental Examiner, Inc., and the examination development committee of the American Board of Dental Examiner, Inc., the clinical examination procedures and criteria of ADLEX are approved.

(b) The Practical or Clinical Examination for dental licensure shall consist of clinical and diagnostic parts and each part shall be passed with a grade of at least 75%.

(4) DIAGNOSTIC SKILLS EXAMINATION.

Provided the Board maintains representation on the board of directors of the American Board of Dental Examiner, Inc., and the examination development committee of the American Board of Dental Examiner, Inc., the Diagnostic Skills Examination procedures and criteria of ADLEX are approved.

Rulemaking Authority ~~456.017(1)(b)~~; 466.004(4) FS. Law Implemented 456.017(1)(b), (2), 466.006(4), 466.009 FS. History—New 10-8-79, Amended 6-22-80, 12-3-81, 12-6-82, 5-24-83, 12-12-83, 5-2-84, 5-27-84, Formerly 21G-2.13, Amended 12-8-85, 12-31-86, 5-10-87, 10-19-87, 12-10-89, 12-24-91, 2-1-93, Formerly 21G-2.013, 61F5-2.013, Amended 1-9-95, 2-7-96, 7-16-97, Formerly 59Q-2.013, Amended 8-25-98, 3-25-99, 11-15-99, 8-3-05, 7-17-07, 8-1-08, 6-28-09, 8-25-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Dentistry
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Dentistry
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 12, 2011
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 13, 2011

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-55.0021
RULE TITLE: Discipline of Electrolysis Facilities
PURPOSE AND EFFECT: To provide stronger penalty options for disciplining electrolysis facilities.
SUMMARY: To provide stronger penalty options for disciplining electrolysis facilities.
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: No Estimate Regulatory Costs Statement will be prepared. During discussion of this rule at its Council meeting, the Council, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary. No person or interested party submitted additional information regarding the economic impact at that time. The Council has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule. These rule amendment will not require ratification by the Legislature. Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost 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: 456.037, 478.43(1) FS.

LAW IMPLEMENTED: 456.072(2)(c), (d) 456.037, 478.52(1)(k), (2)(b), (c), (f) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-55.0021 Discipline of Electrolysis Facilities.

Any business establishment that provides electrolysis services must have an active status license in order to provide such services. Failure to obtain and maintain an active status license as a licensed electrolysis facility pursuant to Rule 64B8-51.006, F.A.C., shall be subject to discipline as follows:

- (1) No change.
- (2) Any electrolysis facility with an active status license that employs or permits an unlicensed person to deliver electrolysis services shall be subject to discipline as follows:
 - (a) No change.
 - (b) The facility licensure shall be suspended or revoked ~~for up to one year~~.
 - (c) No change.

Rulemaking Specific Authority 456.037, 478.43(1) FS. Law Implemented 456.072(2)(c), (d) 456.037, 478.52(1)(k), (2)(b), (c), (f) FS. History—New 3-1-00, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Electrolysis Council
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 22, 2011
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: November 13, 2009

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-16.005
RULE TITLE: Domains of Practice, Objectives,
Reports

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify language for the requirements and reports of the Administrative-in-Training Program and to incorporate by reference form DH-MQA 1209, "State of Florida AIT Domains of Practice Quarterly Checklist."

SUMMARY: The rule amendment will modify language for the requirements and reports of the Administrative-in-Training Program and to incorporate by reference form DH-MQA 1209, "State of Florida AIT Domains of Practice Quarterly Checklist."

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: During discussion 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 Cost (SERC) was not necessary. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule. These rule amendments will not require ratification by the Legislature. Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 468.1685(1), 468.1695(3), (4) FS.

LAW IMPLEMENTED: 468.1695(3), (4) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bruce Deterding, Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-16.005 Domains of Practice, Objectives, Reports.

(1) A training plan for the Administrator-in-Training Program shall be prepared by the preceptor and the trainee, prior to the start of the program. This training plan shall include:

(a) A pre-training assessment of the trainee's background in terms of educational level, pertinent experience, maturity, motivation and initiative. The pre-training assessment should underscore the particular trainee's strengths and weaknesses in the areas to be covered in the program (e.g. a person with a degree in business administration will have strengths in the finance area; a person with a personnel or management background will have strengths in those areas, etc.).

(b) Based on this assessment, the trainee and preceptor will jointly develop a detailed goal oriented training plan with adequate supporting documentation which relates educational objectives, subject areas of the internship, internship site(s), agencies involved, total hours for the internship, and a breakdown of the number of hours needed to master each area and its objectives.

(c) Supporting documentation for the training plan shall include, but is not limited to, qualifications of the preceptor, the director of nursing in the program site, and such descriptive documentation for the program site and its staff to determine its adequacy for the specific objectives and areas of the program.

(d) The preceptor and Administrator-in-Training must file reports with the Board every 90 days. The report shall be made on the State of Florida AIT Domains of Practice Quarterly Checklist, Form DH-MQA 1209 (revised 07/10, hereby adopted and incorporated by reference) which can be obtained from the Board of Nursing Home Administrators' website at :<http://www.doh.state.fl.us/mqa/nurshome/index.html>. Each report shall be co-signed by the preceptor and Administrator-in-Training and shall be filed within two weeks after the completion of each reporting period of the program. Failure to file the report on the correct form or within the stated time period may result in non-acceptance of the report. The reports shall contain a synopsis of the areas covered in the program and a narrative describing relevant learning experiences. The reports shall show how the Administrator-in-Training used the following methods to further his or her training:

1. On-the-job experience;
2. Meetings attended;
3. Surveys completed;
4. Written reports;
5. Texts or periodicals;
6. Visits to other facilities;
7. Academic programs, college or continuing education seminars.

(2) The Administrator-in-Training Program shall cover the following domains of practice:

- ~~(a)(1)~~ No change.
- ~~1.(a)~~ No change.
- ~~2.(b)~~ No change.
- ~~3.(e)~~ No change.
- ~~4.(d)~~ No change.
- ~~5.(e)~~ No change.
- ~~(b)(2)~~ No change.
- ~~1.(a)~~ No change.
- ~~2.(b)~~ No change.
- ~~3.(e)~~ No change.
- ~~4.(d)~~ No change.
- ~~5.(e)~~ No change.
- ~~6.(f)~~ No change.
- ~~(c)(3)~~ No change.
- ~~1.(a)~~ No change.
- ~~2.(b)~~ No change.
- ~~3.(e)~~ No change.
- ~~(d)(4)~~ No change.
- ~~1.(a)~~ No change.
- ~~2.(b)~~ No change.
- ~~3.(e)~~ No change.
- ~~4.(d)~~ No change.
- ~~(e)(5)~~ No change.
- ~~1.(a)~~ No change.
- ~~2.(b)~~ No change.
- ~~3.(e)~~ No change.
- ~~4.(d)~~ No change.
- ~~5.(e)~~ No change.
- ~~(f)(6)~~ No change.
- ~~1.(a)~~ No change.
- ~~2.(b)~~ No change.
- ~~3.(e)~~ No change.
- ~~4.(d)~~ No change.
- ~~5.(e)~~ No change.
- ~~6.(f)~~ No change.
- ~~7.(g)~~ No change.
- ~~8.(h)~~ No change.
- ~~9.(i)~~ No change.
- ~~(3)(7)~~ No change.

(a) through (f) No change.

(8) A training plan for the program shall be prepared by the preceptor and the trainee, prior to the start of the program. This training plan shall include:

(a) A pre training assessment of the trainee's background in terms of educational level, pertinent experience, maturity, motivation and initiative. The pre training assessment should underscore the particular trainee's strengths and weaknesses in the areas to be covered in the program (e.g. a person with a

~~degree in business administration will have strengths in the finance area; a person with a personnel or management background will have strengths in those areas, etc.).~~

~~(b) Based on this assessment, the trainee and the preceptor will jointly develop a detailed goal oriented training plan with adequate supporting documentation which relates educational objectives, subject areas of the internship, internship site(s), agencies involved, total hours for the internship, and a breakdown of the number of hours needed to master each area and its objectives.~~

~~(c) Supporting documentation for the training plan shall include, but is not limited to, qualifications of the preceptor, the director of nursing in the program site, and such descriptive documentation for the program site and its staff to determine its adequacy for the specific objectives and areas of the program.~~

~~(d) The preceptor and administrator in training must file reports with the Board every 90 days. Each report shall be co-signed by the preceptor and administrator in training and shall be filed within two weeks after the completion of each reporting period of the program. The reports shall contain a synopsis of the areas covered in the program and any relevant learning experiences. The reports shall show how the administrator in training used the following methods to further his or her training:~~

- ~~1. On the job experience;~~
- ~~2. Meetings attended;~~
- ~~3. Surveys completed;~~
- ~~4. Written reports;~~
- ~~5. Texts or periodicals;~~
- ~~6. Visits to other facilities;~~
- ~~7. Academic programs, college or continuing education seminars.~~

~~(4)(9) No change.~~

~~Rulemaking Specific Authority 468.1685(1), 468.1695(3), (4) FS. Law Implemented 468.1695(3), (4) FS. History--New 12-18-88, Formerly 21Z-16.005, 61G12-16.005, 59T-16.005, Amended 1-8-06,~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing Home Administrators

NAME AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 18, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 8, 2011

Section III
Notices of Changes, Corrections and
Withdrawals

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
33-601.725 Permissible Items for Visitors
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 21, May 27, 2011 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

RULE NO.: RULE TITLE:
61B-24.003 Rental Agreement Extensions
 NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 38, September 23, 2011 issue of the Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 N. Monroe Street, Tallahassee, Florida 32399-1030 or sharon.malloy@dbpr.state.fl.us.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Regulatory Council of Community Association Managers

RULE NO.: RULE TITLE:
61E14-4.001 Continuing Education Renewal
 Requirements
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 36, September 10, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: RULE TITLE:
61G15-20.007 Educational Requirements for
 Applicants Without EAC/ABET
 Accredited Engineering Degrees
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 37, September 17, 2010 issue of the Florida Administrative Weekly.

The changes are in response to concerns by the Joint Administrative Procedures Committee in letters dated October 13, 2010, January 19, 2011 and April 1, 2011. The changes will update the rule title; clarify credit hours; correct the name and address for one of the providers for evaluations of substantial equivalency; and add new language to clarify the outlined College Level Examination Programs (CLEP) examinations.

The rule title and rule text shall read as:

61G15-20.007 Educational Requirements for Applicants Without EAC/ABET Accredited Engineering Degrees Demonstration of Substantial Equivalency.

(1) Applicants having engineering degrees from programs that are not accredited by EAC/ABET must demonstrate:

(a) 32 college semester credit hours of higher mathematics and basic sciences.

1. and 2. No change

(b) 16 college semester credit hours in humanities and social sciences. Examples of traditional courses in this area are philosophy, religion, history, literature, fine arts, sociology, psychology, political science, anthropology, economics, professional ethics, social responsibility and no more than 6 credit hours of languages other than English or other than the applicant's native language. Courses such as accounting, industrial management, finance, personnel administration, engineering economics and military training are not acceptable. Courses which instill cultural values are acceptable, while routine exercises of personal craft are not.

(c) 48 college semester credit hours of engineering science and engineering design. Courses in this area shall have their roots in mathematics and basic sciences but carry knowledge further toward creative application. Examples of approved engineering science courses are mechanics, thermodynamics, electrical and electronic circuits, materials science, transport phenomena, and computer science (other than computer programming skills). Courses in engineering design stress the establishment of objectives and criteria, synthesis, analysis, construction, testing, and evaluation. In order to promote breadth, at least one engineering course outside the major disciplinary area is required.

(d) No change.

(2) No change.

(3) The applicant with an engineering degree from a foreign institution must request an evaluation of substantial equivalency of his or her credentials to EAC/ABET standards through either: National Council of Examiners for Engineering and Surveying, 280 Seneca Creek Road, Clason, South Carolina 29678 Center for Professional Engineering Education Services, P. O. Box 720010, Miami, Florida 33172; or Joseph Silny & Associates, Inc., P. O. Box 248233, Coral Gables, Florida 33124. The applicant with an engineering degree from a domestic engineering program not accredited by EAC/ABET must request such an evaluation from Josef Silny & Associates, Inc.

(4) Any applicant whose only educational deficiency under subsection (1)(2) involves humanities and social sciences shall be entitled to receive conditional approval to take the Fundamentals examination. Such an applicant shall not become eligible for the Principles and Practice examination until satisfactory completion and documentation of the necessary hours in humanities and social sciences as provided in subsection (1)(2).

(5) College Level Examination Programs (CLEP) examinations that are outlined at <http://www.collegeboard.com/student/testing/clep/exams.html>, may be recognized as satisfying education deficiencies related to humanities and social sciences, provided the exams are in courses that meet the requirements of subparagraph (1)(b) above and the applicant is able to show that the results are recognized by a college or university with an EAC/ABET accredited engineering program.

Rulemaking Authority 471.008 FS. Law Implemented 471.013, 471.015 FS. History—New 7-20-95, Amended 6-5-96, 4-16-98, 1-17-99, 7-28-99, 1-6-02, 6-13-02, 6-30-02, 10-2-03, 6-16-04, 3-13-05, 5-1-05, 6-11-06, 1-29-07, 4-9-07, 1-31-08, 10-15-09, _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303-5268

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-210.200
RULE TITLE: Definitions

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 37, September 16, 2011 issue of the Florida Administrative Weekly.

The following is added to the Notice of Proposed Rulemaking for OGC 11-0614 at the end of the SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that the proposed rulemaking will not require legislative ratification based on the fact that the rulemaking is a minimal clarification of regulatory requirements and is expected to result in no adverse impacts and no increased costs.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-212.400
RULE TITLE: Prevention of Significant Deterioration (PSD)

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 37, September 16, 2011 issue of the Florida Administrative Weekly.

The following is added to the Notice of Proposed Rulemaking for OGC 11-0786 at the end of the SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that the proposed rulemaking will not require legislative ratification based on the fact that the rulemaking is a minimal clarification of regulatory requirements and is expected to result in no adverse impacts and no increased costs.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-14.003
RULE TITLE: Training, Education, Certification, and Requirements for Issuance of Permits

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 28, July 15, 2011 issue of the Florida Administrative Weekly.

The correction is in response to comments submitted by the Joint Administrative Procedures Committee in a letter dated July 22, 2011. The correction is as follows:

The STATEMENT OF ESTIMATED REGULATORY COSTS shall read as: During discussion 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 Cost (SERC) was not necessary. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule. These rule amendments will not require ratification by the Legislature. Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-14.009
RULE TITLE: Conscious Sedation

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 28, July 15, 2011 issue of the Florida Administrative Weekly.

The correction is in response to comments submitted by the Joint Administrative Procedures Committee in a letter dated July 22, 2011. The correction is as follows:

The STATEMENT OF ESTIMATED REGULATORY COSTS shall read as: During discussion 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 Cost (SERC) was not necessary. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule. These rule amendments will not require ratification by the Legislature. Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-14.010 RULE TITLE: Pediatric Conscious Sedation
 NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 28, July 15, 2011 issue of the Florida Administrative Weekly.

The correction is in response to comments submitted by the Joint Administrative Procedures Committee in a letter dated July 22, 2011. The correction is as follows:

The STATEMENT OF ESTIMATED REGULATORY COSTS shall read as: During discussion 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 Cost (SERC) was not necessary. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule. These rule amendments will not require ratification by the Legislature. Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-54.002 RULE TITLE: Inactive Licensure Status; Reactivating of Licensure, Delinquent Renewal
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 42, October 22, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-55.002 RULE TITLE: Citations
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 42, October 22, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-8.005 RULE TITLE: Unprofessional Conduct
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 33, August 20, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.206 RULE TITLE: Application for Pharmacist Licensure by Endorsement (Foreign Pharmacy Graduates)
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 39, October 2, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NOS.: 64B16-30.001 RULE TITLES: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances
 64B16-30.003 Citations
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 39, October 2, 2009 issue of the Florida Administrative Weekly has been withdrawn.

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

Manatees

RULE NO.: 68C-22.010
 RULE TITLE: Broward County Zones

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with Section 120.54(3)(d)1., F.S. The proposed rule was originally published in the Florida Administrative Weekly (Vol. 37, No. 12) on March 25, 2011. Public hearings were held on April 20 (in Pompano Beach) and September 7 (in Naples).

The Commission approved the proposed rule with one change: The proposed amendment to the existing cold season (Nov. 15 – Mar. 31) weekend-only Slow Speed zone from north of Sunrise Boulevard to Burnham Point has been removed, thereby leaving the zone in this area the same as it was previously. The rule text for the areas that have been changed is shown below, followed by maps showing those geographic areas where zone changes were approved. Areas that are shown in normal text or as “no change” in this notice are areas where no changes to the proposed rule amendments have been made. For additional information, or for a copy of the final rule in its entirety, please contact Scott Calleson, Florida Fish and Wildlife Conservation Commission, Imperiled Species Management Section, 620 South Meridian Street, Tallahassee, Florida 32399 (850-922-4330).

THE TEXT OF THE PROPOSED RULE, AS CHANGED, IS:

(Substantial rewording of Rule 68C-22.010 follows. See Florida Administrative Code for present text.)

68C-22.010 Broward County Zones.

(1) No change.

(2) The following year-round and seasonal zones are established, which exclude all associated and navigable tributaries, lakes, creeks, coves, bends, backwaters, canals, channels and boat basins, and other waterways unless otherwise designated or specifically described for inclusion. Coordinates used in the descriptions of zone boundaries are referenced to the North American Datum of 1983 (NAD83). Access to the NO ENTRY zones designated hereunder will be provided in accordance with subsection (4) below and applicable provisions of Rule 68C-22.003, F.A.C.

(a) through (d) No change.

(e) SLOW SPEED (Weekends and Holidays, November 15 through March 31) – This zone applies on weekends and those holidays identified in 110.117, F.S., that occur during this period (from 7:00 a.m. to 7:00 p.m.) for the following

described waters: Those waters of the Atlantic Intracoastal Waterway, shoreline to shoreline, south of a line drawn perpendicular to the centerline of the waterway 500 feet south of the centerline of the Atlantic Boulevard Bridge, and north of a line that bears 310° from the westernmost angle point of the seawall at Burnham Point (approximate latitude 26° 06' 38" North, approximate longitude 80° 06' 32" West), including all boat basins and associated waterways south of East Las Olas Boulevard drawn perpendicular to the centerline of the waterway 2250 feet north of the centerline of Sunrise Boulevard; and all waters of Lake Santa Barbara and associated waterways west of the Intracoastal Waterway and east of the centerline of the U.S. Highway 1 Bridge over Cypress Creek.

