

Section I
Notice of Development of Proposed Rules and Negotiated Rulemaking

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.: RULE TITLES:

40E-1.021 Definitions

40E-1.6058 Publication and Requests for Notification of Permit Applications or Notices of Intent

PURPOSE AND EFFECT: The District proposes amendment of these rules to reduce regulatory burdens by saving the taxpayers and applicants the cost of publishing notices of certain types of permit applications in the newspaper.

SUBJECT AREA TO BE ADDRESSED: The District proposes to provide posting on the District's website as an alternative to publishing certain types of permit applications in the newspaper, and to define the term posting to inform the public where notices can be accessed.

RULEMAKING AUTHORITY: 373.044, 373.113, 668.003, 668.004, 668.50 FS.

LAW IMPLEMENTED: 120.53(1), 120.60(3), 668.003, 668.004, 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 REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jan Sluth, Sr. Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone: 1(800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

Section II
Proposed Rules

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NOS.: RULE TITLES:

12D-1.002 Definitions

12D-1.0025 Computation of Time; Due Dates Falling on Weekends and Holidays

12D-1.009 Mapping Requirements

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

12D-1.011 Notification to Property Appraiser of Land Development Restriction

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12D-1.002, F.A.C., (Definitions) is to implement a statutory change enacted in Section 1 of Chapter 2012-193, Laws of Florida. The effect of amending Rule 12D-1.002, F.A.C., is that the term “assessed value of property” is correctly defined. The purpose of proposed new Rule 12D-1.0025 (Computation of Time; Due Dates Falling on Weekends and Holidays) is to clarify how deadlines for property tax actions will be applied when the deadline ends on a weekend or holiday. The effect of creating Rule 12D-1.0025 is to eliminate confusion about how to handle a deadline that falls on a non-business day. The purpose of the proposed amendment to Rule 12D-1.009, F.A.C., (Mapping Requirements) is to update and clarify a provision dealing with the property ownership maps property appraisers use to help them identify, assess and value property. The effect of amending Rule 12D-1.009, F.A.C., is that the Department’s rules will reflect the most current procedures used by property appraisers. The purpose of the proposed amendments to Rule 12D-1.010, F.A.C., (Reconciliation of Interim Tax Rolls – Form of Notification) is to remove a form which is not used. The effect of amending Rule 12D-1.010, F.A.C., is to eliminate an obsolete form. The purpose of repealing Rule 12D-1.011, F.A.C., (Notification to Property Appraiser of Land Development Restriction) is to remove a rule which has language that is almost identical to the language of the statute it implements. The provisions of the statute will still apply to this topic. The effect of repealing Rule 12D-1.011, F.A.C., is to reduce the number of rules the agency maintains.

SUMMARY: The proposed amendments to Rule 12D-1.002, F.A.C., (Definitions) revise the definition of the term “assessed value of property” to clarify that the term means all property, not just “homestead” property; and, that the term means an annual determination of the property’s just or fair market value, as well as the value of property that is in a classified use or a fractional value. Proposed new Rule 12D-1.0025, F.A.C., (Computation of Time; Due Dates Falling on Weekends and Holidays) provides that when a deadline specified in a statute or a rule falls on a weekend or holiday, the deadline is extended to the next regular working day. The proposed amendments to Rule 12D-1.009, F.A.C., (Mapping Requirements) remove an unnecessary limitation regarding the inclusion of recorded or unrecorded subdivisions on property ownership maps. The amendments to Rule 12D-1.010, F.A.C., (Reconciliation of Interim Tax Rolls – Form of Notification)

remove an obsolete form that is used to notify property owners about the development of an interim assessment roll in their county – the only instance of an interim assessment roll occurred in the 1980's. Rule 12D-1.011, F.A.C., (Notification to Property Appraiser of Land Development Restriction) which is being proposed for repeal, requires state and local government entities to tell the appropriate property appraiser about any law, ordinance, resolution, regulation, executive order or proclamation that the entity adopts on topics dealing with limiting, regulating, or putting a moratorium on the development or improvement of property.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 193.085(2), 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 192.001, 193.011, 193.085, 193.1145, 193.122, 193.461, 195.022, 195.062, 197.162, 197.172, 197.322, 197.333, 197.343, 197.344, 197.432, 197.443 FS.

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

DATE AND TIME: October 17, 2013, 9:00 a.m.

PLACE: Conference Room 3503, Building 2, Capital Circle Office Complex, 2450 Shumard Oak Blvd., Tallahassee, Florida. The public can also participate in this workshop through a simultaneous electronic broadcast of this event by the Department of Revenue using WebEx and conference calling technology from their home or office. The requirements to participate are access to the Internet and a telephone. Specific information about how to participate in this electronic meeting will be included in the Agenda for this workshop posted on the Department's site at the web site address listed: <http://dor.myflorida.com/dor/property/legislation/>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 48 hours before the workshop/meeting by contacting: Larry Green, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)617-8871, email greenlar@dor.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry Green, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, P.O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)617-8871, email greenlar@dor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

12D-1.002 Definitions.

Unless otherwise stated or unless otherwise clearly indicated by the context in which a particular term is used, all terms used in this chapter shall have the same meanings as are attributed to them in the current Florida Statutes. In this connection, reference is made to the definitions contained in Sections 192.001, 196.012, and 197.102, F.S.

(1) through (2) No change.

(3) Livestock – Animals kept or raised for use or pleasure, especially farm animals kept for use and profit. Livestock is further defined as those kinds of domestic animals and fowls which are normally susceptible to confinement within boundaries without seriously impairing their utility, and the intrusion of which ~~on upon~~ the land of others normally causes harm to land or to crops ~~on the land thereon~~.

(4) Taxpayer – The person or other legal entity in whose name the property is assessed.

The terms “owner” and “possessor” may be used interchangeably with “taxpayer” where the context so indicates.

(5) No change.

(6) Assessed value of property – When applied to ~~homestead~~ property, means an annual determination of:

(a) The just or fair market value of an item or property;

(b) The ~~assessed~~ value of ~~property~~ as limited by Article VII, ~~Section 4(d)~~ of the State Constitution, ~~or~~

(c) The value of property in a classified use or at a fractional value if the property is assessed solely on the basis of character or use or at a specified percentage of its value under Article VII of the State Constitution.

(7) Homestead and Homestead Property – ~~Property Means that property~~ described in Article VII, Section 6(a) of the State Constitution.

Rulemaking Authority 195.027(1), 213.06(1) FS. Law Implemented 192.001, 193.085, 193.461 FS. History–New 10-12-76, Formerly 12D-1.02, Amended 12-27-94, 2-25-96, ~~xx-xx-xx~~.

12D-1.0025 Computation of Time; Due Dates Falling on Weekends and Holidays.