(f) SLOW SPEED (November 15 through March 31) –

1. Palm Beach County line to Channel Marker “68A”: Those waters of the Atlantic Intracoastal Waterway, shoreline to shoreline, south of the Palm Beach County line and north of a line drawn perpendicular to the centerline of the waterway running through Red Atlantic Intracoastal Waterway Channel Marker “68A” (approximate latitude 26° 16' 33" North, approximate longitude 80° 04' 52" West), except as otherwise designated for more restrictive regulation; and

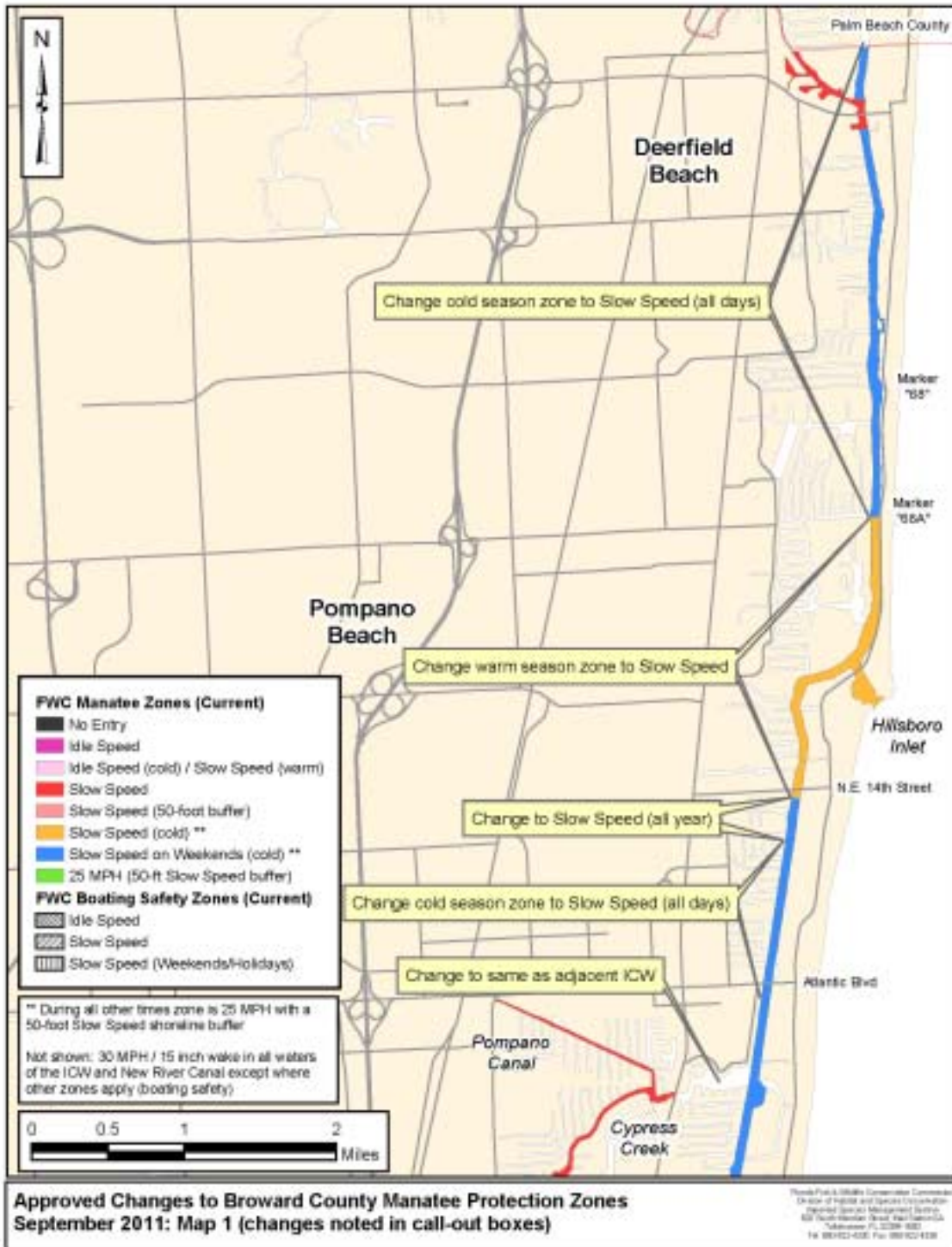
2. Atlantic Boulevard Area: Those waters of the Atlantic Intracoastal Waterway, shoreline to shoreline, south of a line drawn perpendicular to the centerline of the waterway 1850 feet south of the centerline of the N.E. 14th Street Bridge, and north of a line drawn perpendicular to the centerline of the waterway 500 feet south of the centerline of the Atlantic Boulevard Bridge; ~~and~~

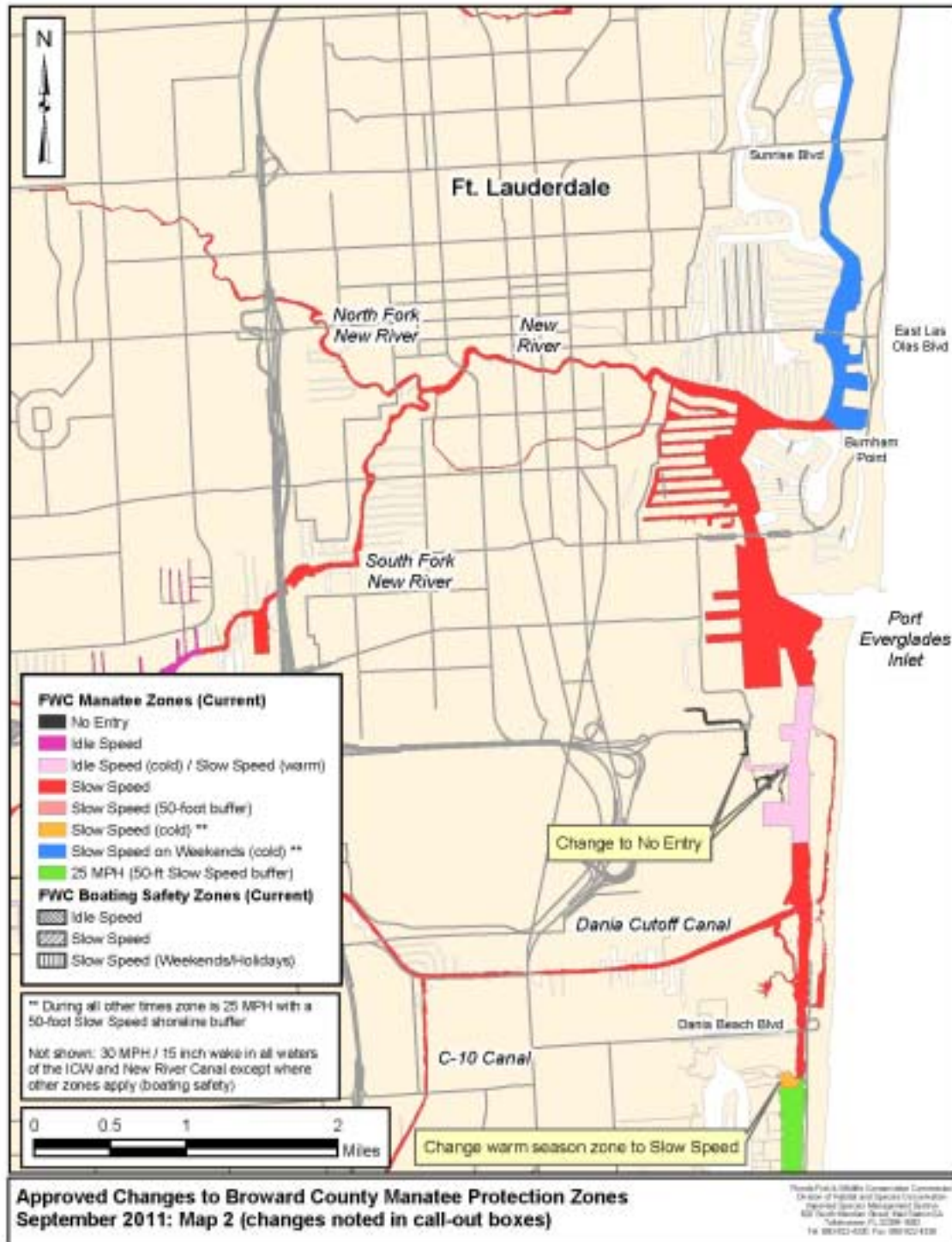
~~3. North of Sunrise Boulevard to Burnham Point: Those waters of the Atlantic Intracoastal Waterway, shoreline to shoreline, south of a line drawn perpendicular to the centerline of the waterway 2250 feet north of the centerline of Sunrise Boulevard, and north of a line that bears 310° from the westernmost angle point of the seawall at Burnham Point (approximate latitude 26° 06' 38" North, approximate longitude 80° 06' 32" West), including all boat basins and associated waterways south of East Las Olas Boulevard.~~

(g) No change.

(3) through (5) No change.

Rulemaking Authority 379.2431(2) FS. Law Implemented 379.2431(2) FS. History–New 3-19-79, Formerly 16N-22.10, Amended 12-5-89, 6-16-93, Formerly 16N-22.010, Amended 12-18-94, 6-25-96, Formerly 62N-22.010, Amended _____.





DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NO.: 69B-125.004
 RULE TITLE: Credit Report Use and Disclosure in Consideration of Insurance Applications

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 31, August 5, 2011 issue of the Florida Administrative Weekly.

The following is added to the end of the SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:

STATEMENT ON RATIFICATION: The proposed repeal of Rule 69B-125.004, F.A.C., will not require legislative ratification under Section 120.541(3), F.S. The rule is being repealed since it duplicates Rule 69O-125.004, F.A.C., which is administered by the Office of Insurance Regulation. The knowledge and experience of Department staff were utilized in making this determination.

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NO.: 69B-221.010
 RULE TITLE: Temporary Orders of Suspension of Bail Bond Agents

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 32, August 12, 2011 issue of the Florida Administrative Weekly.

The Notice of Proposed Rule, as advertised on August 12, 2011, referenced incorrect information regarding the Statement of Estimated Regulatory Costs and Legislative Ratification.

The summary has been corrected to read as follows:

“SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: No Statement of Estimated Regulatory Cost was prepared. The Division of Risk Management has determined that the proposed rule will not have an adverse impact on small business, nor will the proposed rule likely increase directly or indirectly regulatory costs, including transactional costs, in excess of \$200,000 in the aggregate within one year or \$1 million in the aggregate within 5 years after implementation of the rule. Therefore, it has been determined that the rule does not meet the threshold for ratification by the Legislature.”

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Risk Management

RULE NOS.:	RULE TITLES:
69H-3.001	Purpose and Scope
69H-3.002	Qualification Procedures
69H-3.003	Physical Security of Exhibition Facilities
69H-3.004	Transportation of Eligible Items
69H-3.005	Qualification of Applicant’s Staff
69H-3.006	Eligibility for Commercial Insurance
69H-3.007	Environmental Control
69H-3.008	Loss Adjustment
69H-3.009	Arbitration and Appraisal

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 34, August 26, 2011 issue of the Florida Administrative Weekly.

The Notice of Proposed Rule, as advertised on August 26, 2011, referenced incorrect information regarding the Statement of Estimated Regulatory Costs and Legislative Ratification.

The summary has been corrected to read as follows:

“SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: No Statement of Estimated Regulatory Cost was prepared. The Division of Risk Management has determined that the proposed rule will not have an adverse impact on small business, nor will the proposed rule likely increase directly or indirectly regulatory costs, including transactional costs, in excess of \$200,000 in the aggregate within one year or \$1 million in the aggregate within 5 years after implementation of the rule. Therefore, it has been determined that the rule does not meet the threshold for ratification by the Legislature.”

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-13.005
 RULE TITLE: Pressure Relief Ventilation

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 33, August 19, 2011 issue of the Florida Administrative Weekly.

The Notice of Proposed Rule, as advertised on August 19, 2011, referenced incorrect information regarding the Statement of Estimated Regulatory Costs and Legislative Ratification.

The summary has been corrected to read as follows:

“SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: No Statement of Estimated Regulatory Cost was prepared. The Division of Risk Management has determined that the proposed rule will not have an adverse impact on small business, nor will the proposed rule likely increase directly or indirectly regulatory costs, including transactional costs, in excess of \$200,000 in the aggregate within one year or \$1 million in the aggregate within 5 years after implementation of the rule. Therefore, it has been determined that the rule does not meet the threshold for ratification by the Legislature.”

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

**Section IV
Emergency Rules**

NONE

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

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that on August 25, 2011, the Department of Community Affairs, received a petition for waiver from the Suwannee County Board of County Commissioners. It has been assigned the number DCA11-WAI-181.

THE RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER IS SOUGHT: Paragraph 9B-43.0041(1)(c), F.A.C. Requesting a waiver of the \$750,000 cap on CDBG grants which has been removed by statutory amendment. The rule has not been amended to reflect the change.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Miriam Snipes, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, FL 32399-2100.

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN that on September 15, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from Canaveral Port Authority Police Department on behalf of one officer for the 2008-2010 (7/1/2008 – 6/30/2010) reporting period subsection

11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule. The petition supports the requested waiver by stating that the officer did successfully complete the course of fire, however, the instructor conducting the course of fire was not a CJSTC certified firearms instructor during the 2010 reporting cycle. Petitioner states that the officer will suffer a substantial hardship if his certification is rendered inactive as a result of this situation. Petitioner further states that it would violate the principles of fairness to fail to recognize that the officer did successfully complete the requirement simply because the instructor was not a CJSTC certified firearms instructor for the requalification shoot during the 2010 reporting cycle.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302, (850)410-7676.

NOTICE IS HEREBY GIVEN that on September 8, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from Clewiston Police Department on behalf of Officer Curtis Clay for the 2006-2008 (7/1/06 – 6/30/08) and 2008-2010 (7/1/2008 – 6/30/10) mandatory firearms requalification reporting cycles. Subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule and instructed by a CJSTC-certified firearms instructor. The petition supports the requested waiver by stating that Officer Clay is a CJSTC-certified firearms instructor and that he did successfully complete the course of fire, however, the instructor utilized by the Petitioner during the 2006-2008 and 2008-2010 reporting cycles to supervise Officer Clay’s firearms requalification was not a CJSTC-certified firearms instructor. Petitioner states that Officer Clay will suffer a substantial hardship if his certification is rendered inactive as a result of this situation. Petitioner further states that it would violate the principles of fairness to fail to recognize that Officer Clay did successfully complete the requirement simply because his CJSTC form 86A was not signed by a CJSTC-certified firearms instructor during the 2006-2008 (7/1/06 – 6/30/08) and 2008-2010 (7/1/08 – 6/30/10) reporting cycles.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302, (850)410-7676.

NOTICE IS HEREBY GIVEN that on September 9, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from Glades County Sheriff’s

Office on behalf two deputies. Subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule and instructed by CJSTC-certified firearms instructors. The petition supports the requested waiver by stating that one deputy's paperwork for the 2006-2008 reporting period (July 1, 2006 – June 30, 2008) is missing, however, the deputy has since successfully requalified twice. The second deputy's CJSTC form 86A, which showed a successful requalification score, was signed by a non-CJSTC certified firearms instructor for the 2008-2010 reporting cycle (July 1, 2008 – June 30, 2010). Petitioner states that these two deputies will suffer a substantial hardship if their certifications are rendered inactive as a result of this situation. Petitioner further states that it would violate the principles of fairness to fail to recognize that the deputies did successfully complete the firearms requalification requirement simply because the paperwork was misfiled in one case and the instructor was not CJSTC certified in the other.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302, (850)410-7676.

NOTICE IS HEREBY GIVEN that on September 9, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from the Monticello Police Department on behalf of two current and former officers. Subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule and supervised by a CJSTC-certified firearms instructor. The petition supports the requested waiver by stating that the instructor signed his own CJSTC form 86A for the 2010 reporting cycle (7/1/08 – 6/30/10). The second officer did not complete his mandatory retraining qualification for the 2008 cycle (7/1/2006 – 6/30/2008) because of an extended sick leave. Petitioner states that the agency's officers will suffer a substantial hardship if their certifications are rendered inactive as a result of this situation. Petitioner further states that it would violate the principles of fairness to fail to recognize that the officers affected by this situation either did successfully complete the requirement or were out on extended medical leave during the requalification cycle.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302, (850)410-7676.

NOTICE IS HEREBY GIVEN that on September 20, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection

11B-27.00212(14), F.A.C., from Venice Police Department on behalf of Officer Joseph Whitehead. Subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule. The petition supports the requested waiver by stating that Officer Whitehead did successfully complete the course of fire, however, the instructor conducting the course of fire was not a CJSTC certified firearms instructor during the 2008 and 2010 reporting cycles. Petitioner states that Officer Whitehead will suffer a substantial hardship if his certification is rendered inactive as a result of this situation. Petitioner further states that it would violate the principles of fairness to fail to recognize that Officer Whitehead did successfully complete the requirement simply because the instructor was not a CJSTC certified firearms instructor for the requalification shoot during the 2008 and 2010 reporting cycles.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302 or by telephoning (850)410-7676.

NOTICE IS HEREBY GIVEN that on September 15, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from Windermere Police Department on behalf of 22 officers for the 2006-2008 (7/1/2006 – 6/30/2008) reporting period, and for 12 officers for the 2008-2010 (7/1/2008 – 6/30/2010) reporting period subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule. The petition supports the requested waiver by stating that the officers did successfully complete the course of fire, however, the instructors conducting the course of fire were not CJSTC certified firearms instructors during the 2008 and 2010 reporting cycle. Petitioner states that the 34 officers will suffer a substantial hardship if their certifications are rendered inactive as a result of this situation. Petitioner further states that it would violate the principles of fairness to fail to recognize that the officers did successfully complete the requirement simply because the instructors were not CJSTC certified firearms instructors for the requalification shoots during the 2008 and 2010 reporting cycles.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302, (850)410-7676.

NOTICE IS HEREBY GIVEN that on September 9, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from Winter Garden Police

Department on behalf of eight officers. Subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule and instructed by CJSTC-certified firearms instructors. The petition supports the requested waiver by stating that the Petitioner used what it believed was a CJSTC-certified firearms instructor to conduct requalifications for the eight officers in question for the 2010 reporting cycle (July 1, 2008 – June 30, 2010). The Petition further supports the action requested by stating that the eight officers did, in fact, successfully complete the requalification, and that it would violate the principles of fairness to penalize them for the paperwork deficiency in their instructor's CJSTC firearms instructor certification.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302, (850)410-7676.

DEPARTMENT OF TRANSPORTATION

NOTICE IS HEREBY GIVEN that on September 12, 2011, the Department of Transportation, received a petition for waiver from Ramco Duval TRS, LLC (Ramco). Ramco is requesting a permanent waiver of Section 4.5.2 "Restoration of Landscape" of the Utilities Accommodation Manual, incorporated by reference in Rule 14-46.001, F.A.C. Ramco asserts the application of Section 4.5.2 would create an undue hardship by requiring mitigation for the removal of trees by two separate governmental entities.

A copy of the Petition for Waiver may be obtained by contacting: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, MS #58, Tallahassee, Florida 32399-0458, email: deanna.hurt@dot.state.fl.us.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on September 14, 2011, the South Florida Water Management District (District), received a petition for waiver from Miami-Dade County Public Schools, Application No. 11-0427-2 for issuance of a Right of Way Occupancy Permit, for utilization of Works or Lands of the District known as the C-8 Canal for the proposed installation of a 24" RCP with endwall through the north right of way and the proposed installation of 50 linear feet of guardrail with reflective warning signs to be located at the top of the canal bank, also within the north of right of way of C-8 at the southerly terminus of N.W. 17th Avenue lying in Section 15, Township 5 South, Range 41 East, Miami-Dade County. The petition seeks relief from paragraphs 40E-6.211(2)(a) and (j), Florida Administrative Code, which governs the placement of

permanent and/or semi-permanent above-ground facilities within 40' feet of the top of the canal bank within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juli Russell at (561)682-6268 or e-mail: jurussel@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the: South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn.: Juli Russell, Office of Counsel.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on September 14, 2011, the Division issued an order. The Final Order was in response to a Petition for emergency Variance from Pavilion Building, filed August 3, 2011, and advertised in Vol. 37, No. 33, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until December 30, 2012, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-260).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on September 14, 2011, the Division issued an order. The Final Order was in response to a Petition for emergency Variance from Ten Con Beach Assoc., filed August 12, 2011, and advertised in Vol. 37, No. 34, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until July 1, 2015, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-268).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on September 14, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Community United Methodist Church, filed August 15, 2011, and advertised in Vol. 37, No. 34, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.1(a)(2) ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires two-way communication because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-269).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on September 14, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Tampa Racquet Club, filed July 6, 2011, and advertised in Vol. 37, No. 30, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until July 1, 2016, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-230).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on September 14, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Steiner Stone, filed July 11, 2011, and advertised in Vol. 37, No. 30, of the Florida Administrative Weekly. No comments were received in response to the

petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until August 1, 2012, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-232).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on September 14, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from 980 N. Federal Building, filed July 18, 2011, and advertised in Vol. 37, No. 31, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until February 15, 2014, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-234).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on September 14, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Hampton Inn & Suites, filed July 19, 2011, and advertised in Vol. 37, No. 31, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.20.4 and 2.24.2.1 ASME A17.1, 2005 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires 9.5 mm steel ropes and metallic sheaves because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-237).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on September 14, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Adventist Health Systems, filed July 20, 2011, and advertised in Vol. 37, No. 31, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until December 30, 2013, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-238).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on September 14, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Hodges University, Phase I, filed July 22, 2011, and advertised in Vol. 37, No. 31, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.18.5.1 and 2.20.1 ASME A17.1, 2005 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires steel wire ropes and 9.5 mm governor ropes because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-242).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice on August 18, 2011, the Department received a Petition for a Routine Variance for Paragraph 4-301.12(A), 2001 FDA Food Code and subsection 61C-4.010(5), Florida Administrative Code, from Big Top Flea Market/Sweet Shop, Thonotosassa, FL. The above referenced F.A.C. addresses the

requirement that dishwashing facilities for manually washing, rinsing and sanitizing equipment and utensils are provided. They are requesting to utilize dishwashing facilities located within another licensed establishment located on the same premise and under the same ownership.

The Petition for this variance was published in Vol. 37, No. 35 on September 2, 2011. The Order for this Petition was signed on September 20, 2011, and 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 dishwashing area located within the Big Top of Tampa (SEA3909662) is maintained in a clean and sanitary manner and all sinks are provided with hot and cold running water under pressure and available during all hours of operation. If the ownership of Big Top of Tampa (SEA3909662) changes, the division must be notified immediately and a written agreement provided.

A copy of the Order or additional information may be obtained by contacting: Lydia.Gonzalez@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice on August 18, 2011, the Department received a Petition for a Routine Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code and Paragraph 5-202.11(A), 2001 FDA Food Code from Georgie's Alibi, Wilton Manors, FL. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the outside bar handwash sink.

The Petition for this variance was published in Vol. 37, No. 35 on September 2, 2011. The Order for this Petition was signed on September 20, 2011 and 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 wastewater holding tanks for the handwash sink are emptied at a frequency as to not create a sanitary nuisance; and potable water provided must come from an approved source and be protected from contamination during handling. The Petitioner shall also ensure that the handwash sink is provided with hot and cold running water under pressure; soap, approved hand drying device and a handwashing sign.

A copy of the Order or additional information may be obtained by contacting: Lydia.Gonzalez@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice on August 22, 2011, the Department received a Petition for an Emergency Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code, and Paragraph 5-202.11(A), 2001 FDA Food Code from Original Café Eleven, St. Augustine, FL. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater.

The Petition for this variance was published in Vol. 37, No. 35 on September 2, 2011. The Order for this Petition was signed on September 8, 2011, and 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 wastewater holding tanks for the handwash sink are emptied at a frequency as to not create a sanitary nuisance; and potable water provided must come from an approved source and be protected from contamination during handling. Petitioner also must ensure that the handwash sink is provided with hot and cold running water under pressure; soap, approved hand drying device and a handwashing sign.

A copy of the Order or additional information may be obtained by contacting: Lydia.Gonzalez@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

The Board of Architecture and Interior Design hereby gives notice of the issuance of an Order regarding the Petition for Waiver or Variance, filed on June 7, 2011, by Jennifer Wood. The Notice of Petition for Waiver or Variance was published in Vol. 37, No. 28, of the July 1, 2011, Florida Administrative Weekly. Petitioner sought a waiver or variance of subsection 61G1-22.002(1), F.A.C., entitled "Schedule for Award of Interior Design Professional Experience," which requires that applicants for licensure obtain the diversified interior design experience required by Section 481.209(2), F.S., with a registered interior designer (any state) or registered architect (any state) performing interior design services, unlicensed interior designer (outside of Florida) who has passed the NCIDQ (National Council for Interior Design Qualification) or the AID (American Institute of Designers) examination, or unlicensed interior designer (outside of Florida) who would have met the six-year experience grandfather requirement of

Section 21, Chapter 88-383, Laws of Florida. The Board considered the instant Petition at a duly-noticed public meeting, held July 27, 2011, in Naples, Florida.

The Board's Order, filed on August 31, 2011, granted the petition finding that Petitioner established that the purpose of the underlying statute, Section 481.209(2), Florida Statutes, would be met by granting a variance or waiver from subsection 61G1-22.002(1), F.A.C. The Board further found that Petitioner established that applying the requirements of the aforementioned rules to her circumstances would violate principles of fairness and impose a substantial hardship.

A copy of the Order or additional information may be obtained by contacting: Anthony Spivey, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750.

NOTICE IS HEREBY GIVEN that on September 5, 2011, the Board of Accountancy, received a petition for Juliann Nicole Gigi, seeking a variance or waiver of paragraph 61H1-28.0052(1)(b), Florida Administrative Code, that requires candidates to pass all four test sections of the CPA Examination within a rolling eighteen-month period, which begins on the NASBA grade release date for the first test section(s) passed.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN that on September 5, 2011, the Board of Accountancy, received a petition for William Gresh, V, seeking a variance or waiver of subsection 61H1-27.0041(2), F.A.C., which requires that one year of work experience shall be held and understood to mean the rendition of services such as are customarily performed by full-time, regularly employed staff employees of a certified public accountant during the normal workweek as required by the employing certified public accountant, commencing after the completion of the educational requirements set forth in subsection 61H1-27.002(3), F.A.C.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN that on September 6, 2011, the Board of Accountancy, received a petition for Clayton Rowe, seeking a variance or waiver of subsection 61H1-27.0041(2), F.A.C., which requires that one year of work experience shall

be held and understood to mean the rendition of services such as are customarily performed by full-time, regularly employed staff employees of a certified public accountant during the normal workweek as required by the employing certified public accountant, commencing after the completion of the educational requirements set forth in subsection 61H1-27.002(3), F.A.C.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN that on September 8, 2011, the Board of Accountancy, received a petition for Jeffrey Taylor, seeking a variance or waiver of paragraphs 61H1-27.0041(1)(b) and (c), Florida Administrative Code. Paragraph (1)(b) of the rule, lists the requirements for work experience supervision as the subjection of the applicant, during employment, to oversight, guidance and evaluation by a supervisor who had the right to control and direct the applicant as to the result to be accomplished by the work and also as to the means by which the result was to be accomplished. Paragraph (1)(c) of the rule, lists the requirements for work experience supervisor as a licensed certified public accountant in good standing with any regulating body or a chartered accountant recognized by the International Qualifications Appraisal Board (IQAB). Petitioner is also seeking a variance of waiver of subsection 61H1-27.0041(2), F.A.C., which requires that one year of work experience shall be held and understood to mean the rendition of services such as are customarily performed by full-time, regularly employed staff employees of a certified public accountant during the normal workweek as required by the employing certified public accountant, commencing after the completion of the educational requirements set forth in subsection 61H1-27.002(3), F.A.C.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN that on September 15, 2011, the Board of Accountancy, received a petition for Jennifer Smith Weitz, seeking a variance from paragraph 61H1-33.006(2)(a), Florida Administrative Code, which requires Florida certified public accountants who have been inactive or delinquent for one reporting period following their most recent current/active license, shall satisfy the requirements of their most recent biennium while active plus 40 additional CPE hours to include

a total of 120 hours with at least 20 hours in accounting/auditing subjects, 4 hours of board approved ethics and no more than 20 hours in behavioral subjects.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN that on September 15, 2011, the Florida Real Estate Appraisal Board, received a petition for Douglas J. Zimmer, seeking a variance or waiver of paragraph 61J1-4.010(1)(c), Florida Administrative Code, that requires that a supervisory appraiser have been licensed as an appraiser or certified as a residential or general appraiser for at least 48 months to qualify to supervise trainees.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juana Watkins, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801. Comments on this petition should be filed with the Florida Real Estate Appraisal Board within 14 days of publication of this notice.

DEPARTMENT OF HEALTH

The Board of Dentistry hereby gives notice of the issuance of an Order regarding the Petition for Variance for Derek D. Haber, D.M.D., M.S., filed on September 15, 2011. The Notice of Petition for Variance was published in Vol. 37, No. 28, of the July 15, 2011, Florida Administrative Weekly. The Petition requested a Variance or Waiver of Rule 64B5-14.005, Florida Administrative Code, concerning the applicant must demonstrate both training and administration of the particular type of anesthesia to 20 patients within 2 years of applying for a conscious sedation permit. The Board considered the Petition at a duly-noticed public meeting held on August 12, 2011.

The Board's Order, filed on September 15, 2011, denied the Petition for Variance or Waiver, finding that the Petitioner had not complied with Section 120.542(2), Florida Statutes, as he failed to demonstrate that the application of the rule would create a substantial hardship or would violate principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Sue Foster, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

The Board of Massage Therapy hereby gives notice of the issuance of an Order regarding the Petition for Variance for Rhonda M. Goodall filed on September 2, 2011. The Notice of Petition for Variance was published in Vol. 37, No. 25, of the June 24, 2011, Florida Administrative Weekly. The Petition

requested a Variance or Waiver of Rule 64B7-32.002, Florida Administrative Code, with respect to documentation of graduation from a Board approved massage school. Petitioner sought a variance or waiver from the requirement of an official transcript documenting the applicant's training. The Board considered the Petition at a duly-noticed public meeting held on July 29, 2011.

The Board's Order, filed on September 2, 2011, denied the Petition for Variance or Waiver, finding that the rule requirements from which Petitioner sought relief were statutory requirements pursuant to Section 480.041, Florida Statutes. Pursuant to Section 120.54, Florida Statutes, the Board is not authorized to grant a waiver or variance from a statutory requirement.

A copy of the Order or additional information may be obtained by contacting: Anthony Jusevitch, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

NOTICE IS HEREBY GIVEN that on March 29, 2011, the Board of Nursing Home Administrators, received a petition for Rule 64B10-16.001, F.A.C., with respect to the prerequisites for approval into the 1,000 hour AIT program, filed by Megan Canada.

Comments on this petition should be filed with the: Nursing Home Administrators Board, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Bruce Deterding, Executive Director, at the above address or telephone (850)425-4355.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN that on September 2, 2011, the Agency for Persons with Disabilities, received a petition for Variance from Advantage Home Assisted Care, Inc. seeking Variance from Rule 65G-5.004, F.A.C., Selection of Housing to be allowed to own property where supported living clients resides.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Percy W. "Pete" Mallison, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399, (850)921-3779, pete_mallison@apd.state.fl.us.

Section VI

Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Division of Bond Finance
- Financial Services Commission:
 - Office of Insurance Regulation
 - Office of Financial Regulation
- Agency for Enterprise Information Technology
- Department of Veterans' Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue
- Administration Commission
- Florida Land and Water Adjudicatory Commission
- Board of Trustees of the Internal Improvement Trust Fund
- Department of Environmental Protection
- DATE AND TIME: October 18, 2011, 9:00 a.m.
- PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Regular scheduled meeting of the Governor and Cabinet to act on all executive branch matters provided by law and to act on any agendas submitted for their consideration. The Governor and Cabinet will proceed through each agenda, item by item.
 The **State Board of Administration** will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; reports on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968.
 The **Division of Bond Finance** of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.
 The **Financial Services Commission** will take action on matters duly presented on its agenda which may include, but not be limited to; matters relating to rulemaking for all activities of the **Office of Insurance Regulation** concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and matters related to rulemaking for all activities of the **Office of Financial Regulation** relating to the regulation of banks, credit unions, other financial institutions, finance companies, retail installment sales providers, title loan lenders, collection

agencies, mortgage brokers, mortgage lenders, certified capital companies, money services businesses, and the securities industry.

The **Agency for Enterprise Information Technology** will take action on matters duly presented on its agenda which may include, but not be limited to, the presentation and approval of the Agency's Annual Operational Work Plan as well as matters relating to rulemaking for all activities of the Agency.

The **Department of Veterans' Affairs** will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S.

The **Department of Highway Safety and Motor Vehicles** will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The **Department of Law Enforcement** will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The **Department of Revenue** will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, administrative procedure matters, and consideration of other matters within its authority.

The **Administration Commission** will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to various statutes including Chapters 110, 215 and 216, F.S.

The **Florida Land and Water Adjudicatory Commission** will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The **Board of Trustees of the Internal Improvement Trust Fund** will take action on matters for which it is responsible pursuant to law (including duties pursuant to Title 18 of the Florida Statutes and Title 18 of the Florida Administrative

Code) and that are duly presented on its agenda, which may include such matters as aquacultural issues as presented by the Division of Aquaculture in the Department of Agriculture and Consumer Services; mineral leases or sales; state or sovereign land leases, sales, exchanges, dedications, and easements; conservation and preservation lands and other land purchases; land planning matters and other matters within its authority.

The **Department of Environmental Protection** will present for consideration those matters required by law to be reviewed by the Governor and Cabinet, sitting as the Siting Board, which may include, but are not limited to siting of power plants and electric and natural gas transmission lines.

A copy of any of the above agendas submitted to the Governor and Cabinet for this meeting may be obtained by viewing the website of the Governor and Cabinet at <http://www.myflorida.com/myflorida/cabinet/> or by contacting each individual agency.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to provide at least 48 hours' notification before the meeting by contacting the Governor's Cabinet Affairs Office, (850)488-5152.

CABINET AIDES BRIEFING: On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida.

DEPARTMENT OF THE STATE

The **Friends of the Museums of Florida History, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 4, 2011, 9:00 a.m.

PLACE: R.A. Gray Building, 500 S. Bronough St., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Elyse Cornelison, Museum of Florida History, (850)245-6400.

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: Elyse Cornelison, Museum of Florida History, (850)245-6400. 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: Elyse Cornelison, Museum of Florida History, (850)245-6400.

DEPARTMENT OF LEGAL AFFAIRS

The Florida **Commission on the Status of Women** announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 11, 2011, 3:00 p.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Bylaws Committee.

DATE AND TIME: October 12, 2011, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual Report Committee.

DATE AND TIME: October 12, 2011, 11:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Policy Committee.

DATE AND TIME: October 13, 2011, 9:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Finance/Budget Committee.

DATE AND TIME: October 20, 2011, 1:00 p.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Mentoring Task Force.

DATE AND TIME: October 27, 2011, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Outreach Task Force.

DATE AND TIME: October 27, 2011, 11:30 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: FCSW Foundation.

NOTE: In the absence of quorum, items on this agenda will be discussed as workshop, and notes will be recorded although no formal action will be taken. If you have any questions, please call: (850)414-3300.

A copy of the agenda may be obtained by contacting: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, Fax: (850)921-4131.

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: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, Fax: (850)921-4131. 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: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, Fax: (850)921-4131.

The **Department of Legal Affairs**, Council on the Social Status of Black Men and Boys, announces the following telephone conference meetings for committee planning which all persons are invited to attend:

Employment & Economic Teleconference

DATE AND TIME: October 14, 2011, 9:00 a.m. – 10:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 5414291059

Nominating Committee Teleconference

DATE AND TIME: January 24, 2012, 10:00 a.m. – 11:30 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 5414291059

Please be advised that meetings & meeting rooms may be subject to change. For updates please visit: <http://www.cssbmb.com>.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council shall make a systematic study of the conditions affecting black men and boys, including, but not limited to, homicide rates, arrest and incarceration rate, poverty, violence, drug abuse, death rates, disparate annual income levels, school performance in all grade levels including postsecondary levels, and health issues.

A copy of the meeting agenda may be obtained by visiting: <http://www.cssbmb.com>.

Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Bureau at least 48 hours prior to the meeting by contacting: Bureau of Criminal Justice Programs at (850)414-3300. 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, contact: Bureau of Criminal Justice Programs at (850)414-3300.

The **Department of Legal Affairs**, Council on the Social Status of Black Men and Boys announces the following full Council meetings and public hearing which all persons are invited to attend.

Council on the Social Status of Black Men and Boys (Business Meeting)

DATE AND TIME: March 8, 2012, 9:00 a.m. –5:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 5414291059; Hotel Duval, 415 North Monroe Street, Tallahassee Florida 32301, (850)224-6000 (Please be advised that meeting locations may be subject to change. For updates please visit <http://www.cssbmb.com>.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council shall make a systematic study of the conditions affecting black men and boys, including, but not limited to, homicide rates, arrest and incarceration rate, poverty, violence, drug abuse, death rates, disparate annual income levels, school performance in all grade levels including postsecondary levels, and health issues.

A copy of the meeting agenda may be obtained by visiting: <http://www.cssbmb.com>.

Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Bureau at least 48 hours prior to the meeting by contacting: Bureau of Criminal Justice Programs at (850)414-3300. 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, contact: Bureau of Criminal Justice Programs at (850)414-3300.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Department of Agriculture and Consumer Services** announces a public meeting to which all persons are invited.

DATE AND TIME: October 25, 2011, 9:30 a.m.

PLACE: Renaissance Resort at World Golf Village, 500 South Legacy Trail, Saint Augustine, FL 32092, 1(888)740-7020

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Florida Propane Gas Education, Safety and Research Council and representatives of the Florida Department of Agriculture and Consumer Services to discuss and review council programs and budget issues.

A copy of the agenda may be obtained by contacting: Jennifer Mundhenk, Bureau of LP Gas Inspection at (850)921-1609.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 48 hours before the workshop/meeting by contacting: Ms. Lisa Bassett, (850)921-1600. 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: Lisa M. Bassett, Chief, Bureau of LP Gas Inspection, 3125 Conner Blvd., Suite N., Tallahassee, FL 32399-1650, (850)921-1600.

The **Department of Agriculture and Consumer Services** announces a public meeting to which all persons are invited.

DATE AND TIME: October 25, 2011, 11:00 a.m. – 12:00 Noon

PLACE: Renaissance Resort at World Golf Village, 500 South Legacy Trail, Saint Augustine, FL 32092, 1(888)740-7020

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Florida LP Gas Advisory Board to discuss industry related issues.

A copy of the agenda may be obtained by contacting: Jennifer Mundhenk, Bureau of LP Gas Inspection at (850)921-1609.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Lisa Bassett, (850)921-1600. 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: Lisa M. Bassett, Chief, Bureau of LP Gas Inspection, 3125 Conner Blvd., Suite N., Tallahassee, FL, 32399-1650, (850)921-1600.

DEPARTMENT OF EDUCATION

The **Education Practices Commission** announces a hearing to which all persons are invited.

DATE AND TIME: A Teacher Hearing Panel, October 7, 2011, 9:00 a.m.

PLACE: Hampton Inn & Suites, 3388 Lonnbladh Road, Tallahassee, Florida 32308, (850)574-4900

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

A copy of the agenda may be obtained by contacting: Education Practices Commission, 325 W. Gaines Street, 224 Turlington Building, Tallahassee, Florida 32399-0400.

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: Kathleen M. Richards at (850)245-0455. 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: Lisa Forbess or Kathleen M. Richards at (850)245-0455.

The **Florida Atlantic University** announces a public meeting to which all persons are invited.

DATE AND TIME: October 3, 2011, 10:00 a.m.

PLACE: FAU Boca Raton Campus, Bldg. 97, Room 222, Boca Raton, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a site specific proposal meeting regarding Florida's Art in State Buildings Program, for BR-678 Culture and Society Building.

A copy of the agenda may be obtained by contacting: Corina Mavrodi at (561)297-0541 or cmavrodi@fau.edu.