(1) Unless otherwise prescribed by Chapters 192, 193, 194, 195, 196, 197, and 200, F.S., or by Rule Chapters 12D-1 through 12D-51, F.A.C., when computing any designated period of time, do not include the initial day. The last day of the period so computed is included.

(2) If the due date or deadline falls on a Saturday, Sunday, or legal holiday, the due date or deadline is extended to the next regular working day.

(3) As used in this rule, legal holiday means those days designated in subsections (1) and (2) of Section 110.117, F.S. Rulemaking Authority 195.027, 213.06(1) FS. Law Implemented 195.002(1), 195.027(1) FS. History—New xx-xx-xx.

12D-1.009 Mapping Requirements.

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

(a) Aerial photography suitable for the needs of the appraiser's ~~his~~ office.

(b) Property ownership maps which will reflect the following:

1. Recorded subdivisions and/or unrecorded subdivisions, ~~if being used for assessing,~~ in their entirety on the property ownership maps including lot and block division and dimensions if known.

2. Dimensions and acreage, where known, on all parcels over one acre in size.

3. Parcel number corresponding to that as listed on the current county tax roll.

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

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

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

(1) After ~~Upon~~ approval of the final assessment roll by the Executive Director, the property appraiser must ~~shall~~ notify all taxpayers of their final approved assessments and of the time period for filing petitions ~~on the form provided by the Department.~~ This ~~form of~~ notice must ~~shall~~ be mailed to the property owner as shown on the most recent tax roll or the name of the most recent owner as shown on the records of the property appraiser. ~~The form of the notice shall be substantially as follows:~~

~~1980 ASSESSMENT ROLL—NOTICE OF CHANGE OF ASSESSED VALUATION—REAL PROPERTY—1980 ASSESSMENT ROLL
THIS IS NOT A BILL—DO NOT PAY~~

~~INTERIM OR PROVISIONAL ASSESSED VALUE~~ ~~INTERIM OR PROVISIONAL TAXES~~ IDENTIFICATION NUMBER

~~FINAL ASSESSED VALUE DIFFERENCE~~ ~~FINAL TAXES DIFFERENCE~~

~~EXEMPTIONS: REGULAR WIDOW DISABILITY OTHER~~ LEGAL DESCRIPTION

~~If you feel your final assessed value is inaccurate or does not reflect market value, contact your property appraiser at:
NAME AND ADDRESS~~

~~If the property appraiser's office is unable to resolve the matter as to market value, you may file a petition for adjustment with the Property Appraisal Adjustment Board. Petition forms are available at the property appraiser's office and must be filed ON OR BEFORE~~

~~DR 474R—This Notice Shall Pertain Only to the 1980 Assessment Roll—See Reverse Side of Notice R. 3/80~~

~~SEE REVERSE~~

~~SEE REVERSE~~

~~THIS NOTICE SHALL PERTAIN ONLY TO THE 1980 ASSESSMENT ROLL. PROPERTY TAXES FOR 1980 WERE BASED UPON A TEMPORARY OR INTERIM ASSESSMENT ROLL. THE TEMPORARY OR INTERIM ASSESSMENT ROLL HAS BEEN FINALIZED BY COURT ORDER. THIS STATEMENT IS A RECONCILIATION SHOWING THE INTERIM OR PROVISIONAL ASSESSED VALUE, THE FINAL ASSESSED VALUE, THE INTERIM OR PROVISIONAL TAXES, THE FINAL TAXES AND THE DIFFERENCE BETWEEN THE INTERIM OR PROVISIONAL TAXES AND THE FINAL TAXES. ANY EXEMPTIONS YOU WERE AUTHORIZED FOR 1980~~

~~ARE SHOWN ON THE REVERSE. PLEASE CHECK THE EXEMPTION ALLOWED AGAINST WHAT YOU WERE AUTHORIZED.~~

NOTICE

~~PURSUANT TO THIS RECONCILIATION, NO BILL SHALL BE ISSUED AND NO REFUND SHALL BE AUTHORIZED IF THE AMOUNT THEREOF IS LESS THAN \$10.00.~~

~~THIS IS NOT A BILL — DO NOT PAY~~

(2) After certification of the final assessment roll by the value adjustment board (VAB) as provided in ~~pursuant to~~ Section 193.122(2), F.S., the property appraiser must shall, subject to the provisions of Section 193.1145, F.S., recompute each provisional millage rate of the taxing units within his or her jurisdiction, so that the total taxes levied within each taxing unit after recomputation and adjustment of the millage rate must shall be the same as the taxes which had been levied on the interim tax roll. The property appraiser must shall notify each taxing unit about as to the value of the recomputed or official millage rate.

(3) After the ~~VAB value adjustment board~~ has completed its hearings, or if no petitions are filed before the ~~VAB board~~, and the ~~VAB board~~ has certified to the property appraiser that no petitions were filed, the property appraiser must shall review the certification of the ~~VAB value adjustment board~~ reflecting all changes as made by the ~~VAB value adjustment board~~ and must shall extend the adjusted millage placed on the ~~such~~ roll. Provided, ~~however,~~ that nothing in these rules prohibits herein shall preclude the property appraiser from challenging any action of the ~~VAB value adjustment board~~ as provided by law.

(4) ~~After Upon~~ recomputation, the property appraiser must shall extend the taxes against the approved tax roll and must shall prepare a reconciliation between the interim roll and the final approved roll.

(5) It ~~is shall be~~ the ~~duty and~~ responsibility of the tax collector to compile and furnish to the property appraiser a compilation of the interim or provisional taxes paid on each parcel of property as levied on the interim assessment roll. The interim roll as certified by the tax collector to the clerk of the circuit court (clerk), or a certified copy of ~~the such~~ roll, must shall meet the requirements of this rule. ~~This Such~~ compilation must shall be furnished to the property appraiser no later than the date the assessment roll is certified to the property appraiser by the ~~VAB value adjustment board~~, as provided in pursuant to the provisions of Section 193.122(2), F.S.

(6) The final reconciled tax roll certified by the property appraiser to the tax collector must shall show, at a minimum for each parcel, the:

- (a) Interim or provisional assessed value;
- (b) Final assessed value;
- (c) Difference between (a) & (b);
- (d) Exemptions;
- (e) Interim or provisional taxes paid;
- (f) Final taxes due;
- (g) Difference between (e) & (f).

(7) After extension of the adjusted tax on the final tax roll, the property appraiser must shall certify ~~the such~~ reconciled final tax roll to the tax collector in a format from which tax notices or refunds may be produced for collection or refunding, unless otherwise authorized as provided in pursuant to subsection 193.1145(8), F.S.

(8)(a) The tax collector must shall prepare and send mail to each taxpayer either supplemental bills or refunds in the form of county warrants for each parcel, except that no bill must shall be issued and no refund must shall be authorized if the amount ~~thereof~~ is less than \$10.00. The supplemental billings or refunds must shall be accompanied by an explanatory notice in substantially the following form:

NOTICE OF SUPPLEMENTAL BILL OR REFUND OF PROPERTY TAXES

Property taxes for ___ (year) were based on upon a temporary assessment roll to allow time for a more accurate determination of property values. Reassessment work has now been completed and final tax liability for ___ (year) has been recomputed for each taxpayer. **BY LAW, THE REASSESSMENT OF PROPERTY AND RECOMPUTATION OF TAXES WILL NOT INCREASE THE TOTAL AMOUNT OF TAXES COLLECTED BY EACH LOCAL GOVERNMENT.** ~~If However,~~ if your property was relatively underassessed on the temporary roll, you owe additional taxes. If your property was relatively overassessed, you will receive a partial refund of taxes. If you have questions concerning this matter, please contact your county tax collector's office at (____).

(b) This notice must shall be printed on a separate sheet of paper and mailed with the supplemental billings or refunds. This notice must shall be furnished by the tax collector at the expense of his or her office.

(9) Tax bills must shall be mailed to the current owner of record as reflected by the most recent tax roll.

(10) Discounts for the reconciliation of an interim tax roll must shall be ~~as follows~~: Four (~~4~~) percent for the first 30 days, zero (~~0~~) percent for the next 30 days and delinquent at the expiration of the zero (~~0~~) percent discount period. Delinquent taxes must shall be governed by the provisions of Chapter 197,

F.S., to include, but not limited to interest, advertising and sale of tax certificates.

(11) The tax collector ~~must shall~~ collect all delinquent interim taxes and interest that have accrued as provided in pursuant to Section 193.1145(10), F.S. Discounts will not be allowed on delinquent interim taxes or interest. Discounts ~~must shall~~ be authorized on any tax that is the result of an increase in the final assessed valuation on the final approved reconciled tax roll. Final taxes that become delinquent ~~must shall~~ be enforced as provided in pursuant to the provisions of Chapter 197, F.S.

(12) Refunds ~~must shall~~ be made to the person who paid the tax originally. Refunds ~~must shall~~ be processed as follows:

(a) When the final approved reconciled tax roll indicates that the owner of record is the same as the owner of record on the interim tax roll, the tax collector ~~must shall~~ forward any refund due directly to the property owner.

(b) When the owner of record on the final approved reconciled tax roll is not the owner of record who apparently paid the interim taxes, and after a diligent search the tax collector cannot locate the interim taxpayer, the tax collector ~~must shall~~ publish a notice at least once each week for two weeks in a newspaper selected by the Board of County Commissioners. This notice must state that certain taxpayers may be entitled to a refund for the overpayment of interim taxes and that the taxpayer may file an application for refund with the tax collector.

(c) The size of the notice ~~must shall~~ be at least 3 × 5 inches. The content of the notice ~~must shall~~ be as prescribed by the tax collector. Advertising cost for the notice ~~must shall~~ be paid by the tax collector's office.

(d) Refunds ~~must shall~~ be paid from money collected from the final approved reconciled tax roll. If funds are not sufficient to pay all refunds, then the tax collector ~~must shall~~ bill each taxing authority for its proportionate share of any refund payable. The tax collector ~~must shall~~ commence the refund process within 90 days of the opening of the reconciled tax roll.

(e) Money collected from the final approved reconciled tax roll ~~must shall~~ not be distributed to the various taxing authorities until the tax collector ~~has shall have~~ in his or her possession adequate funds to process all refundable amounts as provided by pursuant to the reconciliation. Interest earned on all amounts collected on the final approved reconciled tax roll ~~must shall~~ be used by the tax collector to defray any and all costs incurred by his or her office for collecting the reconciled tax roll.

(f) One hundred and eighty (180) days after the notice was published in accordance with paragraph (b), any unclaimed refunds ~~must shall~~ be disposed of according to the disposition of abandoned or unclaimed property as required by

Sections 717.113 and 717.117, F.S., as administered by the office of the Comptroller, State of Florida.

(13) Any outstanding tax ~~sale~~ certificates sold by the tax collector on delinquent interim assessments may be canceled. Tax ~~sale~~ certificates may be canceled as provided in pursuant to Section 197.443, F.S. If tax ~~sale~~ certificates are canceled, refunds to tax ~~sale~~ certificate holders ~~must shall~~ be processed immediately and interest ~~must shall~~ be paid according to subsection 197.432(10), F.S. See subsection 193.1145(10), F.S.

(14) Delinquent interim taxes and interest ~~must shall~~ be collected or discharged as provided in pursuant to subsections 193.1145(8) and (10) ~~(10) and (8)~~, F.S.

(15) Forms, as required by this rule, ~~must shall~~ be reproduced by the property appraiser or tax collector. However, for good cause shown as provided in subsection 12D-16.001(5), F.A.C., the Department ~~must shall~~ approve a change in the format or content of any form required by this rule.

(16) If the reconciliation is to occur at or close to the time for budget hearings, the mailing of the bills, or the meeting of the ~~VAB value adjustment board~~ in a year subsequent to the year in which an interim roll was used, the Department may authorize re-notification and re-billing to coincide with the present year's notification and billing to reduce costs and administrative expenses, provided that no rights secured by law to property owners or taxpayers are jeopardized.

(17) Petitions to the ~~VAB value adjustment board~~ after reconciliation, for appeal of valuation, or classification, or denial of exemption ~~must shall~~ be filed within thirty (30) days from the date of mailing of the notice provided in this section.

(18) The provisions of Section 197.322, F.S., regarding the millage and tax statement ~~must shall~~ apply to the reconciliation of interim tax rolls.

~~(19) In cases of demonstrated hardships, the provisions of this rule may be amended, modified or set aside by a court of competent jurisdiction.~~

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

12D-1.011 Notification to Property Appraiser of Land Development Restriction.

~~(1) The applicable governmental body or agency shall notify the property appraiser in writing of any law, ordinance, regulation, or resolution it adopts imposing any limitation, regulation, or moratorium upon development or improvement of property as otherwise authorized by applicable law.~~

~~(2) The Governor shall notify the property appraiser in writing of any development limitation or restriction due to an executive order or proclamation.~~

Rulemaking Authority 195.027(1), 213.06(1) FS. Law Implemented 193.011 FS. History—New 12-27-94, Repealed xx-xx-xx.