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: Corina Mavrodi at cmavrodi@fau.edu. 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 COMMUNITY AFFAIRS

The **Department of Community Affairs** announces a public meeting to which all persons are invited.

DATES AND TIME: October 10-11, 2011, 10:00 a.m. – completion

PLACE: Daytona Beach Hilton Hotel, Daytona Beach, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:

- Swimming Pool Pump Energy Efficiency Workshop.
- Accessibility Code Workshop.
- Florida Building Code System Assessment Ad Hoc Committee.
- Budget Committee.
- Plenary Session Meeting of the Florida Building Commission.
- Review and approved August 2011 Minutes.

A copy of the agenda may be obtained by contacting: Ms. Barbara Bryant, (850)487-1824.

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: Ms. Barbara Bryant, (850)487-1824. 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 LAW ENFORCEMENT

The **Department of Law Enforcement** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, October 13, 2011, 2:00 p.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308, CJPP Conference Room; Conference Call: 1(888)808-6959, Conference Code: 4108657 (Please call 5 minutes prior to the conference call beginning)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Standards of Excellence Committee Meeting.

A copy of the agenda may be obtained by contacting: Doug Culbertson at (850)410-8609 or email: dougculbertson@fdle.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 5 days before the workshop/meeting by contacting: Doug Culbertson at (850)410-8609 or email: dougculbertson@fdle.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: Doug Culbertson at (850)410-8609 or dougculbertson@fdle.state.fl.us.

DEPARTMENT OF TRANSPORTATION

The Florida **Department of Transportation**, District 3 hereby announces public hearings to which all persons are invited:

Tentative Program of Work for Fiscal Years July 1, 2012 through June 30, 2017

1. Escambia, Santa Rosa, Okaloosa, and Walton Counties:

DATE AND TIME: Wednesday, October 5, 2011, 10:00 a.m. – 11:00 a.m. (CDT)

PLACE: FDOT, Milton Operations Center, Conference Room, 6025 Old Bagdad Highway, Milton, FL 32583

2. Bay, Calhoun, Gulf, Jackson, Holmes and Washington Counties:

DATE AND TIME: Thursday, October 6, 2011, 10:00 a.m. – 11:00 a.m. (CDT)

PLACE: Bay County Government Center, Conference Room 1030, 840 West 11th Street, Panama City, FL 32401

3. Franklin, Gadsden, Liberty, Jefferson, Leon and Wakulla Counties:

DATE AND TIME: Monday, October 10, 2011, 11:00 a.m. – 12:00 Noon (EDT)

PLACE: FDOT, Midway Operations Center, Conference Room, 17 Commerce Blvd., Midway, FL 32343

GENERAL SUBJECT MATTER TO BE CONSIDERED: These Public Hearings are being conducted pursuant to Section 339.135(4)(c), Florida Statutes. The purpose of the public hearings is to consider the Department's Improved Tentative Work Program for District Three, for the period 2012/2013 through 2016/2017, and to consider the necessity of making any changes to the program.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Persons wishing to express concerns about Title VI may do so by contacting: Florida Department of Transportation District 3 Title VI Coordinator, John Smith, 1074 Highway 90, Chipley, Florida 32428, (850)415-9520, john.smith@dos.state.fl.us or Statewide Title VI Administrator, Charlotte Thomas, Equal Opportunity, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4747, charlotte.thomas@dos.state.fl.us. Persons who require special accommodations under the Americans with Disabilities Act or persons who require translation services (Free of Charge) should contact: Regina Battles, (850)415-9270 at least seven days prior to the meeting. Written comments from TPOs/TPAs and other interested parties will be received by the Department at the Public Hearings and within 10 days thereafter. Comments should be addressed to: Mr. James T. Barfield, P.E., District Secretary, FDOT, District Three, Post Office Box 607, Chipley, FL 32428.

The Florida **Department of Transportation** announces a public meeting to which all persons are invited.

BROWARD COUNTY:

DATE AND TIME: Thursday, October 6, 2011, 5:30 p.m.

PLACE: FDOT, District Four Auditorium, 3400 West Commercial Blvd., Ft. Lauderdale, Florida 33309

PALM BEACH COUNTY:

DATE AND TIME: Tuesday, October 18, 2011, 5:30 p.m.

PLACE: FDOT, Palm Beach Operation Center, Auditorium, 7900 Forest Hill Blvd., Palm Beach, Florida 33411

MARTIN, ST. LUCIE AND INDIAN RIVER COUNTIES:

DATE AND TIME: Monday, October 3, 2011, 5:30 p.m.

PLACE: FDOT, Treasure Coast Operations Center, Auditorium, 2601 Oleander Avenue, Ft. Pierce, Florida 34982

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation, District Four, announces public hearings to which all interested persons are

invited to attend. Specific notice is provided to the Broward County, Palm Beach County, Martin County (Stuart), St. Lucie County and Indian River County (Vero Beach), Metropolitan Planning Organizations. These public hearings are being conducted pursuant to Section 339.135(4)(c), Florida Statutes, as amended. The purpose of these public hearings is to present the Department's Tentative Five Year Work Program for Fiscal Years 2012/13-2016/17, which contains a listing of Project Phases to be undertaken during that time frame. These Hearings will also include consideration of proposed projects for Florida's Turnpike Enterprise System as applicable. All Interested person are invited to attend and be heard. These public hearings will also be conducted via webinar. For webinar registration information please visit: http://www2.dot.state.fl.us/publicsyndication/publicmeetings.aspx/publicmeetings_district4.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Persons who require special accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact: Antonette Adams at 1(866)336-8435, ext. 4624, email: Antonette.adams@dot.state.fl.us or Julie Lucas at 1(866)336-8435, ext. 4631, email: Julie.lucas@dot.state.fl.us. You may also choose to contact either party at the: Florida Department of Transportation, District 4, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309-3421. Requests must be made at least ten (10) working days prior to the public hearings. Written comments from the Metropolitan Planning Organizations and other interested parties will be received by the Department at the public hearing and within a ten day period after the public hearing. Comments should be addressed to: Mr. James Wolfe, P.E., District Secretary, Florida Department of Transportation, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309-3421.

The Florida **Department of Transportation**, District 2 announces a workshop to which all persons are invited.

DATE AND TIME: October 20, 2011, 4:30 p.m. – 6:30 p.m.

PLACE: Courtyard by Marriott, 14402 Old St. Augustine Road, Jacksonville, Florida 32258

GENERAL SUBJECT MATTER TO BE CONSIDERED: This workshop is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design and social, economic and environmental effects of Financial Project ID Number 209294-9, otherwise known as the Interstate 95/SR 9B Interchange project in Duval County, Florida. The planned segment of SR 9B under consideration would extend from US 1 to I-95 in Duval County. The need for the SR 9B interchange is primarily to provide linkage from SR 9B to I-95 and from I-95 to SR 9A.

This linkage is needed to satisfy the traffic demand expected as a result of development and rapid population growth in the southeastern Jacksonville area.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status.

A copy of the agenda may be obtained by contacting: Mr. Bill Henderson, District Planning and Environmental Manager, Florida Department of Transportation District 2, 1109 S. Marion Avenue, MS #2007, Lake City, Florida 32025-5874.

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: Mr. Bill Henderson, District Planning and Environmental Manager, Florida Department of Transportation District 2, 1109 S. Marion Avenue, MS #2007, Lake City, Florida 32025-5874, (386)961-7873 or 1(800)749-2967, ext. 7873. 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 **Department of Transportation** announces a public meeting to which all persons are invited.

DATE AND TIMES: Wednesday, October 26, 2011, 8:30 a.m. – 12:15 p.m., General and Breakout Sessions; 2:30 p.m. – 8:30 p.m., One-on-One Meetings

PLACE: Hilton Orlando, 6001 Destination Parkway, Orlando, FL 32819; Hotel Telephone: (407)313-4300, Hotel Internet: www.thehiltonorlando.com

DATE AND TIME: Thursday, October 27, 2011, 8:30 a.m. – 5:00 p.m., One-on-One Meetings

PLACE: Hilton Orlando, 6001 Destination Parkway, Orlando, FL 32819, Hotel Telephone: (407)313-4300, Hotel Internet: www.thehiltonorlando.com

GENERAL SUBJECT MATTER TO BE CONSIDERED: All parties interested in providing ideas and solutions to increase the efficiency and value of our programs and operations should plan to attend. The meeting is open to the public; no fee is required. To assist with space planning, FDOT requests that you pre-register your intent to attend. (Instructions appear below.)

At the meeting, FDOT will provide a briefing on current Turnpike structure, operations, finance and potential Turnpike projects. Just as importantly, FDOT is seeking input from attendees regarding innovations the Turnpike may make in leveraging the Turnpike system, generating additional revenue, delivering new projects and improving mobility for Florida's citizens, businesses and visitors. The Informational Meeting/Forum will provide opportunity for an exchange of ideas. Three breakout sessions will be held; Project Delivery, Business Development, and Business Processes and Cost Savings.

Following the breakout sessions, one-on-one meetings will be held between interested parties and Turnpike leaders. Due to a limited number of these meetings, interested parties must request a meeting. (Instructions appear below) Turnpike will screen all requests to determine the best use of the limited time. A special website has been established to disseminate information to prospective Forum attendees. The website includes information related to Turnpike structure, operations, finance and potential Turnpike projects. The internet address for the website is: www.floridasturnpike.com/industryforum.

HOW TO PRE-REGISTER FOR THE MEETING: Please notify FDOT of your intent to attend the Industry Forum on or before Friday, October 14, 2011, by visiting the website noted above and completing the electronic pre-registration form.

HOW TO REQUEST A ONE-ON-ONE MEETING: Please request a one-on-one meeting on or before Friday, September 23, 2011, by visiting the website noted above and completing the electronic one-on-one meeting request form.

A copy of the agenda may be obtained by contacting: David F. Wood, FDOT, Turnpike Enterprise Headquarters, (407)264-3641.

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: David F. Wood, FDOT, Turnpike Enterprise Headquarters, (407)264-3641. 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).

STATE BOARD OF ADMINISTRATION

The Florida **Commission on Hurricane Loss Projection Methodology** announces two public meetings to which all persons are invited.

DATES AND TIME: October 19-20, 2011, 9:00 a.m. – 4:00 p.m. (ET)

PLACE: The Hermitage Centre, Conference Room, 1801 Hermitage Blvd., Tallahassee, Florida; Conference Call: 1(888)808-6959, Conference Code: 4765251363

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and adopt the 2011 standards and Report of Activities, and to address other general business of the Commission.

A copy of the agenda may be obtained by contacting: Donna Sirmons, Florida Hurricane Catastrophe Fund, (850)413-1349, donna.sirmons@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: Donna Sirmons at the number or email listed

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 conference to which all interested persons are invited.

DATE AND TIME: October 18, 2011, 9:30 a.m.

PLACE: Betty Easley Conference Center, Joseph P. Cresse Hearing Room 148, 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 at the conference, pursuant to Rules 25-22.0021 and 25-22.0022, F.A.C.

The agenda and recommendations are accessible on the PSC Website: <http://www.floridapsc.com>, at no charge or can be purchased by contacting: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770 at a cost of 15 cents per single sided page or 20 cents per duplexed page.

Persons deciding to appeal any decisions made by the Commission with respect to any matter considered at this conference will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact: Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

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

DATE AND TIME: October 19, 2011, 9:30 a.m.

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact: Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

*In the event of a change or cancellation, notice will be published at the earliest practicable time on the Commission's website: <http://www.psc.state.fl.us/agendas/internalaffairs/>.

The Florida **Public Service Commission** announces a prehearing to be held in the following dockets, to which all interested persons are invited.

Docket No. 110001-EI – Fuel and purchased power cost recovery clause with generating performance incentive factor

Docket No. 110002-EG – Energy conservation cost recovery clause

Docket No. 110003-GU – Purchased gas adjustment (PGA) true-up

Docket No. 110004-GU – Natural gas conservation cost recovery

Docket No. 110007-EI – Environmental cost recovery clause

DATE AND TIME: October 20, 2011, 9:30 a.m. (EST)

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and, (6) such other matters as may aid in the disposition of the action.

Emergency Cancellation of Customer Meeting: If a named storm or other disaster requires cancellation of the prehearing, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the meeting will also be provided on the Commission's website: <http://www.psc.state.fl.us/> under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling: Office of the General Counsel at (850)413-6199.

In accordance with the American with Disabilities Act, persons needing a special accommodation to participate at this proceeding should contact: Office of Commission Clerk no later than five days prior to the prehearing at 2540 Shumard

Oak Boulevard, Tallahassee, Florida 32399-0850, via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD), Florida Relay Service.

The Florida **Public Service Commission** announces a public meeting in the following docketed matter to which all persons are invited.

DATE AND TIME: Friday, October 28, 2011, 1:30 p.m.

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32399-0850

GENERAL SUBJECT MATTER TO BE CONSIDERED: Docket No. 040763-TP – This is a meeting of the Telecommunications Access System Act Advisory Committee established pursuant to Section 427.706, Florida Statutes. The purpose of this committee meeting is to discuss current relevant issues related to relay such as Federal and State Regulatory updates, FTRI equipment distribution services and outreach, current call volumes and other Telecommunications Relay Service updates.

A copy of the agenda may be obtained by contacting: Cindy Miller at cmiller@psc.state.fl.us, after October 16, 2011.

Emergency Cancellation of COMMISSION WORKSHOP: If a named storm or other disaster requires cancellation of the workshop, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the workshop will also be provided on the Commission’s website: <http://www.psc.state.fl.us/> under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling: Office of the General Counsel at (850)413-6199.

In accordance with the American 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, via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD), Florida Relay Service.

The Florida **Public Service Commission** announces a hearing to be held in the following dockets, to which all interested persons are invited.

Docket No. 110001-EI – Fuel and purchased power cost recovery clause and generating performance incentive factor

Docket No. 110002-EG – Energy conservation cost recovery clause

Docket No. 110003-GU – Purchased gas adjustment (PGA) true-up

Docket No. 110004-GU – Natural gas conservation cost recovery

Docket No. 110007-EI – Environmental cost recovery clause

DATES AND TIME: November 1-3, 2011, 9:30 a.m. (EST) The starting times on November 2 and 3, 2011, will be announced at the conclusion of the hearing on November 1 and 2, 2011, respectively. The hearing may be adjourned early if all testimony is concluded.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this hearing shall be to receive testimony and exhibits relative to issues and subjects, including but not limited to, the following:

1. Determination of the Projected Levelized Fuel Adjustment Factors for all investor-owned electric utilities for the period January 2012 through December 2012.
2. Determination of the Estimated Fuel Adjustment True-Up Amounts for all investor-owned electric utilities for the period January 2011 through December 2011.
3. Determination of the Final Fuel Adjustment True-Up Amounts for all investor-owned electric utilities for the period January 2010 through December 2010, which are to be based on actual data for that period.
4. Determination of Generating Performance Incentive Factor Targets and Ranges for the period January 2012 through December 2012.
5. Determination of Generating Performance Incentive Factor Rewards and Penalties for the period January 2010 through December 2010.
6. Determination of the Projected Capacity Cost Recovery Factors for the period January 2012 through December 2012, including nuclear costs.
7. Determination of the Estimated Capacity Cost Recovery True-Up Amounts for the period January 2011 through December 2011, including nuclear costs.
8. Determination of the Final Capacity Cost Recovery True-Up Amounts for the period January 2010 through December 2010, which are to be based on actual data for that period, including nuclear costs.
9. Determination of the Projected Conservation Cost Recovery Factors for certain investor-owned electric and gas utilities for the period January 2012 through December 2012.
10. Determination of Conservation Actual/Estimated Amounts for certain investor-owned electric and gas utilities for the period January 2011 through December 2011.
11. Determination of the Final Conservation True-up Amounts for the period January 2010 through December 2010 for certain investor-owned electric and gas utilities, which are to be based on actual data for that period.
12. Determination of the Purchased Gas Adjustment Cost Recovery Factors for the period January 2012 through December 2012.

13. Determination of Actual/Estimated Purchased Gas True-Up Amounts for the period January 2011 through December 2011.
14. Determination of the Final Purchased Gas True-Up Amounts for the period January 2010 through December 2010.
15. Determination of the Projected Environmental Cost Recovery Factors for the period January 2012 through December 2012.
16. Determination of the Estimated Environmental Cost Recovery True-Up Amounts for the period January 2011 through December 2011.
17. Determination of the Final Environmental Cost Recovery True-Up Amounts for the period January 2010 through December 2010, which are to be based on actual data for that period.

All witnesses shall be subject to cross-examination at the conclusion of their testimony. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapters 28-106 and 25-22, F.A.C.

Emergency Cancellation of Customer Meeting: If a named storm or other disaster requires cancellation of the hearing, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the meeting will also be provided on the Commission's website: <http://www.psc.state.fl.us/> under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling: The Office of the General Counsel at (850)413-6199.

In accordance with the American with Disabilities Act, persons needing a special accommodation to participate at this proceeding should contact: Office of Commission Clerk no later than five days prior to the conference at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD), Florida Relay Service.

EXECUTIVE OFFICE OF THE GOVERNOR

The **Governor's Commission on Volunteerism and Community Service, Volunteer Florida** announces a public meeting to which all persons are invited.

DATES AND TIME: Thursday, October 13, 2011, 8:00 a.m. until all business is complete October 15, 2011

PLACE: Marriott Hotel Miami, 1109 Brickell Ave., Miami, FL 33131

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Commission business.

A copy of the agenda may be obtained by contacting: Kristin Mullikin at (850)921-5172 or kristin@volunteerflorida.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 3 days before the workshop/meeting by

contacting: Kristin Mullikin, (850)921-5172. 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: Kristin Mullikin at (850)921-5172 or kristin@volunteerflorida.org.

The **Children and Youth Cabinet** announces a public meeting to which all persons are invited.

DATE AND TIME: October 25, 2011, 1:00 p.m. – 4:00 p.m.

PLACE: The Florida State College at Jacksonville, Advanced Technology Center, Room T-140, 401 W. State Street, Jacksonville, Florida 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Children and Youth Cabinet will meet to conduct the regular business of the Cabinet and to hear updates and presentations from the Youth Commission and Children's Cabinet workgroups.

A copy of the agenda may be obtained by contacting: Cyndee Odom, Office of Adoption and Child Protection, (850)921-2015 or Cyndee.Odom@eog.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 3 days before the workshop/meeting by contacting: Cyndee Odom, Office of Adoption and Child Protection, (850)921-2015 or email: Cyndee.Odom@eog.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: Cyndee Odom, Office of Adoption and Child Protection, (850)921-2015 or email: Cyndee.Odom@eog.myflorida.com.

REGIONAL PLANNING COUNCILS

The **Local Emergency Planning Committee (LEPC)** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 19, 2011, 11:00 a.m. (CDT)

PLACE: Okaloosa County Public Safety, EOC Complex, 90 College Blvd., Niceville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regional hazardous materials planning and training issues for the seven counties that compose District 1. Preceding the LEPC meeting will be the Planning Subcommittee meeting at 9:00 a.m. (CDT). Additional subcommittee meetings will be held via teleconference on October 11, 2011 and October 17, 2011.

A copy of the agenda may be obtained by contacting: Link to the LEPC meeting agenda are located on the LEPC web calendar: <http://www.wfrpc.org/lepc> or contact: Kathy Ahlen, (850)226-8914, ext. 210.

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.

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

DATE AND TIME: October 12, 2011, 9:30 a.m.

PLACE: Sun'n Lakes Golf Community and Resort, Golf Club House, 5320 Sun'n Lakes Boulevard, Sebring, FL 33872

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting of the Central Florida Regional Planning Council and/or its Executive Committee.

A copy of the agenda may be obtained by contacting: Kathryn Hall at khall@cfrpc.org or (863)534-7130, ext. 129.

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.

The **Tampa Bay Regional Planning Council**, Agency on Bay Management announces a public meeting to which all persons are invited.

DATE AND TIME: October 13, 2011, 9:00 a.m.

PLACE: 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Agency on Bay Management.

A copy of the agenda may be obtained by contacting: www.tbrpc.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 4 days before the workshop/meeting by contacting: Wren Krahl, (727)570-5151, ext. 22. 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: Suzanne Cooper, (727)570-5151, ext. 32.

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

DATE AND TIME: Thursday, October 6, 2011, 9:00 a.m.

PLACE: Southwest Florida Regional Planning Council, 2nd Floor, Meeting Room, 1926 Victoria Avenue, Fort Myers, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The SWFRPC's Budget & Finance Committee will be holding their monthly meeting.

A copy of the agenda may be obtained by contacting: Ms. Nichole Gwinnett at ngwinnett@swfrpc.org or (239)338-2550, ext., 232.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Deborah Kooi at dkooi@swfrpc.org or (239)338-2550, ext. 210. 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: Visit our website: www.swfrpc.org.

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

DATE AND TIME: Wednesday, October 12, 2011, 10:00 a.m.

PLACE: SWFRPC Offices, 2nd Floor, Meeting Room, 1926 Victoria Avenue, Fort Myers, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: SWFRPC Chair and the Executive Director Search Chair will be reviewing the applications/resumes for the Executive Director position.

A copy of the agenda may be obtained by contacting: Ms. Nancy Doyle at ndoyle@swfrpc.org or (239)338-2550, ext. 233.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Deborah Kooi at dkooi@swfrpc.org or (239)338-2550, ext. 210. 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 **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 21, 2011, 10:00 a.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 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 Florida Gold Coast Clean Cities Coalition.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite #140, Hollywood, Florida 33021.

If you are hearing or speech impaired, please contact: South Florida Regional Planning Council at (954)967-4152, ext. 40 (TDD), if you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact: The Council, (954)985-4416 at least five calendar days prior to the meeting.

METROPOLITAN PLANNING ORGANIZATIONS

The **Metropolitan Transportation Planning Organization** for the Gainesville Urbanized Area announces a public meeting to which all persons are invited.

DATE AND TIME: October 12, 2011, 10:00 a.m.

PLACE: Jack Durrance Auditorium, County Administration Building, 12 Southeast 1st Street, Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Alachua County Transportation Disadvantaged Coordinating Board.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N.W. 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.

WATER MANAGEMENT DISTRICTS

The **Suwannee River Water Management District** (District) announces a public meeting to which all persons are invited.

DATE AND TIME: October 11, 2011, 9:00 a.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL 32060

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board meeting to consider District business and conduct public hearings on regulatory and land acquisition matters. A workshop will follow the Board meeting.

A copy of the agenda may be obtained by contacting: Linda Welch at (386)362-1001 or 1(800)226-1066 (Florida Only) or on the Districts website: www.mysuwanneeriver.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 2 days before the workshop/meeting by contacting: Linda Welch at (386)362-1001 or 1(800)226-1066 (Florida Only). 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.

The **St. Johns River Water Management District**, Projects & Land Committee announces a public meeting to which all persons are invited.

Projects and Land Committee Business Meeting

DATE AND TIME: Monday, October 10, 2011, 5:00 p.m.

PLACE: District Headquarters, Room 162, Executive Building, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Projects and Land Committee will discuss agenda items, followed by committee recommendations to be approved by the full Governing Board.

NOTE: In the event a quorum of the Committee is not available for the business meeting at the date, time and place set forth above, the Committee shall meet on Tuesday, October 11, 2011, 8:00 a.m. at District Headquarters, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177. One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

A copy of the agenda may be obtained by contacting: Heather Barnes, 4049 Reid Street, Palatka, FL 32177, by phone: (386)329-4347 or by visiting the District's website: www.sjrwmd.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: District Clerk at (386)329-4500. 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.

The **St. Johns River Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIMES: Tuesday, October 11, 2011, 8:15 a.m., Chair's Meeting; 9:00 a.m., Finance, Administration and Audit Committee; 10:00 a.m., Regulatory Committee followed by Governing Board Meeting and Public Hearing on Land Acquisition

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters. Staff may recommend approval of external amendments which affect the adopted budget.

NOTE: One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Missy McDermont, 4049 Reid Street, Palatka, FL 32177, by phone: (386)329-4101 or by visiting the District's website: www.floridaswater.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: District Clerk at (386)329-4500. 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.

The **St. Johns River Water Management District** announces a public meeting to which all persons are invited.

Southern Recreational Public Meeting (SRPM)

DATE AND TIME: Thursday, October 13, 2011, 6:00 p.m. – 8:00 p.m.

PLACE: St. Johns River Water Management District, Palm Bay Office, 525 Community College Parkway S.E., Palm Bay, FL 32909

GENERAL SUBJECT MATTER TO BE CONSIDERED: Includes a review of the resource and recreation management accomplishments and real estate activities since the previous SRPM in June, 2011. One or more Governing Board Members may attend.

A copy of the agenda may be obtained by contacting: J. B. Miller, (386)329-4381 or jbmiller@sjrwmd.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 hours before the workshop/meeting by contacting: J. B. Miller, (386)329-4381 or email: jbmiller@sjrwmd.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.

The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, October 10, 2011, 2:00 p.m.

PLACE: Lecanto Government Building, 3600 West Sovereign Path, Room 166, Lecanto, Florida 34461

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of task force business for the Citrus County Task Force of the Citrus/Hernando Waterways Restoration Council.

A copy of the agenda may be obtained by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604, (352)796-7211 or 1(800)423-1476 (Florida Only), ext. 4378 or online: www.watermatters.org/waterways.

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: (352)796-7211 or 1(800)423-1476 (Florida Only), ext. 4702; TDD (Florida Only) 1(800)231-6103 or email: ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: October 12, 2011, 1:30 p.m.

PLACE: SWFWMD, Tampa Service Office, 7601 Highway 301 N., Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: Well Drillers Advisory Committee (WDAC) Meeting. Some members of the District's Governing Board and Basin Boards may also attend the meeting.

A copy of the agenda may be obtained by contacting: Mary Ellen Fugate, email: maryellen.fugate@watermatters.org, 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4394.

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: Human Resources, 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4702. 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 **South Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: October 12, 2011, 1:00 p.m., Workshop Meeting

PLACE: SFWMD Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33406

DATE AND TIME: October 13, 2011, 9:00 a.m., Regular Business Meeting

PLACE: SFWMD Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33406

All or part of these meetings may be conducted as a teleconference in order to permit maximum participation by Governing Board members. The Governing Board may take official action at the meeting on any item appearing on the agenda and on any item that is added to the agenda as a result of a change to the agenda approved by the presiding officer of the meeting pursuant to Section 120.525, Florida Statutes. If Workshop items are not discussed on 10/12, the items may be discussed on 10/13.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board to discuss and consider District business, including regulatory and non-regulatory matters, and may include an amendment to the District's Fiscal Year 2011-2012 budget to revise revenues and expenditures.

A copy of the agenda may be obtained by contacting: Jacki McGorty, (561)682-2087 or website: www.sfwmd.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: Jacki McGorty, (561)682-2087. 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: Jacki McGorty at (561)682-2087 or email: jmcgorty@sfwmd.gov.

The **South Florida Water Management District**, Special meeting of the Everglades Technical Oversight Committee (TOC) announces a public meeting to which all persons are invited.

DATE AND TIME: October 18, 2011, 10:00 a.m.

PLACE: South Florida Water Management District, Headquarters, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Tentative special meeting of the Everglades Technical Oversight Committee (TOC). If the meeting is needed, a notice will be posted on <http://www.sfwmd.gov/toc> by October 5, 2011.

A copy of the agenda may be obtained by contacting: (1) District Website (<http://www.sfwmd.gov/toc>) or (2) writing: Kim Chuirazzi, South Florida Water Management District, Mail Stop 7282, P. O. Box 24680, West Palm Beach, FL 33416. 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: The District Clerk's Office at (561)682-2087. 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: Dr. Garth Redfield, Water Quality Bureau at (561)682-6611, South Florida Water Management District, Mail Stop 7211, P. O. Box 24680, West Palm Beach, FL 33416.

REGIONAL UTILITY AUTHORITIES

The **Tampa Bay Water Regional Water Supply Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: October 17, 2011, 9:00 a.m.

PLACE: Tampa Bay Water's Administrative Offices, 2575 Enterprise Road, Clearwater, Florida 33761

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Meeting, and a private Attorney/Client briefing session between the Tampa Bay Water Board of Directors and

legal counsel pursuant to Section 286.011(8), Florida Statutes, to discuss possible litigation expenditures and/or settlement negotiations in Tampa Bay Water v. HDR Engineering, Inc., et. al.

Attorney/Client Briefing Attendees: Board of Directors of Tampa Bay Water, General Manager Gerald Seeber, General Counsel Richard Lotspeich, Richard Harrison, Esquire, Dave Forziano, Esquire, and a certified court reporter.

A copy of the agenda may be obtained by contacting: Records Department at (727)796-2355.

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: Records Department at (727)796-2355. 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: Records Department at (727)796-2355.

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

DATE AND TIMES: November 2, 2011, 9:30 a.m., Board Meeting; 10:00 a.m., Dedication Ceremony

PLACE: T. Mabry Carlton, Jr. Water Treatment Plant, 1255 Mabry Carlton Parkway, Venice, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will convene to conduct regular business of the Authority. Immediately following the board meeting, the Authority will host a dedication ceremony in celebration of the completion of the Phase 3A Interconnect in Sarasota county. Authority Board members, Sarasota County Commissioners, local government elected officials and members of the Southwest Florida Water Management District's Governing Board may be in attendance.

A copy of the agenda may be obtained by contacting: Peace River Manasota Regional Water Supply Authority, 6311 Atrium Drive, Suite 100, Bradenton, Florida 34202.

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).

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: (941)316-1776.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration**, on behalf of the Low Income Pool (LIP) Council, announces a public meeting to which all persons are invited.

DATES AND TIME: October 5, 2011; October 26, 2011; November 8, 2011; November 29, 2011; December 13, 2011, 10:00 a.m. – 4:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, FL 32308. If you want to participate by telephone, the call-in number and conference code for each meeting is as follows: October 5, 2011, Conference Call: 1(866)249-2033, Conference Code: 11413794; October 26, 2011, Conference Call: 1(866)249-2033, Conference Code: 11422768; November 8, 2011, Conference Call: 1(866)249-2033, Conference Code: 11423758; November 29, 2011, Conference Call: 1(866)249-2033, Conference Code: 11424840; December 13, 2011, Conference Call: 1(866)249-2033, Conference Code: 11426863

GENERAL SUBJECT MATTER TO BE CONSIDERED: All meeting discussion material, including an agenda, will be posted to the LIP website: http://ahca.myflorida.com/medicaid/medicaid_reform/lip/lip.shtml.

If you need additional information, please contact: Nicole Maldonado at (850)412-4287, email: Nicole.Maldonado@ahca.myflorida.com, with any questions.

A copy of the agenda may be obtained by contacting: Nicole Maldonado at (850)412-4287, email: Nicole.Maldonado@ahca.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 7 days before the workshop/meeting by contacting: Nicole Maldonado at (850)412-4287. 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: Nicole Maldonado, (850)412-4287, Nicole.Maldonado@ahca.myflorida.com.

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

DATE AND TIME: October 11, 2011, 2:00 p.m. – 3:00 p.m.

PLACE: Agency for Health Care Administration, Conference Call Only: 1(877)519-7657, Conference ID: 10725030

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Hemophilia Medical Advisory Panel (HMAP) will meet to review and approve the minutes from the previous meeting and discuss the hemophilia disease management contract.

A copy of the agenda may be obtained by contacting: Lazjee' Lyles, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #50, Tallahassee, Florida 32308-5403, (850)412-4051.

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: Lazjee' Lyles, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #50, Tallahassee, FL 32308-5403, (850)412-4051. 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: Lazjee' Lyles, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #50, Tallahassee, FL 32308-5403, (850)412-4051.

DEPARTMENT OF MANAGEMENT SERVICES

The **Department of Economic Opportunity** (f/k/a the **Agency for Workforce Innovation**), Unemployment Compensation Claims and Benefits Information System, Executive Steering Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 12, 2011, 10:30 a.m. – 12:00 Noon

PLACE: Caldwell Building, Conference Room B49, 107 E. Madison Street, Tallahassee, Florida 32399; Conference Call: 1(888)808-6959, Conference Code:7532872126

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular recurring meeting to review project status and act on any decisions required of the Committee.

A copy of the agenda may be obtained by contacting: <http://www.floridajobs.org/Events/index.html>.

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: Christina Murphy at (850)245-7114. 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

The **Regulatory Council of Community Association Managers** announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 10, 2011, 9:30 a.m. (EST)

PLACE: Conference Call: 1(888)808-6959, Conference Code: 4879597

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business. Repeal of Rule 61E14-3.002, F.A.C., special assessment and legislative input to the department.

A copy of the agenda may be obtained by contacting: Regulatory Council of Community Association Managers, 1940 North Monroe Street, Tallahassee, Florida 32399-1040, (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: Regulatory Council of Community Association Managers, 1940 North Monroe Street, Tallahassee, FL 32399-1040, (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: Regulatory Council of Community Association Managers, 1940 N. Monroe Street, Tallahassee, FL 32399-1040, (850)717-1982.

The **Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering** announces a hearing to which all persons are invited.

DATE AND TIME: October 11, 2011, 3:00 p.m. – 5:00 p.m.

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed amendments to Rule 61D-6.008, F.A.C., published on September 10, 2010, in Vol. 36, No. 36, of the Florida Administrative Weekly.

A copy of the agenda may be obtained by contacting: The Division's website: <http://www.myfloridalicense.com/dbpr/pm/w/rules.html> or Mary Polombo at (850)717-1098.

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: Mary Polombo at (850)717-1098. 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 **Board of Landscape Architecture** announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 4, 2011, 9:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 9218690

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business Meeting.

A copy of the agenda may be obtained by contacting: Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, FL 32399, (850)717-1399.

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 Landscape Architecture, 1940 North Monroe Street, Tallahassee, FL 32399, (850)717-1399. 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 Landscape Architecture, 1940 North Monroe Street, Tallahassee, FL 32399, (850)717-1399.

The **Florida Engineers Management Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: October 12, 2011, 10:00 a.m. (EST)

PLACE: Conference Call: 1(888)392-4560, Passcode: 1188973; Hyatt Regency Tampa, Two Tampa City Center, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the corporation.

This meeting may be held by conference call. Please call: Rebecca Sammons, (850)523-1614 to verify the status of the meeting.

A copy of the agenda may be obtained by contacting: Rebecca Sammons, (850)523-1614.

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: Rebecca Sammons, (850)523-1614. 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.

The **Board of Veterinary Medicine** announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 2, 2011, 9:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 9226020

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel meeting, portions which are closed to the public. Agenda available on request.

A copy of the agenda may be obtained by contacting: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399, (850)717-1399.

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 Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399, (850)717-1399. 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: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399, (850)717-1399.

The Probable Cause Panel of the **Florida Real Estate Commission** announces a hearing to which all persons are invited.

DATE AND TIME: October 17, 2011, 2:00 p.m. or soonest thereafter

PLACE: Zora Neale Hurston Building, North Tower, Suite N901, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Probable Cause Panel will meet to conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Probable Cause Panel or its counsel.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772. Only public portions of the agenda are available upon request.

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: Lori Crawford, (407)481-5632. 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: Division of Real Estate at (407)481-5662.

The **Florida Real Estate Commission** announces a public meeting to which all persons are invited.

DATES AND TIME: Tuesday, October 18, 2011; Wednesday, October 19, 2011, 8:30 a.m.

PLACE: Zora Neale Hurston Building, North Tower, Suite N901, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Chapter 61J2, F.A.C., rule amendments, budget discussions, escrow disbursement requests, recovery fund claims, education issues, petitions for declaratory statement, petitions for rule variance/waiver, and disciplinary actions.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

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: Division of Real Estate at (407)481-5662. 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: Deputy Clerk of the Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Florida Greenways and Trails Council** announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 11, 2011, 9:00 a.m.

PLACE: Conference Call: 1(888)808-6959; Conference Code: 2452066

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Greenways and Trails Council will consider changes to its bylaws and conduct general business.

A copy of the agenda may be obtained by contacting: Cindy Radford, Office of Greenways and Trails, Division of Recreation and Parks, State of Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS #795, Tallahassee, Florida 32399-3000. Ms. Radford may also be reached by telephone at (850)245-2052 or by email: Cynthia.Radford@dep.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 3 days before the workshop/meeting by contacting: Cindy Radford at (850)245-2052. 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 State of Florida, **Department of Environmental Protection, Division of Recreation and Parks**, Office of Greenways and Trails announces a public meeting to which all persons are invited.

DATE AND TIME: October 18, 2011, 5:30 p.m.

PLACE: Ravine Gardens State Park, 1600 Twigg Street, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Schedule for the Rodman Reservoir drawdown, proposed major water level fluctuation and ecological benefits.

A copy of the agenda may be obtained by contacting: Mickey Thomason, Central Region Office, Office of Greenways and Trails, Division of Recreation and Parks, State of Florida Department of Environmental Protection, 8282 S.E. Highway 314, Ocala, Florida 34470. Mr. Thomason may also be reached by telephone at (352)236-7143 or by email: Mickey.Thomason@dep.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 3 days before the workshop/meeting by contacting: Mickey Thomason at (352)236-7143. 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 HEALTH

The **Department of Health**, the Electrolysis Council, under the **Board of Medicine** announces a telephone conference call to which all persons are invited.

DATES AND TIME: February 27, 2012; May 21, 2012; August 6, 2012; October 29, 2012, 9:00 a.m. or soon thereafter
 PLACE: Conference Call: 1(888)808-6959, After dialing the Meet Me Number, when prompted, enter Conference Code: 4246812343 followed by the # sign in order to join the meeting
 GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Department of Health, Electrolysis Council, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255, by calling: Council Office, (850)245-4373 or by visiting our website: www.doh.state.fl.us/mqa/electrology.

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: Council Office at (850)245-4373. 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.

The **Department of Health, Board of Medicine**, Dietetic and Nutrition Practice Council announces a telephone conference call to which all persons are invited.

DATES AND TIME: April 25, 2012; July 25, 2012; October 24, 2012, 9:30 a.m. or soon thereafter

PLACE: Conference Call: 1(888)808-6959, After dialing the meet me number, when prompted, enter Conference Code: 1022351047 followed by the pound (#) sign in order to join the meeting

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Department of Health, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL 32399-3255, by calling the Council Office at (850)245-4373, ext. 3475 or by visiting our website: www.doh.state.fl.us/mqa/dietetics.

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: Council Office at (850)488-0595. 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.

The Florida **Board of Nursing**, South Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 20, 2011, 10:00 a.m. – 1:00 p.m.

PLACE: Department of Health, Tallahassee at Meet Me Number: 1(888)808-6959, Code: 2458182

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda may be obtained by contacting: Joe Baker Jr., Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

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 Office. 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.

NOTICE OF CHANGE – The **Department of Health, Board of Occupational Therapy** hereby provides notice of change to meetings which the public may be invited to attend. Meetings or portions of Probable Cause Panel meetings are public if a case or cases are public by reason of reconsideration.

DATE AND TIME: October 10, 2011, General Business Meeting, 9:00 a.m. or soon thereafter. Any public portion of the probable cause panel meeting to begin immediately after the adjournment of the General Business Meeting or shortly thereafter – previously advertised in F.A.W., Vol. 36, No. 45, November 12, 2010.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting and Probable Cause Panel Meeting.

A copy of the General Business meeting agenda may be obtained by contacting: Department of Health, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL 32399-3255, by calling: The Board Office at (850)245-4373, ext. 3482 or by visiting our website: www.doh.state.fl.us/mqa.