NAME OF PERSON ORIGINATING PROPOSED RULE: Larry Green, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)617-8871, email greenlar@dor.state.fl.us

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 24, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Proposed Rules 12D-1.002 and 12D-1.009, F.A.C., were published twice in the Florida Administrative Register, first on July 27, 2012 (Vol. 38, No. 30, pp. 3073-3074), and again on August 31, 2012 (Vol. 38, No. 35, pp. 3561-3562). Proposed Rules 12D-1.0025 and 12D-1.010, F.A.C., were published in the July 29, 2013 edition of the Florida Administrative Register (Vol. 39, No. 146, pp. 3736-3737). A Notice of Rule Development for the proposed repeal of Rule 12D-1.011, F.A.C., was not published in the Florida Administrative Register, as authorized by Section 120.54(2)(a), F.S.

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NO.: 12D-6.006
RULE TITLE: Fee Time-Share Real Property

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12D-6.006, F.A.C., (Fee Timeshare Real Property) is to remove definitions in this rule that were intended by the Legislature to only be used for the regulatory purposes contained in Chapter 721, F.S. and, delete rule language which is redundant of statutory language in Section 192.037, F.S., as required by Section 120.74(1)(d), F.S., of the Administrative Procedure Act. The effect of these proposed rule revisions is to provide property appraisers with better procedures for assessing fee timeshare real property.

SUMMARY: The proposed amendments to Rule 12D-6.006, F.A.C., (Fee Timeshare Real Property) delete definitions for eight terms that were copied verbatim into this rule in 1994 from definitions in Section 721.05, F.S., one of the statutes that governs the regulation of the timeshare industry by the Florida Department of Business and Professional Regulation. These regulatory definitions do not directly apply to the ad valorem taxation of fee timeshare real property. Also, Section 721.03, F.S., states that the treatment of timeshare estates for ad valorem and special assessment purposes must be as prescribed in Chapters 192 through 200, F.S. These proposed

amendments also delete provisions in the rule that are identical or substantially comparable to existing statutory provisions.

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:

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

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

LAW IMPLEMENTED: 192.001, 192.037, 193.011 FS.

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

DATE AND TIME: October 17, 2013, 9:00 a.m.

PLACE: Conference Room 3503, Building 2, Capital Circle Office Complex, 2450 Shumard Oak Blvd., Tallahassee, Florida. The public can also participate in this workshop through a simultaneous electronic broadcast of this event by the Department of Revenue using WebEx and conference calling technology from their home or office. The requirements to participate are access to the Internet and a telephone. Specific information about how to participate in this electronic meeting will be included in the Agenda for this workshop posted on the Department’s site at the web site address listed:

<http://dor.myflorida.com/dor/property/legislation/>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)617-8871, email greenlar@dor.state.fl.us.. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry Green, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, P.O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)617-8871, email greenlar@dor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

12D-6.006 Fee Timeshare ~~Time Share~~ Real Property.

(1) Applicability of rule: This rule ~~applies shall apply~~ to the valuation, assessment, ~~and listing, billing and collection~~ for ad valorem tax purposes of all fee timeshare ~~time share~~ real property, as defined in Section 192.001, F.S.

(2) Definitions – As used in this rule, “fee timeshare real property” and “timeshare period titleholder” have the same definitions as provided in Section 192.001, F.S.:

(a) ~~“Accommodations” means any apartment, condominium or cooperative unit, cabin, lodge or hotel or motel room or any other private or commercial structure which is situated on real property and designed for occupancy by one or more individuals. (Section 721.05(1), F.S.)~~

(b) ~~“Fee time share real property” means the land and buildings and other improvements to land that are subject to time share interests which are sold as a fee interest in real property. (Section 192.001(14), F.S.)~~

(c) ~~“Managing entity” means the person responsible for operating and maintaining the time share plan (Section 721.05(20), Florida Statutes.)~~

(d) ~~“Time share development” means the combined individual time share periods or time share estates of a time share property as contained in a single entry on the tax roll. (Section 192.037(2), F.S.)~~

(e) ~~“Time share estate” means a right to occupy a time share unit, coupled with a freehold estate or an estate for years with a future interest in a time share property or a specified portion thereof. (Section 721.05(28), Florida Statutes.)~~

(f) ~~“Time share instrument” means one or more documents, by whatever name denominated, creating or governing the operation of a time share plan. (Section 721.05(29), Florida Statutes.)~~

(g) ~~“Time share period” means that period of time when a purchaser of a time share plan is entitled to the possession and use the accommodations or facilities, or both, of a time share plan. (Section 721.05(31), Florida Statutes.)~~

(h) ~~“Time share period titleholder” means the purchaser of a time share period sold as a fee interest in real property, whether organized under Chapter 718 or Chapter 721, F.S. (Section 192.001(15), F.S.)~~

(i) ~~“Time share plan” means any arrangement, plan, scheme, or similar device, other than an exchange program, whether by membership, agreement, tenancy in common, sale, lease, deed, rental agreement, license, or right to use agreement or by any other means, whereby a purchaser, in exchange for a consideration, receives ownership rights in, or a right to use, accommodations or facilities, or both, for a period of time less than a full year during any given year, but not necessarily for consecutive years, and which extends for a~~

~~period of more than 3 years. (Section 721.05(32), Florida Statutes.)~~

(j) ~~“Time share property” means one or more time share units subject to the same time share instrument, together with any other property or rights to property appurtenant to those units. (Section 721.05(33), Florida Statutes.)~~

(k) ~~“Time share unit” means an accommodation of a time share plan which is divided into time share periods. (Section 721.05(34), Florida Statutes.)~~

(3) Method of Assessment and Valuation.

(a) ~~1.~~ Each fee timeshare ~~time share~~ development, as ~~described defined~~ in Section 192.037(2), F.S. paragraph (2)(d) of this rule, must ~~shall~~ be listed on the assessment roll as a single entry.

2. In determining the highest and best use to which the timeshare ~~time share~~ development can be expected to be put in the immediate future and the present use of the property, the property appraiser must ~~shall~~ properly consider the terms of the timeshare ~~time share~~ instrument and the use of the development as divided into timeshare ~~time share~~ estates or periods. (Section 192.037(2), F.S.)

(b) ~~The assessed value of each time share development shall be the value of the combined individual time share periods or time share estates contained therein.~~

(b)(e) Each of the eight factors set forth in Sections 193.011(1)-(8) ~~inclusive~~, F.S., must ~~shall~~ be considered by the property appraiser in arriving at assessed values as in the manner ~~as in the manner~~ prescribed in paragraph (3)(a) (2)(b) of this rule. In these such ~~these such~~ considerations, the property appraiser must ~~shall~~ properly evaluate the relative merit and significance of each factor.

(d) ~~Consistent with the provisions of Section 193.011(8), F.S., and when possible, resales of comparable time share developments with ownership characteristics similar to those of the subject being appraised for ad valorem assessment purposes, and resales of time share periods from time share period titleholders to subsequent time share period titleholders, shall be used as the basis for determining the extent of any deductions and allowances that may be appropriate.~~

(4) ~~Listing of fee time share real property on assessment rolls.~~

(a) ~~Fee time share real property shall be listed on the assessment rolls as a single entry for each time share development. (Section 192.037(2), F.S.)~~

(b) ~~The assessed value listed for each time share development shall be derived by the property appraiser in the manner prescribed in paragraph (3) of this rule.~~

(5) Billing and Collection.

~~(a) For the purposes of ad valorem taxation and special assessments, including billing and collections, the managing entity responsible for operating and maintaining fee time share real property shall be considered the taxpayer as an agent of the time share period titleholders.~~

~~(b) The property appraiser shall annually notify the managing entity of the proportions to be used by the managing entity in allocating the valuation, taxes, and special assessments on time share property among the various time share periods.~~

~~(c) The tax collector shall accept only full payment of the taxes and special assessments due on the time share development and sell tax certificates as provided in paragraph 12D-13.051(2)(b), F.A.C., on the time share development as a whole parcel, as listed on the tax roll.~~

Rulemaking Authority 195.027(1), 213.06(1) FS. Law Implemented 192.001, 192.037, 193.011, ~~721.05~~ FS. History—New 5-29-85, Formerly 12D-6.06, Amended 12-27-94, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Larry Green, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)617-8871, email greenlar@dor.state.fl.us

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 24, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Different versions of proposed Rule 12D-6.006, F.A.C., were published three times in the Florida Administrative Register: July 27, 2012 (Vol. 38, No. 30, pp. 3073-3074), August 31, 2012 (Vol. 38, No. 35, pp. 3561-3562), and July 29, 2013 (Vol. 39, No. 146, pp. 3736-3737).

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NOS.:	RULE TITLES:
12D-7.0025	Application for Certain Exemptions Without Required Documentation
12D-7.0143	Additional Homestead Exemption Up To \$50,000 for Persons 65 and Older Whose Household Income Does Not Exceed \$20,000 Per Year

PURPOSE AND EFFECT: The purpose of adopting proposed Rule 12D-7.0025, F.A.C., (Application for Certain Exemptions Before Receiving Statutorily Required Documentation) is to implement statutory changes enacted in Sections 19, 20, 21, 22, 27, and 28 of Chapter 2012-193, Laws of Florida. The effect of proposed Rule 12D-7.0025, F.A.C., is to allow qualifying veterans or their surviving spouses to receive the exemption or discount as of the date of their

original application and to apply for a refund of any excess taxes that have been paid. The purpose of amending Rule 12D-7.0143, F.A.C., (Additional Homestead Exemptions for Persons 65 and Older Whose Household Income Does Not Exceed \$20,000 Per Year) is to implement Chapter 2012-57, Laws of Florida, based on the new Constitutional exemption for certain seniors that was approved by voters in the 2012 election. The effect of amending Rule 12D-7.0143, F.A.C. is to provide property appraisers with better procedures to follow as they administer these two exemptions.

SUMMARY: Proposed new Rule 12D-7.0025, F.A.C. (Application for Certain Exemptions Before Receiving Statutorily Required Documentation) lets veterans or their surviving spouses apply for exemptions or discounts in Sections 196.081, 196.082, 196.091, 196.101, 196.202, and 196.24, F.S., before receipt of documentation from the United States Department of Veterans Affairs, its predecessor, or the Social Security Administration. The proposed rule allows the property appraiser to grant the exemption or discount after reviewing the missing documentation. The proposed rule gives the applicant the option to apply for a refund of excess taxes paid.

The proposed amendments to Rule 12D-7.0143, F.A.C. (Additional Homestead Exemptions for Persons 65 and Older Whose Household Income Does Not Exceed \$20,000 Per Year) establish procedures for counties and municipalities to follow so that they can grant the two optional exemptions to qualified taxpayers aged 65 and older who meet the requirements of Section 196.075, F.S. The two exemptions are: (A) an additional exemption of up to \$50,000; and/or (B) an exemption of less than \$250,000 of the just value of their property for qualified persons who have maintained their permanent residence on a property for at least 25 years. These two exemptions are only available in counties or municipalities that have passed a local ordinance.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

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

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

LAW IMPLEMENTED: 193.074, 196.015, 196.031, 196.075, 196.081, 196.082, 196.091, 196.101, 196.202, 196.24, 197.182 FS.

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

DATE AND TIME: October 17, 2013, 9:00 a.m.

PLACE: Conference Room 3503, Building 2, Capital Circle Office Complex, 2450 Shumard Oak Blvd., Tallahassee Florida. The public can also participate in this hearing through a simultaneous electronic broadcast of this event by the Department of Revenue using WebEx and conference calling technology from their home or office. The requirements to participate are access to the Internet and a telephone. Specific information about how to participate in this electronic meeting will be included in the Agenda for this hearing posted on the Department's site at: <http://dor.myflorida.com/dor/property/legislation/>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: For Proposed Rule 12D-7.0025 – Larry Green, Tax Law Specialist, telephone (850)617-8871 or email greenlar@dor.state.fl.us. For Proposed Rule 12D-7.0143 – Robert Blick, Tax Law Specialist, telephone (850)617-8879 or email blickr@dor.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: For Proposed Rule 12D-7.0025 – Larry Green, Tax Law Specialist, telephone (850)617-8871 or email greenlar@dor.state.fl.us. For Proposed Rule 12D-7.0143 – Robert Blick, Tax Law Specialist, telephone (850)617-8879 or email blickr@dor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

12D-7.0025 Application for Certain Exemptions Before Receiving Statutorily Required Documentation.

(1) This rule only applies to persons who are applying for:

(a) The exemption for certain permanently and totally disabled veterans and for surviving spouses of veterans under Section 196.081, F.S., who have not yet received documentation from the United States Government or the United States Department of Veterans Affairs or its predecessor.

(b) The discount for disabled veterans under Section 196.082, F.S., who have not yet received documentation from the United States Department of Veterans Affairs or its predecessor.

(c) The exemption for disabled veterans confined to wheelchairs under Section 196.091, F.S., who have not yet received documentation from the United States Government or the United States Department of Veterans Affairs or its predecessor.

(d) The exemption for totally and permanently disabled persons under Section 196.101, F.S., who have not yet received documentation from the United States Department of Veterans Affairs or its predecessor.

(e) The exemption for property of widows, widowers, blind persons, and persons totally and permanently disabled under Section 196.202, F.S., who have not yet received documentation from the United States Department of Veterans Affairs or its predecessor or from the Social Security Administration.

(f) The exemption for disabled ex-servicemembers or surviving spouses under Section 196.24, F.S., who have not yet received documentation from the United States Government or the United States Department of Veterans Affairs or its predecessor.

(2) A person applying for an exemption or discount described in this rule may file the application for exemption or discount with the property appraiser before receiving the specified documentation.