Probable Cause Panel meetings will only have a public agenda if there are reconsideration cases. When there are reconsideration cases, agenda information may be obtained by

contacting: Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL 32399-3255, (850)245-4373, ext. 3467.

The Florida **Board of Pharmacy** announces a public meeting to which all persons are invited.

DATES AND TIMES: October 18, 2011, 10:00 a.m.; October 19, 2011, 8:00 a.m.

PLACE: Monroe Street Conference Center, 2714 Graves Road, Tallahassee, FL 32303, (850)536-2007

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board Business.

A copy of the agenda may be obtained by contacting: Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, FL 32399, (850)245-4292.

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: Board of Pharmacy at (850)245-4292. 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 Pharmacy, 4052 Bald Cypress Way, Mail Bin #C04, Tallahassee, FL 32399-3254.

The **Department of Health, Board of Physical Therapy** announces a telephone conference call to which the public may attend. A meeting or portion of a probable cause panel meeting is public only if a case or cases are public by reason of reconsideration.

DATES AND TIME: February 21, 2012; April 17, 2012; June 19, 2012; August 21, 2012; October 16, 2012; December 11, 2012, 11:30 a.m. (EST) or soon thereafter

PLACE: The meeting is not public and you will not be able to obtain an agenda if there are no reconsideration cases

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting.

In the event of reconsideration cases, agenda information may be obtained by contacting: The Board Office at (850)245-4373, ext. 3472 or by viewing our website: www.doh.state.fl.us/mqa. 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 Office at (850)488-0595. 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.

The **Board of Podiatric Medicine**, Probable Cause Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 20, 2011, 4:30 p.m.

PLACE: Orlando Airport Marriott, 7499 Augusta National Drive, Orlando, Florida 32822, (407)851-9000

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda may be obtained by contacting: Sherra W. Causey, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

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: Sherra W. Causey. 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.

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

DATE AND TIME: Friday, October 21, 2011, 9:00 a.m.

PLACE: Orlando Airport Marriott, 7499 Augusta National Drive, Orlando, Florida 32822, (407)851-9000

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

A copy of the agenda may be obtained by contacting: Sherra W. Causey, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257 or access the web site at: www.doh.state.fl.us/mqa/podiatry/index.html.

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: Sherra W. Causey. 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.

The **Department of Health, the Board of Psychology** announces meetings by telephone conference calls, which the public may attend. A meeting or portion of a probable cause panel meeting is public only if a case or cases are public by reason of reconsideration.

DATES AND TIME: January 24, 2012; March 20, 2012; May 22, 2012; July 24, 2012; September 25, 2012; November 27, 2012, 8:00 a.m. or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting.

You may obtain an agenda and the conference call number for the public portion of the meeting only. The meeting is not public and you will be unable to obtain an agenda if there are no reconsideration cases. In the event of reconsideration cases, agenda information may be obtained by contacting: Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL 32399-3255 or by calling the Board Office at (850)245-4373, ext. 3467.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting: The Board Office at (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be issued.

The **Department of Health, Board of Psychology** announces a telephone conference call to which all persons are invited.

DATES AND TIME: March 9, 2012; June 8, 2012; September 7, 2012; November 16, 2012, 8:00 a.m. or soon thereafter

PLACE: Conference Call: 1(888)808-6959, After dialing the meet me number, enter Conference Code: 4246812343 followed by the # sign in order to join the meeting

GENERAL SUBJECT MATTER TO BE CONSIDERED: Credentials Committee Meeting.

A copy of the agenda may be obtained by contacting: Department of Health, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255 or by calling: Board Office at (850)245-4373, ext. 3482 or by visiting our website: www.flhealthsource.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: The Board Office at (850)488-0595. 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.

The **Department of Health, Board of Psychology** announces a telephone conference call to which all persons are invited.

DATES AND TIME: March 23, 2012; June 22, 2012; September 21, 2012; November 30, 2012, 8:00 a.m. or soon thereafter

PLACE: Conference Call: 1(888)808-6959, After dialing the meet me number, enter Conference Code: 4246812343 followed by the # sign in order to join the meeting

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quorum Call.

A copy of the agenda may be obtained by contacting: Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, or by calling the Board Office, (850)245-4373, ext. 3482 or by visiting our website: www.doh.state.fl.us/mqa.

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 Office at (850)488-0595. 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.

The **Department of Health, Board of Respiratory Care** announces meetings by telephone conference calls to which the public may attend. A meeting or portion of a probable cause panel meeting is public only if a case or cases are public by reason of reconsideration.

DATES AND TIME: February 21, 2012; April 17, 2012; June 19, 2012; August 21, 2012; October 16, 2012; December 11, 2012, 8:30 a.m. (EST) or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting.

In the event of reconsideration cases, agenda information may be obtained by contacting: Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL 32399-3255 or by calling the Board Office at (850)245-4373, ext. 3476.

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 Office at (850)488-0595. 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.

The **Department of Health, Division of Environmental Health** announces a workshop to which all persons are invited.
DATE AND TIME: October 17, 2011, 10:00 a.m. – 3:00 p.m. (EST)

PLACE: Conference Call: 1(888)808-6959, Conference Code: 2454070; Florida Department of Health, Southwood Complex, Betty Easley Conference Center, Room 180, 4075 Esplanade Way, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Permitting and approval standards of onsite sewage treatment systems that provide treatment other than a septic tank, such as innovative systems, performance based treatment systems, and aerobic treatment units.

A copy of the agenda may be obtained by contacting: Susan Polangin, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713, (850)245-4070 or by e-mail: Susan_Polangin@doh.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: Susan Polangin at the address 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).

For more information, you may contact: Eberhard Roeder, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713, by phone at (850)245-4070 or by e-mail: Eberhard_Roeder@doh.state.fl.us.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Community Alliance** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 12, 2011, 2:30 p.m.

PLACE: Daytona Beach Regional Service Center, 210 N. Palmetto Ave., Conference Room 148, Daytona Beach, Florida 32114

GENERAL SUBJECT MATTER TO BE CONSIDERED: Officer Elections.

A copy of the agenda may be obtained by contacting: Sabrina Wright at (386)239-6206 or sabrina_wright@dcf.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 2 days before the workshop/meeting by contacting: Sabrina Wright at (386)239-6206 or email: sabrina_wright@dcf.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 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.

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

DATE AND TIME: Wednesday, October 12, 2011, 10:00 a.m. – 12:00 Noon

PLACE: Catholic Charities of Central Florida, 1771 N. Semoran Boulevard, 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: Pedro Padua at (407)317-7336 or 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: Pedro Padua at (407)317-7336 or 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: Pedro Padua at (407)317-7336 or Taddese Fessehaye at (407)317-7335.

The **Miami-Dade Refugee Task Force** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 14, 2011, 10:00 a.m. – 12:00 Noon

PLACE: Miami-Dade College, Wolfson Campus, 500 N.E. 2nd Ave., Bldg. 3208, Room #9, Miami, FL 33132

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the Miami-Dade 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: Adria Dilme-Bejel at (305)377-7518 or Lourdes Dysna-Leconte at (305)376-1947.

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: Adria Dilme-Bejel at (305)377-7518 or Lourdes Dysna-Leconte at (305)376-1947. 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: Adria Dilme-Bejel at (305)377-7518 or Lourdes Dysna-Leconte at (305)376-1947.

FISH AND WILDLIFE CONSERVATION COMMISSION

The **Fish and Wildlife Conservation Commission, Division of Law Enforcement**, Investigations Section announces a workshop to which all persons are invited.

DATE AND TIMES: Video Conference Meeting, October 19, 2011, 6:30 p.m. – 8:00 p.m. (EST) (5:30 p.m. – 7:00 p.m. (CST) for the Pensacola and Panama City locations). The public may access this video conference at the following locations:

PLACE: Florida Fish and Wildlife Commission Regional Offices by Video Conference

Northwest Region: 620 South Meridian Street, Tallahassee, FL 32399-1600, Meeting Room Capacity: 49

3911 Highway 2321, Panama City, FL 32409-1658, Meeting Room Capacity: 10

1101 East Gregory Street, Pensacola, FL 32502, Meeting Room Capacity: 10

North Central Region: 3377 East US Highway 90, Lake City, FL 32055, Meeting Room Capacity: 12

Northeast Region: 1239 S.W. 10th Street, Ocala, FL 34474, Meeting Room Capacity: 25

Southwest Region: 3900 Drane Field Road, Lakeland, FL 33811, Meeting Room Capacity: 35

2433 Edwards Drive, Fort Myers, FL 33901, Meeting Room Capacity: 35

South Region: 8535 Northlake Boulevard, West Palm Beach, FL 33412, Meeting Room Capacity: 50

3200 N.E. 151 Street, Miami, FL 33181, Meeting Room Capacity: 20

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this public meeting is to discuss possible changes to Rule 68A-9.005, F.A.C., regarding falconry. This workshop will provide a forum for the public to provide input for consideration on changes to the existing falconry rule.

A copy of the agenda may be obtained by contacting: Precious Boatwright, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-6253.

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, (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: Precious Boatwright, to RSVP your planned location for attendance at: Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-6253.

The **Fish and Wildlife Conservation Commission (FWC)**, Division of Law Enforcement announces a public meeting to which all persons are invited.

DATE AND TIME: October 11, 2011, 1:00 p.m.

PLACE: FWC, 620 S. Meridian Street, Bryant Building, Room 272, Tallahassee, FL 32399-1600

GENERAL SUBJECT MATTER TO BE CONSIDERED: To coordinate the process and review any proposed ordinance from St. Augustine, participant in the Anchoring and Mooring Pilot Program, with the DEP, USCG, FIND, WCIND, BOATUS, 7 Seas Cruising Association, Marine Industries Association of Florida and National Marine Manufacturers Association.

A copy of the agenda may be obtained by contacting: FWC, Division of Law Enforcement, Boating and Waterways Section, 620 South Meridian Street, Room 235, Tallahassee, Florida 32399-1600 or by calling: Shelly Gurr, (850)488-5600.

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: ADA Coordinator, (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: Shelly Gurr or Captain Tom Shipp at (850)488-5600.

The **Fish and Wildlife Conservation Commission (FWC)**, Division of Law Enforcement announces a public meeting to which all persons are invited.

DATE AND TIME: October 12, 2011, 6:00 p.m. – 8:00 p.m.

PLACE: FWC, 620 S. Meridian Street, Bryant Building, Room 272, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and discuss any proposed ordinance from St. Augustine related to the Anchoring and Mooring Pilot Program.

A copy of the agenda may be obtained by contacting: FWC, Division of Law Enforcement, Boating and Waterways Section, 620 South Meridian Street, Room 235, Tallahassee, Florida 32399-1600 or by calling: Shelly Gurr, (850)488-5600.

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: ADA Coordinator, (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: Shelly Gurr or Captain Tom Shipp at (850)488-5600.

FLORIDA ASSOCIATION OF CENTERS FOR INDEPENDENT LIVING

The **Florida Association of Centers for Independent Living** announces a public meeting to which all persons are invited.

DATE AND TIME: October 6, 2011, 1:00 p.m. – 5:00 p.m.

PLACE: State Board of Administration, Heritage Room, 1801 Hermitage Blvd., Ste. 100, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual review of the James Patrick Memorial Work Incentive Personal Attendant Services Program policies and procedures and review of the program participants.

A copy of the agenda may be obtained by contacting: Cyndi Mundell, (850)575-6004 or www.floridacils.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 5 days before the workshop/meeting by contacting: Cyndi Mundell, (850)575-6004. 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: Cyndi Mundell, (850)575-6004.

FLORIDA ATLANTIC RESEARCH AND DEVELOPMENT AUTHORITY

The **Florida Atlantic R & D Authority** announces a workshop to which all persons are invited.

DATE AND TIME: Wednesday, October 12, 2011, 4:00 p.m.

PLACE: Research Park at Florida Atlantic University, Deerfield Campus, 1501 FAU Research Park Boulevard, 2nd Floor, Deerfield Beach, FL 33442

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

A copy of the agenda may be obtained by contacting: Christine Cannon-Burres, cc@research-park.org.

For more information, you may contact: Christine Cannon-Burres, cc@research-park.org.

TREASURE COAST EDUCATION, RESEARCH AND DEVELOPMENT AUTHORITY

The **Treasure Coast Education, Research and Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: October 13, 2011, 2:00 p.m.

PLACE: UF/IRREC, 2199 S. Rock Road, Fort Pierce, FL 34945-3138

GENERAL SUBJECT MATTER TO BE CONSIDERED: Any business as the Authority may deem appropriate or as may come before the Authority; Committee Reports, Minutes, etc.

A copy of the agenda may be obtained by contacting: Treasure Coast Research Park (TCRP) Office at (772)467-3107.

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: Treasure Coast Research Park (TCRP) Office at (772)467-3107. 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: Treasure Coast Research Park (TCRP) Office at (772)467-3107.

CENTER FOR INDEPENDENT LIVING IN CENTRAL FLORIDA, INC.

The **Center for Independent Living in Central Florida, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: October 12, 2011, 5:00 p.m.

PLACE: Center for Independent Living Office, 720 North Denning Drive, Winter Park, FL 32789

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Prospect Reception and Annual Meeting.

A copy of the agenda may be obtained by contacting: Luana Kutz at (407)623-1070 or lkutz@cilorlando.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 5 days before the workshop/meeting by contacting: Luana Kutz at (407)623-1070. 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: Luana Kutz at (407)623-1070 or lkutz@cilorlando.org.

NORTHWOOD SHARED RESOURCE CENTER

The **NSRC**, Technical Committee announces a public meeting to which all persons are invited.

DATE AND TIME: October 13, 2011, 2:00 p.m.

PLACE: Northwood Shared Resource Center, 1940 N. Monroe Street, CR 2020, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Meeting.

A copy of the agenda may be obtained by contacting: monica_cash@nsrc.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 3 days before the workshop/meeting by contacting: Monica Cash, (850)921-4479. 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 **NSRC**, Administration Committee announces a public meeting to which all persons are invited.

DATE AND TIME: October 13, 2011, 1:30 p.m.

PLACE: Department of State, 1949 N. Monroe, Suite 79, Room 115, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Meeting.

A copy of the agenda may be obtained by contacting: monica_cash@nsrc.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 3 days before the workshop/meeting by contacting: Monica Cash, (850)921-4479. 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 **NSRC**, Finance & Auditing Committee announces a public meeting to which all persons are invited.

DATE AND TIME: October 14, 2011, 9:00 a.m.

PLACE: Agency for Persons with Disabilities, 4030 Esplanade Way, Room 301, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Meeting.

A copy of the agenda may be obtained by contacting: monica_cash@nsrc.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 3 days before the workshop/meeting by contacting: Monica Cash, (850)921-4479. 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 **NSRC**, Board of Trustees announces a public meeting to which all persons are invited.

DATE AND TIME: October 20, 2011, 1:30 p.m.

PLACE: Department of Business & Professional Regulation, 1940 N. Monroe Street, Professions Board Room, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Meeting.

A copy of the agenda may be obtained by contacting: monica_cash@nsrc.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 3 days before the workshop/meeting by contacting: Monica Cash, (850)921-4479. 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 **NSRC**, Technical Committee announces a public meeting to which all persons are invited.

DATE AND TIME: October 20, 2011, 2:00 p.m.

PLACE: Northwood Shared Resource Center, 1940 N. Monroe Street, CR 2020, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Meeting.

A copy of the agenda may be obtained by contacting: monica_cash@nsrc.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 3 days before the workshop/meeting by contacting: Monica Cash, (850)921-4479. 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 **NSRC**, Administration Committee announces a public meeting to which all persons are invited.

DATE AND TIME: October 27, 2011, 1:30 p.m.

PLACE: Department of State, 1949 N. Monroe, Suite 79, Room 115, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Meeting.

A copy of the agenda may be obtained by contacting: monica_cash@nsrc.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 3 days before the workshop/meeting by contacting: Monica Cash, (850)921-4479. 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 **NSRC**, Technical Committee announces a public meeting to which all persons are invited.

DATE AND TIME: October 27, 2011, 2:00 p.m.

PLACE: Northwood Shared Resource Center, 1940 N. Monroe Street, CR 2020, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Meeting.

A copy of the agenda may be obtained by contacting: monica_cash@nsrc.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 3 days before the workshop/meeting by contacting: Monica Cash, (850)921-4479. 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 **NSRC**, Finance & Auditing Committee announces a public meeting to which all persons are invited.

DATE AND TIME: October 28, 2011, 10:30 a.m.

PLACE: Agency for Persons with Disabilities, 4030 Esplanade Way, Room 301, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Meeting.

A copy of the agenda may be obtained by contacting: monica_cash@nsrc.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 3 days before the workshop/meeting by contacting: Monica Cash, (850)921-4479. 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).

SOUTHWOOD SHARED RESOURCE CENTER

The **Southwood Shared Resource Center** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, October 10, 2011, 1:30 p.m. – 4:00 p.m. or until Board business is concluded

PLACE: Turlington Building, Room 1721, 325 W. Gaines Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting of the SSRC Board of Trustees.

A copy of the agenda may be obtained by contacting: Rick Mitchell at (850)488-9895 or email: rick.mitchell@ssrc.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 2 days before the workshop/meeting by contacting: Rick Mitchell, (850)488-9895 or email: rick.mitchell@ssrc.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).

For more information, you may contact: Rick Mitchell, (850)488-9895 or email: rick.mitchell@ssrc.myflorida.com.

FLORIDA CLERKS OF COURT OPERATIONS CORPORATION

The **Florida Clerks of Court Operations Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 6, 2011, 1:00 p.m. (ET)

PLACE: Opal Room, The Duval Hotel, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Budget and other related issues.

A copy of the agenda may be obtained by contacting: The CCOC website: www.flccoc.org or calling: The Office, (850)386-2223.

NATIONAL COUNCIL ON COMPENSATION INSURANCE

The **Florida Workers Compensation Appeals Board** announces a public meeting to which all persons are invited.

DATE AND TIME: October 13, 2011, 9:00 a.m.
PLACE: Hyatt Regency Orlando International Airport, 9300 Airport Boulevard, Orlando, Florida, (407)825-1234, Fax: (407)856-1672
GENERAL SUBJECT MATTER TO BE CONSIDERED: Workers Compensation employer dispute.

SOIL AND WATER CONSERVATION DISTRICTS

The **Clay County Soil & Water Conservation District** announces a public meeting to which all persons are invited.
DATE AND TIME: October 3, 2011, 1:00 p.m.
PLACE: 2463 SR 16 W., Green Cove Springs, FL 32043
GENERAL SUBJECT MATTER TO BE CONSIDERED: General Meeting.
A copy of the agenda may be obtained by contacting: Sally Doyle, (904)284-6355.
For more information, you may contact: Sally Doyle, (904)284-6355

FLORIDA SURPLUS LINES SERVICE OFFICE

The **Florida Surplus Lines Service Office, Board of Governors'** announces a public meeting to which all persons are invited.
DATE AND TIME: Wednesday, October 26, 2011, 9:00 a.m.
PLACE: 1441 Maclay Commerce Drive, Suite 200, Tallahassee, FL 32312
GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Business Meeting. General matters to come before the board will be discussed.
A copy of the agenda may be obtained by contacting: Georgie Barrett at gbarrett@fslso.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: Georgie Barrett at gbarrett@fslso.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).