(3) When the property appraiser receives the application, he or she must record the date the application was filed and give the applicant a receipt of the filing. The receipt must include the date of the application and the exemption applied for. The property appraiser must keep the application on file.

(4) When the property appraiser receives the required documentation which was missing at the time of the original application, the property appraiser must review the application and, if the applicant qualifies, grant the exemption or discount as of the date of the original application.

(5) The applicant may apply to the tax collector for a refund of excess taxes paid. Refunds are limited to those taxes paid during the four year period of limitation set by Section 197.182(1)(e), F.S.

Rulemaking Authority 195.027(1), 213.06(1) FS. Law Implemented 196.081, 196.082, 196.091, 196.101, 196.202, 196.24, 197.182, 213.05 FS. History—New xx-xx-xx.

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

(1)(a) The Florida Constitution and Section 196.075, F.S., authorize counties and municipalities to grant by local ordinance two separate additional exemptions for qualified persons who are 65 years of age and older and who meet the household adjusted gross income requirements of Section 196.075, F.S.

1. Paragraph 196.075(2)(a), F.S., authorizes an additional exemption of up to \$50,000 for persons who meet the requirements of this law.

2. Paragraph 196.075(2)(b), F.S., authorizes an additional exemption of less than \$250,000 of the just value of their property for persons who have maintained their permanent residence on this property for at least 25 years and who meet the requirements of this law.

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

(2) A taxpayer claiming either ~~the~~ additional exemption ~~must is required to~~ submit a sworn statement of adjusted gross income of the household (Form DR-501SC, Sworn Statement of Adjusted Gross Income of Household and Return, incorporated by reference in Rule 12D-16.002, F.A.C.) to the property appraiser by March 1, ~~including comprising~~ a confidential return of household income for the specified applicant and property. The sworn statement must be supported by copies of the following documents to be submitted for ~~review inspection~~ by the property appraiser:

(a) Federal income tax returns for the prior year for each member of the household, which ~~must shall~~ include the federal income tax returns 1040, 1040A, and 1040EZ, if any; and

(b) Any request for an extension of time to file federal income tax returns; and

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

(3) Proof of age ~~is shall be~~ prima facie established for persons 65 and older by ~~submitting submission of~~ one of the following: certified copy of birth certificate; ~~driver's~~ drivers license or Florida identification card; passport; life insurance policy in effect for more than two years; marriage certificate; Permanent Resident Card (~~formerly known as Alien Registration Card~~); certified school records; or certified census record. ~~If none of these forms of identification is submitted in~~

~~the absence of one of these forms of identification,~~ the property appraiser may rely on appropriate proof.

(4)(a) When determining if the taxpayer has been a permanent resident of the property for 25 years or more, the property appraiser must consider that the residency requirement is met if the taxpayer has qualified and been receiving the homestead exemption on the property for 25 years or more.

(b) If the taxpayer has not received the homestead exemption on the property for 25 years or more, the property appraiser must look at other evidence, including but not limited to, evidence described in Section 196.015, F.S., to determine if the taxpayer has maintained their permanent residence on the property for the required period.

(c) The taxpayer did not have to receive or qualify for the homestead exemption on the property during the entire period as long as they maintained it as their permanent residence.

(d) If the taxpayer was not the owner of the property but resided on the property for at least 25 years and currently has legal and equitable title, the taxpayer qualifies for the additional homestead exemption.

(5) Unless requested by the property appraiser, supporting ~~Supporting~~ documentation ~~does not have is not required~~ to be submitted with the sworn statement for renewal of ~~an the~~ exemption, ~~unless requested by the property appraiser.~~

(6)(5) ~~The~~ property appraiser may not grant or renew ~~the~~ exemption if the required documentation ~~is not provided including what is requested by the property appraiser is not provided.~~

Rulemaking Authority 195.027(1), 196.075(5), 213.06(1) FS. Law Implemented 193.074, 196.015, 196.031, 196.075, 213.05 FS. History—New 12-30-99, Amended 12-30-02, 11-1-12, xx-xx-xx.

NAME OF PERSON ORIGINATING PROPOSED RULE:
For Proposed Rule 12D-7.0025 – Larry Green, Tax Law Specialist, telephone (850)617-8871 or email greenlar@dor.state.fl.us. For Proposed Rule 12D-7.0143 – Robert Blick, Tax Law Specialist, telephone (850)617-8879 or email blickr@dor.state.fl.us

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Governor and Cabinet of Florida
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 24, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Proposed Rule 12D-7.0025 was published twice in the Florida Administrative Register, first on July 27, 2012 (Vol. 38, No. 30, pp. 3074-3075) and again on August 31, 2012 (Vol. 38, No. 35, pp. 3562-3563). Proposed Rule 12D-7.0143 was published in the July 29, 2013 edition of the Florida Administrative Register (Vol. 39, No. 146, pp. 3737-3738).

DEPARTMENT OF REVENUE**Property Tax Oversight Program**

RULE NO.: 12D-8.0065
 RULE TITLE: Transfer of Homestead Assessment Difference; "Portability"; Sworn Statement Required; Denials; Late Applications

PURPOSE AND EFFECT: The purpose of adopting this proposed rule (which replaces Emergency Rule 12DER12-08) is to implement the provisions of Chapter 2008-173, L.O.F., and Section 5 of Ch. 2012-193, L.O.F. The effect of adopting this rule is that authorized procedures will be available to both taxpayers and property appraisers which support applications for, and processing of, taxpayer's "Portability" requests.

SUMMARY: Proposed new Rule 12D-8.0065, F.A.C., (Transfer of Homestead Assessment Difference; "Portability"; Sworn Statement Required; Denial; Late Applications) implements statutory provisions that: establish procedures for the transfer of homestead assessment limitation difference (portability); provide necessary forms to apply for portability; designate the ownership shares to be attributed to a husband and wife who abandon a homestead property for purposes of determining the assessed value of a newly established homestead under certain circumstances; and, provide instructions to property appraisers about how to handle late "Portability" applications and denials of these applications.

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

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

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

LAW IMPLEMENTED: 192.047, 193.114, 193.1142, 193.155, 193.461, 193.703, 194.011 FS.

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

DATE AND TIME: October 17, 2013, 9:00 a.m.

PLACE: Conference Room 3503, Building 2, Capital Circle Office Complex, 2450 Shumard Oak Blvd., Tallahassee, Florida. The public can also participate in this workshop through a simultaneous electronic broadcast of this event by the Department of Revenue using WebEx and conference calling technology from their home or office. The requirements to participate are access to the Internet and a telephone. Specific information about how to participate in this electronic meeting will be included in the Agenda for this workshop posted on the Department's site at the web site address listed: <http://dor.myflorida.com/dor/property/legislation/>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)617-8871, email greenlar@dor.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry Green, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)617-8871, email greenlar@dor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) If the taxpayer meets the qualifications and wants to designate the ownership share of the assessment difference to be attributed to him or her as husband and wife for transfer to the new homestead, the taxpayer must also file a copy of Form DR-501TS, Designation of Ownership Shares of Abandoned Homestead (incorporated by reference in Rule 12D-16.002, F.A.C.) that was already filed with the previous property appraiser as described in subsection (5).