MRG MIAMI

The Florida **Department of Transportation (FDOT)**, District Six announces a public meeting to which all persons are invited.
DATE AND TIME: Thursday, October 27, 2011, 6:00 p.m. – 8:00 p.m.
PLACE: Shula's Hotel and Golf Club, Grand Ballroom, 6842 Main Street, Miami Lakes, Florida 33014

GENERAL SUBJECT MATTER TO BE CONSIDERED: FDOT District Six has begun a Project Development and Environment (PD&E) Study for the SR 826/Palmetto Expressway from I-75 to the Golden Glades Interchange. The primary purpose of this study is to determine the number and type of travel lanes and interchange improvements required to accommodate anticipated future traffic volumes and improve safety conditions throughout the project corridor. The study will also evaluate operational and safety improvements which could include Active Traffic Management and Intelligent Transportation Systems strategies, lane additions, managed lanes, major interchange modifications, and bus rapid transit. This Public Kick-Off Meeting is being held to give interested persons an opportunity to provide input on the future transportation improvements along the Palmetto Expressway. A copy of the agenda may be obtained by contacting: Mr. Nicholas Danu, P.E., Senior Project Manager, Florida Department of Transportation, District Six, 1000 N.W. 111th Avenue, Room 6111-A, Miami, Florida 33172, (305)470-5219, Fax: (305)470-5205, via e-mail: nicholas.danu@dot.state.fl.us. Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. 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: Mr. Alejandro Martinez at (305)470-5298, in writing: 1000 N.W. 111th Avenue, Room 6111-A, Miami, Florida 33172, via e-mail: alejandro.martinez@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).

COMMUNIKATZ, INC.

The Florida **Department of Transportation**, District Six announces a public meeting to which all persons are invited.
DATE AND TIME: October 13, 2011, 7:00 p.m.
PLACE: Auditorium, District Six Headquarters, 1000 N.W. 111 Avenue, Miami, FL 33172
GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Department of Transportation District Six Annual Tentative Five-Year Transportation Plan Public Hearing. FDOT project managers will be on hand to hear your thoughts and answer your questions. Again this year, the Public Hearing will also be available online. Preregister website: www.fdot miamidade.com/work-program, starting September 19, 2011. A copy of the agenda may be obtained by contacting: Ali Soule via email: ASoule@kommunikatz.com or (305)573-4455. 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 seven days before the workshop/meeting by

contacting: Public Information Office at (305)470-5277. 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: Maribel Lena, District Six, Public Information Officer via email: Maribel.Lena@dot.state.fl.us or (305)470-5349.

Send written comments by email or mail: 1000 N.W. 111 Avenue, Room 6134, Miami, FL 33172, by October 25, 2011. The comments will also be entered into the public document.

QUEST CORPORATION OF AMERICA, INC.

The Florida **Department of Transportation** announces a public meeting to which all persons are invited.

DATE AND TIME: October 18, 2011, 5:30 p.m. – 6:30 p.m.

PLACE: Pensacola Civic Center, Rooms C1, C2 and C3, 201 E. Gregory Street, Pensacola, Florida 32502

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Pensacola Bay Bridge Project Development and Environment (PD&E) Study in Escambia and Santa Rosa Counties.

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: J. Brandon Bruner, Project Manager, 1(888)638-0250, ext. 625, Joseph.Bruner@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: Ian Satter, FDOT, District 3, Public Information Director, 1(888)638-0250, ext. 205, Ian.Satter@dot.state.fl.us.

The Florida **Department of Transportation** announces a public meeting to which all persons are invited.

DATE AND TIME: October 20, 2011, 5:30 p.m. – 6:30 p.m.

PLACE: Century Agriculture Building, 6001A Industrial Boulevard, Century, FL 32535

GENERAL SUBJECT MATTER TO BE CONSIDERED: The replacement of the Fannie Road over Dead Lake Bridge in Escambia County.

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: Sandra Lamb, Project Manager, (850)638-2288, Sandra.Lamb@atkinsglobal.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).

For more information, you may contact: Ian Satter, FDOT, District 3, Public Information Director, 1(888)638-0250, ext. 205, Ian.Satter@dot.state.fl.us.

The Florida **Department of Transportation** announces a public meeting to which all persons are invited.

DATE AND TIME: October 22, 2011 5:30 p.m. – 6:30 p.m.

PLACE: Pensacola Civic Center, Rooms C1, C2 & C3, 201 East Gregory Street, Pensacola, Florida 32502

GENERAL SUBJECT MATTER TO BE CONSIDERED: Pensacola Bay Bridge Project Development and Environment (PD&E) Study in Escambia and Santa Rosa Counties.

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: J. Brandon Bruner, 1(888)638-0250, ext. 625, Joseph.Bruner@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: Tommie Speights, 1(888)638-0250, ext. 208, Tommie.Speights@dot.state.fl.us.

ATKINS

The **Department of Transportation**, District One and Florida's Turnpike Enterprise announce a public hearing to which all persons are invited. Specific notice is provided to the Polk Transportation Planning Organization, Lee County, Sarasota/Manatee, Charlotte County-Punta Gorda and Collier Metropolitan Planning Organizations, Central Florida Metropolitan Planning Organization Alliance, West Central Florida Metropolitan Planning Organizations Chairs Coordinating Committee, Tampa Bay Area Regional Transportation Authority and the county commission chairpersons of Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Polk and Sarasota Counties.

DATE AND TIME: Wednesday, October 26, 2011, 5:30 p.m.

PLACE: Main Location: Florida Department of Transportation, District One, Headquarters, Mike Rippe Auditorium, 801 North Broadway Avenue, Bartow, Florida; Remote Location: Florida Department of Transportation, Southwest Area Office, Swift SunGuide Center, 10041 Daniels Parkway, Fort Myers, Florida. The hearing is also conducted as a webinar, which is a live presentation over the Internet. Registration is required prior to joining the webinar. Please visit the following Web site to register: <https://www2.goto.com/register/707661682>.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The public hearing is held to present the District One and Florida's Turnpike Enterprise Tentative Five Year Work Programs for fiscal years beginning July 1, 2012, through June 30, 2017. The

hearing will consist of a video presentation on the tentative work program by the department followed by a public testimony period. The public hearing is conducted pursuant to Section 339.135(4)(d), Florida Statutes, as amended. Department staff will be available at the two public hearing sites for informal discussion and assistance.

Written comments from all interested parties will be accepted by the department at the public hearing sites, through the webinar, or if received by November 15, 2011. Comments should be mailed to: District One Secretary, Florida Department of Transportation, Post Office Box 1249, Bartow, Florida 33831 or by e-mail: Jennifer Stults, Intermodal Systems Development Manager, jennifer.stults@dot.state.fl.us. The public hearing is developed in compliance with Title VI of the Civil Rights Act of 1964 and related statutes. Public participation is solicited without regard to race, color, religion, sex, age, national origin, disability or family status. Persons who require special accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact: Cindy Clemmons, Public Information Director, Florida Department of Transportation, Bartow District Office at (863)519-2362 or Debbie Tower, Public Information Director, Florida Department of Transportation, Southwest Area Office, District One, (239)461-4300 at least seven (7) days prior to the hearing.

Section VII

Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF CORRECTIONS

NOTICE IS HEREBY GIVEN that the Florida Department of Corrections has received the petition for declaratory statement from Florida Prison Legal Journal. The petition seeks the agency's opinion as to the applicability of Department rules regarding impoundment of publications, notice to inmates and publishers of impoundment of publications, and the donation of stamps by inmates, particularly as it applies to the petitioner. Petitioner alleges that staff members at Mayo Correctional Institution have been improperly impounding the Florida Prison Legal Journal's publications, failing to send notices of impoundment, and disallowing inmates from donating stamps. Petitioner seeks an opinion as to whether such actions violated Department rules.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Janet Holmes, 501 S. Calhoun Street, Tallahassee, FL 32399.

Please refer all comments to: Kendra Jowers, 501 S. Calhoun Street, Tallahassee, Florida 32399.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that the Division of Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation, State of Florida has received the petition for declaratory statement from Astor Post No. 9986 Veterans of Foreign Wars of the United States, Inc., for a Declaratory Statement, Docket Number DS 2011-072. The petition seeks the agency's opinion as to the applicability of Rule 61A-1.010 and subsection 61A-1.0104(3), F.A.C., as it applies to the petitioner.

The Petitioner requests a declaratory statement in regards to the term "industry members" as used in Rule 61A-1.010 and subsection 61A-1.0104(3), F.A.C. Specifically, Petitioner requests clarification as to whether the term "industry members" is narrowly tailored to encompass only those members of the alcoholic beverages industry, or applies generally to members of any industry.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Michael Ross, Chief Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that on September 16, 2011, the Board of Pharmacy has received the petition for declaratory statement from Martin R. Dix, Esquire, on behalf of Florida Rx Solutions. The petition seeks the agency's opinion as to the applicability of Section 465.0265, Florida Statutes, and Rule 64B16-28.604, Florida Administrative Code, as it applies to the petitioner.

The petition seeks the Board's interpretation of Section 465.0265, Florida Statutes, and Rule 64B16-28.604, Florida Administrative Code, concerning whether the arrangement described in the petition would comply with the centralized prescription statutory and rule requirements found in the aforementioned statute and rule.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Fritz Hayes, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN THAT on August 18, 2011, the Florida Department of Financial Services was noticed that the Michelson Insurance Group joins in the Petition for

Declaratory Statement filed with the Department on June 2, 2011, by the initial Petitioner Bogen Law Group. The petition seeks the Department’s opinion as to whether or not an attorney at law licensed in the state of Florida may lawfully enter into a referral agreement with a Florida licensed resident insurance agent wherein the attorney will be paid an annual flat fee by the insurance agent for any and all legal clients referred to the agent for the potential purchase of insurance policies. The petition represents that the amount of the referral agreement will not be dependent in any sense on whether or not the referred legal client actually purchases insurance from the agent. The petition asks the Department to agree that such a referral agreement will not constitute an unlawful rebate or unlawful inducement under Section 626.9541(1)(h), F.S.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Serica Johnson at (850)413-4216 or email: Serica.Johnson@myfloridacfo.com.

FINANCIAL SERVICES COMMISSION

NOTICE IS HEREBY GIVEN that the Office of Insurance Regulation has received the petition for declaratory statement from CIGNA Health and Life Insurance Company, Connecticut General Life Insurance Company and CIGNA Healthcare of FL, Inc. The petition seeks the agency’s opinion as to the applicability of Sections 627.6575, 627.641, 641.31, F.S., as it applies to the petitioner.

Petitioners seek a declaratory statement regarding whether Sections 627.6575, 627.641 and 641.31, Florida Statutes, require Petitioner to provide coverage for a newborn when one of its insureds, certificate holders or subscribers has specifically requested that the newborn not be added to a CIGNA insurance policy or HMO.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Shannon Doheny, shannon.doheny@floi.com.

Please refer all comments to: shannon.doheny@floi.com.

Section VIII
Notices 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 have been filed by the Division of Administrative Hearings on the following rules:

NONE

Section IX
Notices 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

DEPARTMENT OF EDUCATION

The University of Florida, Purchasing Services will receive sealed bids for the following: ITB12MB-116, Well Chiller Plant #1, Replace Chiller #3, estimated budget: \$1,155,000, to be opened November 1, 2011 at 2:00 p.m., 101 Elmore Hall, Radio Road, Gainesville, FL.

Scope of work: Replace existing centrifugal chiller, chilled water pump and associated piping. Upgrade existing electrical system including switchgear and SCADA system to accommodate new mechanical equipment. See bid documents at the website below.

Mandatory pre-bid meeting and site visit will be held: October 11, 2011, 2:00 p.m., in the PPD Main Street Facility, Radio Road, Gainesville, FL. Doors will be locked promptly at 2:00 p.m.

Questions should be directed to: Mercedes Bongiovanni, mbongio@ufl.edu or (352)392-1331, ext. 210. For more information visit: www.purchasing.ufl.edu.

AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-Bid Meeting or the Bid opening, contact: Purchasing, purchasing@ufl.edu or (352)392-1331 within three (3) days of the event.

NOTICE TO CONSTRUCTION MANAGERS

The Florida International University Board of Trustees announces that construction management services are required for the project identified below:

Project Name and Number: FIU Stadium Expansion & Master Plan, BT-842

Project Location: Modesto A. Maidique Campus (MMC), Miami, Florida

Project Description: The scope of work for this project shall be broken down into three components:

1. Programming & Master Planning (Component 1) – Shall include development of a comprehensive plan for the short term and long term development of the existing FIU Football Stadium.
2. North side stadium seating (Component 2) – Complete construction of the lower level seating and concourse to essentially match the existing lower level south side seating and concourse.
3. Stadium Build Out (Component 3) – The long term goal is to add a second tier of seating to increase the stadium capacity to hold 40,000 to 45,000 fans. This may include construction of some or all of the items identified in the Owner approved master plan.

Included below are specific requirements/elements for consideration during programming & master planning:

1. Completion of north side bleachers/seating including concourse.
2. Ground level stadium club vs. concourse level stadium club.
3. Structures underneath Bleachers.
4. Central structure.
 - Press Box.
 - Additional suites.
 - Coaches’ Game Boxes.
 - President’s Suite.
 - Concourse Level Stadium Club.
 - Athletic Dept. Offices.
 - Restrooms.
 - Concessions.
5. Upper Level Bowl and Associated Amenities.
6. Storage Space at Ground Level for Athletic & Stadium Equipment.
7. Other facilities as required and appropriate.

Included below are specific deliverables and phases which may be required in the scope any of the components as applicable:

1. Planning Study/Programming.
2. Conceptual stadium master plan with phasing framework & construction cost estimates for each phase.
3. Construction Documents for north side bleachers.
4. Construction Administration for north side bleachers.
5. 35% Design & Renderings for overall master plan (fundamentally to facilitate fund raising).
6. Full design (conceptual & advanced schematics).
7. Construction Documents for each phase contingent on funding & owner’s desire to proceed.
8. Construction Administration for each phase as it is built.

CONTINGENCIES FOR COMPONENTS 2 AND 3:

Funding for components 2 and 3 is contingent upon the University’s procurement of financing/funding, (as applicable) for design and construction of each of these components on terms acceptable to the University, at its sole discretion. The university reserves the right to cancel either or both of these components at any time.

Applicants are hereby notified that if the University is unable to secure full funding for components 2 and/or 3, the University intends to proceed only with design and construction of fully funded component(s), if any.

INSTRUCTIONS: Firms desiring to provide construction management services for the project shall submit a letter of application and a completed Construction Manager Qualifications Supplement (CMQS) form. Proposals must not exceed 80 pages, including the CMQS and letter of application. Pages must be numbered consecutively. Submittals, which do not comply with these requirements or do not include the requested data, will not be considered. No submittal material will be returned.

Submit seven (7) bound copies of the required proposal data and one CD copy of the complete proposal in Adobe Acrobat PDF format of the above requested data bound in the order listed. Applications that do not comply with the above instructions will not be considered. Application material will not be returned. The University reserves the right to suspend or discontinue the selection process at any time and to return or reject any or all submissions of qualifications without obligation to the respondent. The award of this contract is subject to availability of funds.

The Construction Manager Qualifications Supplement (CMQS) form and the Project Fact Sheet, which describes the selection process schedule for this Project and additional information regarding the Project scope, may be obtained from the website: <http://facilities.fiu.edu/projects/BT-842.htm>.

Requests for meetings by individual firms will not be granted. Once the firm acquires the required forms, questions may be directed to: Real Estate Development and Planning at (305)348-4090 or via email: griffith@fiu.edu.

GENERAL REQUIREMENTS: All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be

registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

FIU STANDARD CONTRACT FORMS, GENERAL TERMS AND CONDITIONS OF THE CONTRACT FOR CONSTRUCTION AND STANDARD INSURANCE REQUIREMENTS APPLICABLE TO CM SERVICES PROVIDE FOR AN EFFICIENT AND EFFECTIVE PROCESS. THESE FORMS ARE AVAILABLE FOR REVIEW, AND CAN BE FOUND AT: <http://facilities.fiu.edu/formsandstandards.htm>.

ALL APPLICANTS SHOULD REVIEW THE APPLICABLE FIU CONTRACT FORM AND STANDARD INSURANCE REQUIREMENTS CAREFULLY PRIOR TO MAKING A DECISION AS TO WHETHER OR NOT TO RESPOND TO THIS ADVERTISEMENT.

SUBMIT QUALIFICATIONS TO: Selection Committee, Florida International University, Facilities Planning, Campus Support Complex, 11555 S.W. 17th St., Room #142, Modesto A. Maidique Campus, Miami, Florida 33199. Submittals must be received between 8:30 a.m. and 12:30 p.m. or 1:30 p.m and 4:00 p.m. (Local Time), Friday, October 28, 2011.

Submittals will not be accepted before or after the times and date stated above. Facsimile (FAX) submittals are not acceptable and will not be considered.

ADVERTISEMENT FOR BIDS

The School Board of Pinellas County, Florida will receive sealed bids in the Purchasing Department of the School Board of Pinellas County, Florida – 301 Fourth Street S.W., Largo, Florida 33770-3536 until 3:00 p.m. (Local Time), October 12, 2011, for the purpose of selecting a Contractor for supplying all labor, material, and ancillary services required for the scope listed below.

SEALED BID NO.: 12-968-079

BID TITLE: Concrete Slabs & Walkways, Installed

DUE DATE/TIME: October 12, 2011, 3:00 p.m. (ET)

SCOPE OF PROJECT: The purpose of this bid is to select a qualified “Flat Work Concrete Specialty Contractor” to provide all labor, materials, equipment and supervision necessary to perform the installation of concrete sidewalks, slabs, footers, driveways, driveway aprons, combination curb and gutters as well as other such types of “flat work” concrete installations at various facilities county wide, per specifications.

PRE-BID CONFERENCE: A pre-bid conference Will Not be held for this project.

Technical questions pertaining to this bid should be directed to the following individuals:

Rodger D. Williams
 Annual Contracts Administration
 Maintenance Department
 Walter Pownall Service Center
 Pinellas County Schools
 Ph: (727)547-7181
 Cell: (727)638-3319
 Fax: (727)547-7241
 Email: williamsr@pcsb.org

Purchasing Department
 301 Fourth Street, S.W.
 Largo, Florida 33770
 (727)588-6149
 (727)588-6129 (Fax)

The Owner reserves the right to reject all bids.

BY ORDER OF THE SCHOOL BOARD OF PINELLAS COUNTY, FLORIDA

DR. JULIE M. JANSSEN, ED. D SUPERINTENDENT OF SCHOOLS AND EX-OFFICIO SECRETARY TO THE SCHOOL BOARD	CAROL J. COOK CHAIRMAN LINDA BALCOMBE DIRECTOR, PURCHASING
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REGIONAL PLANNING COUNCILS

Enclosed Cargo Trailers

The East Central Florida Regional Planning Council invites all qualified firms to submit proposals for consideration in accordance with the terms and conditions set forth in the Request for Proposals (RFP).

Proposals shall be accepted until 12:00 Noon (Eastern Time), Friday, October 21, 2011. To obtain a copy of the Request for Proposals, which outlines selection criteria and application responsibilities, please visit: <http://www.ecfrpc.org> and select the Emergency Management page. Any modifications that occur to the Request for Proposals will be posted at the web site.

DAYTONA STATE COLLEGE

Architectural Services
 RFQ #12-002

Pursuant to the provisions of Section 287.055, Florida Statutes, the “Consultants’ Competitive Negotiations Act”, Daytona State College hereby publicly announces it will consider qualified professional firms, registered to do work in the State of Florida, for small project architectural and/or engineering services.

The selected vendor will provide design services as requested by Daytona State College for projects that do not exceed \$500,000 in estimated construction costs.

Firms or individuals with experience in designing for higher education facilities and desiring to qualify for consideration must submit proposals no later than 2:00 p.m. on October 13, 2011, to: Mr. Samuel D. Phillips, Associate Director of Purchasing, Daytona State College, Building 1100/Room 123, 1200 W. International Speedway Blvd., Daytona Beach, FL 32114. Interested parties may obtain information by contacting: Daytona State College, Purchasing Department at (386)506-3064, by email: phillis@daytonastate.edu or by visiting our website: <http://www.daytonastate.edu/bussvcs/bids.html>.

Section XII Miscellaneous

DEPARTMENT OF TRANSPORTATION

The Florida Department of Transportation intends to issue an "Airport Site Approval Order," in accordance with Chapter 330, Florida Statutes, "Regulation of Aircraft, Pilots, and Airports" and Chapter 14-60, Florida Administrative Code, "Airport Licensing, Registration, and Airspace Protection" for the following site:

Orange Park Medical Center, a private airport, in Clay County, at Latitude 30° 9' 53" and Longitude 81° 44' 16", to be owned and operated by Orange Park Medical Center, 2001 Kingsley Avenue Orange Park, FL 32073.

A copy of the Airport Site Approval Order, the Airport's application, the applicable rules, and other pertinent information may be obtained by contacting: Aaron N. Smith, State Aviation Manager, Florida Department of Transportation, Aviation Office, 605 Suwannee Street, Mail Station 46, Tallahassee, Florida 32399-0450, (850)414-4514, aviation.fdot@dot.state.fl.us, Website: <http://www.dot.state.fl/aviation>.

ADMINISTRATIVE HEARING RIGHTS: Any person whose substantial interests will be determined or affected by this Airport Site Approval Order has the right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing. The petition for an administrative hearing must conform to the requirements of Rule Chapter 28-106, Florida Administrative Code, and must be filed, in writing, within twenty-one days of the publication of this notice, with: The Clerk of Agency Proceedings, Office of General Counsel, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0450. Failure to file a petition within the allowed time constitutes a waiver of any right such person has to request a hearing under Chapter 120, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for the Relocation of a
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Paccar, Inc., intends to allow the relocation of Rush Truck Centers of Florida, Inc., d/b/a Rush Peterbilt Truck Center, Orlando as a dealership for the sale of Peterbilt trucks manufactured by Paccar, Inc. (line-make PTRB) from its present location at 12475 West Colonial Drive, Winter Garden (Orange County), Florida 34787, to a proposed location at 1925 West Princeton Street, Orlando (Orange County), Florida 32804, on or after October 30, 2011.

The name and address of the dealer operator(s) and principal investor(s) of Rush Truck Centers of Florida, Inc., d/b/a Rush Peterbilt Truck Center, Orlando are dealer operator(s): William Marvin Rush, 1015 Rudelof Road, Seguin, Texas 78155, principal investor(s): Rush Enterprises, Inc., 555 IH-35 South, New Braunfels, Texas 78130.

The notice indicates intent to relocate the franchise in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS #65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Cindy Locker, Paccar, Inc., 1700 Woodbrook Street, Denton, Texas 76205.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

PUBLIC SERVICE COMMISSION

NOTICE OF SECURITIES APPLICATION

The Florida Public Service Commission will consider at its October 18, 2011, Agenda Conference, Docket No.: 110265-EI, Application of Tampa Electric Company for authority to issue and sell securities pursuant to Section 366.04, Florida Statutes, and Chapter 25-8, Florida

Administrative Code. The Company seeks PSC approval pursuant to Section 366.04, Florida Statutes, to issue, sell and/or exchange equity securities and issue, sell, exchange and/or assume long-term debt securities and/or to assume liabilities or obligations as guarantor, endorser, or surety in an amount not to exceed in the aggregate \$1.4 billion, during the twelve month period, ending December 31, 2012. The Company also seeks approval pursuant to Section 366.04, Florida Statutes, to issue, sell, exchange and/or assume short-term debt securities and/or to assume liabilities or obligations as guarantor, endorser, or surety, with the maximum amount of short-term debt outstanding at any one time being \$1.0 billion, during the twelve month period, ending December 31, 2012. Additionally, the Company seeks authority to enter into interest rates swaps or other derivative instruments related to debt securities.

DATE AND TIME: Tuesday, October 18, 2011. Agenda Conference, 9:30 a.m., although the time at which this item will be heard cannot be determined at this time

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32301

PURPOSE: To take final action in Docket No.: 110265-EI.

Emergency Cancellation of Meeting: If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the meeting will also be provided on the Commission's website: <http://www.psc.state.fl.us/> under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

In accordance with the American with Disabilities Act, persons needing a special accommodation to participate at this proceeding should contact: Office of Commission Clerk no later than five days prior to the conference at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD), Florida Relay Service.

NOTICE OF SECURITIES APPLICATION

The Florida Public Service Commission will consider at its October 18, 2011, Commission Conference, Docket No.: 110273-EI, Application of Florida Power & Light Company for authority to issue and sell securities pursuant to Section 366.04, Florida Statutes, and Chapter 25-8, Florida Administrative Code. The Company seeks PSC approval pursuant to Section 366.04, Florida Statutes, and Chapter 25-8, Florida Administrative Code, to issue and sell, and/or exchange any combination of the long-term debt and equity securities and/or to assume liabilities or obligations as guarantor, endorser, or surety in an aggregate amount not to exceed \$6.1 billion during calendar year 2012. In addition, the Company seeks permission to issue and sell short-term

securities during the calendar years 2012 and 2013 in an amount or amounts such that the aggregate principal amount of short-term securities outstanding at the time of, and including, any such sale shall not exceed \$4.0 billion.

DATE AND TIME: Tuesday, October 18, 2011, Commission Conference, 9:30 a.m., although the time at which this item will be heard cannot be determined at this time

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32301.

PURPOSE: To take final action in Docket No.: 110273-EI.

Emergency Cancellation of Meeting: If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the meeting will also be provided on the Commission's website: <http://www.psc.state.fl.us/> under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling: Office of the General Counsel at (850)413-6199.

In accordance with the American with Disabilities Act, persons needing a special accommodation to participate at this proceeding should contact: Office of Commission Clerk no later than five days prior to the conference at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD), Florida Relay Service. For more information, please contact: Martha F. Barrera, Office of the General Counsel, (850)413-6218.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE OF BATCHED APPLICATION RECEIPT AND 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 September 7, 2011.

County: Duval District: 4-1

CON # 10125 Application Receipt Date: 9/2/2011

Facility/Project: Shands Jacksonville Medical Center, Inc.

Applicant: Shands Jacksonville Medical Center, Inc.

Project Description: Establish an acute care hospital of up to 110 beds

County: St. Johns District: 4

CON # 10126 Application Receipt Date: 9/7/2011

Facility/Project: Avanti Wellness Treatment Center, LLC

Applicant: Avanti Wellness Treatment Center, LLC

Project Description: Establish an adult inpatient psychiatric hospital of up to 16 beds

County: Seminole District: 7

CON # 10127 Application Receipt Date: 9/7/2011

Facility/Project: HealthSouth Rehabilitation Hospital of Seminole County, LLC

Applicant: HealthSouth Rehabilitation Hospital of Seminole County, LLC

Project Description: Establish a comprehensive medical rehabilitation hospital of up to 60 beds

County: Seminole District: 7

CON # 10128 Application Receipt Date: 9/7/2011

Facility/Project: Central Florida Regional Hospital

Applicant: Central Florida Regional Hospital, Inc.

Project Description: Establish a comprehensive medical rehabilitation unit of up to 30 beds

County: St. Lucie District: 9

CON # 10129 Application Receipt Date: 9/7/2011

Facility/Project: Tradition Medical Center

Applicant: Martin Memorial Medical Center, Inc.

Project Description: Establish a Level II NICU of up to 10 beds

County: Palm Beach District: 9-4

CON # 10130 Application Receipt Date: 9/7/2011

Facility/Project: Florida Regional Medical Center, Inc.

Applicant: Florida Regional Medical Center, Inc.

Project Description: Establish an acute care hospital of up to 80 beds

County: Broward District: 10

CON # 10131 Application Receipt Date: 9/7/2011

Facility/Project: The Shores Behavioral Hospital, LLC

Applicant: The Shores Behavioral Hospital, LLC

Project Description: Establish an adult inpatient psychiatric hospital of up to 82 beds

County: Broward District: 10

CON # 10132 Application Receipt Date: 9/7/2011

Facility/Project: The Shores Behavioral Hospital, LLC

Applicant: The Shores Behavioral Hospital, LLC

Project Description: Establish an adult substance abuse hospital of up to 12 beds

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

PROPOSAL: District 4 – CON #10125

DATE/TIME: Tuesday, October 25, 2011, 10:00 a.m. – 12:00 Noon

PLACE: Health Planning Council of Northeast Florida, Inc.

644 Cesery Boulevard, Suite 210
Jacksonville, FL 32211

PROPOSAL: District 4 – CON #10126

DATE/TIME: Tuesday, October 25, 2011, 1:00 p.m. – 3:00 p.m.

PLACE: Health Planning Council of Northeast Florida, Inc.

644 Cesery Boulevard, Suite 210
Jacksonville, FL 32211

PROPOSALS: District 7

DATE/TIME: Tuesday, October 25, 2011, 8:30 a.m. – 11:30 a.m.

PLACE: Seminole County Health Department

400 West Airport Boulevard
Sanford, FL 32773

PROPOSAL: District 9 – CON #10129

DATE/TIME: Monday, October 24, 2011, 1:00 p.m. – 4:00 p.m.

PLACE: Quantum Foundation Community Room

2701 North Australian Avenue
West Palm Beach, FL 33407

PROPOSAL: District 9 – CON #10130

DATE/TIME: Monday, October 24, 2011, 9:00 a.m. – 12:00 Noon

PLACE: Quantum Foundation Community Room

2701 North Australian Avenue
West Palm Beach, FL 33407

PROPOSALS: District 10

DATE/TIME: Thursday, October 27, 2011, 2:00 p.m. – 4:00 p.m.

PLACE: Broward Regional Health Planning Council Inc.

915 Middle River Drive
Conference Room 115

Fort Lauderdale, FL 33304

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: James B. McLemore, by 5:00 p.m., October 14, 2011. 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 subsection 59C-1.010(3), F.A.C., written comments must be received by October 12, 2011.

NOTICE OF HOSPICE PROGRAM FIXED NEED POOL

The Agency for Health Care Administration has projected a fixed need pool for hospice programs, defined in accordance with Sections 400.601-.602, Florida Statutes (F.S.) and Sections 408.031-.045, F.S. Fixed need pool projections are for hospice programs planned for January 2013, pursuant to the

provisions of Rule 59C-1.0355, Florida Administrative Code. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the: Certificate of Need Program Office, Building 1, Room 220, MS #28, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., October 17, 2011.

Any person who identifies an error in the fixed need pool numbers must advise the agency of the error within ten (10) days of the publication. If the agency concurs with the error, the fixed need pool number will be adjusted and republished in the first available edition of the Florida Administrative Weekly. Failure to notify the agency of the error during this ten day period waives a person’s right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of an error in the action has a right to request an administrative hearing pursuant to Section 120.57, F.S. In order to request a proceeding under Section 120.57, F.S., a request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with: Agency Clerk at 2727 Mahan Drive, Fort Knox Building 3, Suite 3431, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 21 days of this publication or the right to a hearing is waived.

Hospice Program Net Need			
Service Area	Net Need	Service Area	Net Need
District 1	0	Subdistrict 6C	0
Subdistrict 2A	0	Subdistrict 7A	0
Subdistrict 2B	0	Subdistrict 7B	0
Subdistrict 3A	0	Subdistrict 7C	0
Subdistrict 3B	0	Subdistrict 8A	0
Subdistrict 3C	0	Subdistrict 8B	0
Subdistrict 3D	0	Subdistrict 8C	0
Subdistrict 3E	0	Subdistrict 8D	0
Subdistrict 4A	0	Subdistrict 9A	0
Subdistrict 4B	0	Subdistrict 9B	0
Subdistrict 5A	0	Subdistrict 9C	0
Subdistrict 5B	0	District 10	0
Subdistrict 6A	0	District 11	0
Subdistrict 6B	0	Total	0

NOTICE OF PEDIATRIC OPEN HEART SURGERY PROGRAMS AND PEDIATRIC CARDIAC CATHETERIZATION PROGRAMS FIXED NEED POOLS
 The Agency for Health Care Administration has projected fixed need pools for pediatric open heart surgery programs and pediatric cardiac catheterization programs for January 2014, pursuant to the provisions of Rules 59C-1.008, 59C-1.032 and 59C-1.033, F.A.C. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with: Certificate of Need Program Office, Building 1, Room 220, MS #28, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., October 17, 2011.

Any person who identifies an error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the Agency concurs with the error, the fixed need pool numbers will be adjusted and republished in the first available edition of the Florida Administrative Weekly. Failure to notify the agency of the error during this ten day time period will result in no adjustment to the fixed need pool number for this cycle and a waiver of the person’s right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of an error in the action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, Florida Statutes, your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the: Agency Clerk, 2727 Mahan Drive, Building 3, Suite 3431, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 21 days of this publication or the right to a hearing is waived.

Pediatric Cardiac Catheterization Programs & Pediatric Open Heart Surgery Programs

Service Area	Net Need	Service Area	Net Need
1	0	4	0
2	0	5	0
3	0	Total	0

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection (Department) gives notice of its intent to issue a variance (File No. 0155875-048-EV-VO, OGC No. 11-1076) to Mosaic Fertilizer, LLC (Mosaic), 13830 Circa Crossing Drive, Lithia, Florida 33547, under Section 403.201(1)(a), Florida Statutes

(F.S.), from the provisions of subsection 62-302.530(30), Florida Administrative Code (F.A.C.), which provides minimum standards for dissolved oxygen levels in surface waters. This variance will authorize the dissolved oxygen levels in the deeper portions of a manmade lake to fall below the minimum levels set by Rule 62-302.530, F.A.C. The 19-acre man-made lake is proposed in Environmental Resource Permit File No. 0155875-034.

The 271.8-acre project site is located in Four Corners/Lonesome Mine, northwest of the intersection of County Road 39 and State Road 62, in Manatee County, Florida. The site is located in Sections 13 and 24, Township 33 South, Range 21 East, in the South Fork Little Manatee River basin, in the Little Manatee River watershed, Class III waters. The manmade lake will be subject to the water quality standards provided in Rule 62-302.530, F.A.C.

On May 2, 2011, Mosaic submitted a petition for a variance, under Section 403.201(1)(a), F.S., from the provisions of subsection 62-302.530(30), F.A.C., which provides minimum standards for dissolved oxygen levels in surface waters. The variance will be permanent.

Most of the surface waters in the proposed manmade lake will meet the minimum standards for dissolved oxygen proscribed by Rule 62-302.530, F.A.C. However, the deepest layer of water in the lake, the hypolimnion layer, may not meet the minimum standards for dissolved oxygen as proscribed by Rule 62-302.530, F.A.C., and there is no practicable means known or available to achieve the required dissolved oxygen levels within the hypolimnion layer of water in the manmade lake. As a result, a variance of the minimum standards of dissolved oxygen provided in Rule 62-302.530, F.A.C., is necessary for the hypolimnion layer of water in the manmade lake. This was anticipated by the Florida Legislature in Section 373.414(6)(a), F.S., which states that "Where such mining activities otherwise meet the permitting criteria contained in this section, such activities may be eligible for a variance from the established water quality standard for dissolved oxygen within the lower layers of the reclaimed pit."

A variance of the minimum standards of dissolved oxygen provided in Rule 62-302.530, F.A.C., is not expected to result in any on-site or off-site impacts. Therefore, the Department intends to issue a variance pursuant to Section 403.201(1)(a), F.S., for the dissolved oxygen levels in the hypolimnion layer of the proposed manmade lake to fall below the minimum levels authorized by Rule 62-302.530, F.A.C.

The Department's file on this matter is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Bureau of Mining and Minerals Regulation, 2051 East Paul Dirac Drive, Tallahassee, Florida 32310, Telephone: (850)488-8217.

Under this intent to issue, this variance is hereby granted subject to the applicant's compliance with any requirement in this intent to publish notice of this intent in a newspaper of general circulation and to provide proof of such publication in accordance with Section 50.051, F.S. This action is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., as provided below. If a sufficient petition for an administrative hearing is timely filed, this intent to issue automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. When proof of publication is provided, if required by this intent, and if a sufficient petition is not timely filed, the variance will be granted as a ministerial action. Because an administrative hearing may result in the reversal or substantial modification of this action, the applicant is advised not to commence construction or other activities until the deadlines noted below for filing a petition for an administrative hearing or request for an extension of time have expired and until the variance has been executed and delivered. Mediation is not available.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received by the clerk) in the: Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Under subsection 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the: Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with Section 403.201, F.S., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled

to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) the name and address of each agency affected and each agency's file or identification number, if known; (b) the name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination; (c) a statement of when and how the petitioner received notice of the agency decision; (d) a statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) a concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; (f) a statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes, including an explanation of how the alleged facts relate to the specific rules or statutes; and (g) a statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This intent to issue a variance constitutes an order of the Department. Subject to the provisions of Section 120.68(7)(a), F.S., which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the: Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the order is filed with the Clerk of the Department.

Office of Intergovernmental Programs

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(40), F.S. A list of projects, comments deadlines and the address for providing comments are available at: <http://approd.dep.state.fl.us/clearinghouse/>. For information, call (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

DEPARTMENT OF JUVENILE JUSTICE

The Florida Department of Juvenile Justice has posted revised policy for review and comment on MyFlorida.com at: http://www.djj.state.fl.us/policies_procedures/policyreview.html.

Background Screening Policy (FDJJ 1800) – Changes were made to the policy regarding the reporting of arrests or court hearings by employees and possible consequences for failing to report such events in a timely manner.

These procedures are posted for a single 20 working day review and comment period, with the closure date of October 27, 2011, for submission of comments. Responses to comments received will be posted on the above Website.

DEPARTMENT OF HEALTH

Notice of Emergency Action

On September 20, 2011, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Roni Eliezer Dreszer, M.D., License #ME 103451. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2010).

The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

Notice of Emergency Action

On September 20, 2011, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Jeffrey Robert Perelman, M.D., License #ME 51866. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2010). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

FINANCIAL SERVICES COMMISSION

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received the following application. Comments may be submitted to the Division Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Agency Clerk as follows:

By Mail or Facsimile	OR	By Hand Delivery
Agency Clerk		Agency Clerk
Office of Financial Regulation		Office of Financial Regulation
P. O. Box 8050		General Counsel's Office
Tallahassee, Florida		The Fletcher Building
32314-8050		Suite 118
Phone: (850)410-9800		101 East Gaines Street,
Fax: (850)410-9548		Tallahassee, Florida
		32399-0379
		Phone: (850)410-9889

The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., October 21, 2011):

APPLICATION TO MERGE

Constituent Institutions: American Momentum Bank, Tampa, Florida, and Brazos Valley Bank, National Association, College Station, Texas

Resulting Institution: American Momentum Bank

Received: September 20, 2011

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN September 12, 2011
 and September 16, 2011

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF LEGAL AFFAIRS
Division of Victim Services and Criminal Justice Programs

2A-7.001	9/13/11	10/3/11	37/31	
2A-7.0021	9/13/11	10/3/11	37/31	
2A-7.0022	9/13/11	10/3/11	37/31	

STATE BOARD OF ADMINISTRATION

19-8.001	9/12/11	10/2/11	37/32	
19-15.001	9/12/11	10/2/11	37/32	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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AGENCY FOR HEALTH CARE ADMINISTRATION
Office of Licensure and Certification

59A-8.0086	9/12/11	10/2/11	37/25	
59A-8.0185	9/12/11	10/2/11	37/25	

Cost Management and Control

59B-9.032	9/15/11	10/5/11	37/24	
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**LIST OF RULES AWAITING LEGISLATIVE
 APPROVAL PURSUANT TO (CHAPTER 2010-279,
 LAWS OF FLORIDA)**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

5F-11.002	7/7/11	*****	37/14	
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