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

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

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

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

(b) Splitting - When two or more people who previously shared a homestead abandon that homestead and establish separate homesteads, the maximum total amount that can be transferred is \$500,000. Within that limit, each taxpayer who received a homestead exemption and is eligible to transfer an amount is limited to a share of the previous homestead's difference between assessed value and just value. The shares of the taxpayers that received the homestead exemption cannot total more than 100 percent.

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

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

3. Subparagraphs 1. and 2. do not apply if a husband and wife abandon jointly titled property and designate their respective ownership shares by completing and filing Form DR-501TS. When a complete and valid Form DR-501TS is filed as provided in this subparagraph, the designated ownership shares are irrevocable.

If a husband and wife abandon jointly titled property and want to designate their respective ownership shares they must:

a. Be married to each other on the date the jointly titled property is abandoned.

b. Each execute the sworn statement designating the person's ownership share on Form DR-501TS.

c. File a complete and valid Form DR-501TS with the previous property appraiser before either person applies for portability on Form DR-501T with the new property appraiser.

d. Include a copy of Form DR-501TS with the homestead exemption application filed with the new property appraiser as described in subsection (3).

4. Except when a complete and valid designation form DR-501TS is filed, the shares of the assessment difference cannot be sold, transferred, or pledged to any taxpayer. For example, if a husband and wife divorce and both abandon the homestead, they each take their share of the assessment difference with them. The property appraiser cannot accept a stipulation otherwise.

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

(6) Abandonment

(a) To transfer an assessment difference, a homestead owner must abandon the homestead before January 1 of the year the new application is made. To do this, the taxpayer must notify the property appraiser in writing by the time he or she applies for the new homestead exemption. To transfer the assessment difference, the previous homestead must be reassessed at just value as of January 1, subject to Subsections 193.155(8) and 193.155(3), F.S., which provide for assessment at other than just value.

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

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

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

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

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

(8) Procedures for property appraiser:

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

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

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

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

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

1. Flag for current year assessment difference transfer;
2. Number of owners among whom the previous assessment difference was split. Enter 1 if previous difference was not split;
3. Assessment difference value transferred;
4. County number of previous homestead;
5. Parcel ID of previous homestead;
6. Year from which assessment difference value was transferred;

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

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

(10) Additional provisions.

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

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

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

(d) If the new property appraiser has not received enough information to identify the previous homestead and the transferable amount in time to include it on the notice of proposed property taxes, the taxpayer may file a petition with the value adjustment board in the county of the new homestead.

(11) Denials.

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

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

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

(12) Late applications.

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

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
Larry Green, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)617-8871, email greenlar@dor.state.fl.us

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 24, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: The first Notice of Rule Development for this proposed new rule was published in the July 1, 2011 edition of the Florida Administrative Weekly (Vol. 37, No. 26, p. 1788). A second Notice of Rule Development was published in the June 22, 2012 edition of the Florida Administrative Weekly (Vol. 38, No. 25, p. 2541). A third Notice of Rule Development for proposed new Rule 12D-8.0065, F.A.C., was published in the Florida Administrative Register on August 31, 2012 (Vol. 38, No. 35, p. 3563).

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NOS.:	RULE TITLES:
12D-9.001	Taxpayer Rights in Value Adjustment Board Proceedings
12D-9.019	Scheduling and Notice of a Hearing
12D-9.020	Exchange of Evidence

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rules 12D-9.001 and 12D-9.019, F.A.C., is to implement statutory changes enacted in Sections 2 and 11 of Chapter 2012-193, Laws of Florida. The effect of amending Rules 12D-9.001 and 12D-9.019, F.A.C., is to: recognize a taxpayer’s statutory right to request a rescheduled hearing appointment, if their petition is not heard at a value adjustment board (VAB) proceeding within a reasonable time after their originally-scheduled appointment; ensure petitioners to the VAB receive important information about their scheduled hearing; and, ensure the Department’s rules reflect recent statutory changes.

The purpose of the proposed amendments to Rule 12D-9.020, F.A.C., is to implement the Administrative Law Judge’s ruling in Rob Turner, Hillsborough County Property Appraiser v. Department of Revenue, DOAH Case No 11-677, Summary Final Order dated June 22, 2011. It was found that the rule contradicts Section 194.011(4)(a), F.S. The effect of the proposed amendments to Rule 12D-9.020, F.A.C., is to make the rule consistent with the Administrative Law Judge’s ruling regarding the exchange of evidence within the VAB hearing process.

SUMMARY: The proposed amendments to Rule 12D-9.001, F.A.C., implement provisions from Section 192.0105, F.S., which contains the “Florida Taxpayer’s Bill of Rights” (for property taxes and assessments), to: remove the four hour wait time; provide that the petitioner’s wait time should not exceed two hours; and, add the petitioner’s right to reschedule if the wait time exceeds two hours. The proposed amendments to Rule 12D-9.019, F.A.C., implement provisions from Chapter 2012-193, Laws of Florida, to: require that certain information be provided with the notice provided to a petitioner concerning the time he or she is scheduled for an appearance before a VAB; provide that a petition hearing be rescheduled if the hearing is not commenced within 2 hours after the scheduled time; and, remove a requirement that the property record card be sent with the notice of hearing. The proposed amendments to Rule 12D-9.020, F.A.C., implement the Administrative Law Judge’s ruling in Rob Turner, Hillsborough County PA vs. DOR (DOAH Case No.:11-677, summary Final Order dated June 22, 2011), which found the rule contradicts Section 194.011(4)(a), F.S., regarding the exchange of evidence process for VAB hearings; and, implement a change in Section 8 of Chapter 2013-109, Laws

of Florida, which requires that the property appraiser, instead of the Clerk, now provide a copy of the property record card to the petitioner.

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

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

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

LAW IMPLEMENTED: 192.0105, 193.074, 194.011, 194.013, 194.015, 194.032, 194.034, 194.035, 194.036, 194.301, 195.002, 195.022, 195.027, 195.084, 195.096, 196.011, 196.151, 196.193, 196.194, 197.122, 200.069, 213.05 FS.

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

DATE AND TIME: October 17, 2013, 9:00 a.m.

PLACE: Conference Room 3503, Building 2, Capital Circle Office Complex, 2450 Shumard Oak Blvd., Tallahassee, Florida. The public can also participate in this workshop through a simultaneous electronic broadcast of this event by the Department of Revenue using WebEx and conference calling technology from their home or office. The requirements to participate are access to the Internet and a telephone. Specific information about how to participate in this electronic meeting will be included in the Agenda for this workshop posted on the Department’s site at the web site address listed: <http://dor.myflorida.com/dor/property/legislation/>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 48 hours before the workshop/meeting by contacting: Larry Green, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)617-8871, email greenlar@dor.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry Green, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)617-8871, email greenlar@dor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

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

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

(2) These rights include:

(a) through (d) No change.

(e) The right to be sent prior notice of the date for the hearing of the taxpayer's petition by the value adjustment board and the right to the hearing within a reasonable time of the scheduled hearing, and the right to have the hearing rescheduled if the hearing is not commenced within a reasonable time, not to exceed two hours, after the scheduled time;

(f) through (o) No change.

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

12D-9.019 Scheduling and Notice of a Hearing.

(1)(a) The board clerk shall prepare a schedule of appearances before the board or special magistrates based on timely filed petitions, and shall notify each petitioner of the scheduled time of appearance. The board clerk shall simultaneously notify the property appraiser or tax collector. The board clerk may electronically send this notification to the petitioner, if the petitioner indicates on his or her petition this means of communication for receiving notices, materials, and communications.

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

1. The anticipated amount of time if indicated on the petition;

2. The experience of the petitioner;

3. The complexity of the issues or the evidence to be presented;

4. The number of petitions/parcels to be heard at a single hearing;

5. The efficiency or difficulty for the petitioner of grouping multiple hearings for a single petitioner on the same day; and

6. The likelihood of withdrawals, cancellations of hearings or failure to appear.

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

(2) No hearing shall be scheduled related to valuation issues prior to completion by the governing body of each taxing authority of the public hearing on the tentative budget and proposed millage rate.

(3)(a) The notice of hearing before the value adjustment board shall be in writing, and shall be delivered by regular or certified U.S. mail or personal delivery, or in the manner requested by the petitioner on Form DR-486, so that the notice shall be received by the petitioner no less than twenty-five (25) calendar days prior to the day of such scheduled appearance. The Form DR-486 series is adopted and incorporated by reference in Rule 12D-16.002, F.A.C. The notice of hearing form shall meet the requirements of this section and shall be subject to approval by the department. The department provides Form DR-481 as a format for the form of such notice. Form DR-481 is adopted and incorporated by reference in Rule 12D-16.002, F.A.C. The notice shall include these elements:

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

2. The type of hearing scheduled;

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

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

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

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

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

8. A statement that the petitioner has the right to reschedule the hearing one time by making a written request to the board clerk at least five calendar days before the hearing;

9. Instructions on bringing copies of evidence;

10. Any information necessary to comply with federal or state disability or accessibility acts; and

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

~~(b) If the petitioner has requested a copy of the property record card, it shall be sent no later than the time at which the notice of hearing is sent.~~

(4)(a) The petitioner may reschedule the hearing without good cause one time by submitting a written request to the board clerk no fewer than five (5) calendar days before the scheduled appearance. To calculate the five (5) days, the petitioner shall use calendar days and shall not include the day of the hearing in the calculation, and shall count backwards from the day of the hearing. The last day of the period so computed shall be included unless it is a Saturday, Sunday, or legal holiday, in which event the period shall run until the end of the next previous day which is neither a Saturday, Sunday, or legal holiday.

(b) A petitioner may request a rescheduling of a hearing for good cause by submitting a written request to the board clerk before the scheduled appearance or as soon as practicable. A rescheduling for good cause shall not be treated as the one time rescheduling to which a petitioner has a right upon timely request under Section 194.032(2), F.S. Reasons for "good cause" that a board clerk or board designee may consider in providing for a rescheduling are:

1. Petitioner is scheduled for a value adjustment board hearing for the same time in another jurisdiction;
2. Illness of the petitioner or a family member;
3. Death of a family member;
4. The taxpayer's hearing does not begin within a reasonable time of their scheduled hearing time; or
5. Other reasons beyond the control of the petitioner.

(c) The property appraiser or tax collector may submit a written request to the board clerk to reschedule the hearing, and must provide a copy of the request to the petitioner. If there is a conflict, such as the attorney or staff needs to attend two different hearings which are scheduled at the same time, the property appraiser or tax collector may request a reschedule.

(5) A request to reschedule the hearing made by the petitioner fewer than five calendar days before the scheduled hearing may be made only for an emergency when good cause is shown. Such a request shall be made to the board clerk who shall forward the request to the board or a board designee, which includes the board clerk, board legal counsel or a special magistrate.

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

(b) If the board or a board designee determines that the request demonstrates good cause, the request will be granted. In that event, the board clerk will issue a notice of hearing with the new hearing date, which shall be the earliest date that is convenient for all parties.

(c) The board clerk shall give appropriate notice to the petitioner of the determination as to good cause. Form DR-485WCN is designated and may be used for this purpose. Form DR-485WCN is adopted and incorporated by reference in Rule 12D-16.002, F.A.C. The board clerk shall also appropriately notify the property appraiser or tax collector.

(d) When rescheduling hearings under this rule subsection or subsection (4) above, if the parties are unable to agree on an earlier date, the board clerk is authorized to schedule the hearing and send a notice of such hearing by regular or certified U.S. mail or personal delivery, or in the manner requested by the petitioner on the petition Form DR-486, so that the notice shall be received by the petitioner no less than twenty-five (25) calendar days prior to the day of such scheduled appearance. The board clerk is responsible for notifying the parties of any rescheduling.

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

(7)(a) If a petitioner's hearing does not commence as scheduled, the board clerk is authorized to determine good cause exists to reschedule a petition.

(b) In no event shall a petitioner be required to wait more than a reasonable time ~~after from~~ the scheduled time to be heard or, if the petition has been scheduled to be heard within a block of time, after the beginning of the block of time. A reasonable time shall not exceed four hours. The board clerk is authorized to find that a reasonable time has elapsed based on other commitments, appointments or hearings of the petitioner, lateness in the day, and other hearings waiting to be heard earlier than the petitioner's hearing with the board or special magistrate. If his or her petition has not been heard within a reasonable time, the petitioner may request to be heard immediately. If the board clerk finds a reasonable time has elapsed and petitioner is not heard, the board clerk shall find good cause is present and shall reschedule the petitioner's hearing. A reasonable time must not exceed two hours. After two hours, the petitioner has the right to inform the board chairperson, or the clerk as board designee, that he or she intends to leave, but need not exercise that right. If the hearing is not commenced within two hours, and the petitioner leaves, the clerk must reschedule the hearing. A rescheduling under this paragraph is not considered to be a request to reschedule as provided in paragraph (4)(a).

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

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

Rulemaking Authority 194.011(5), 194.034(1), 195.027(1), 213.06(1) FS. Law Implemented 194.011, 194.015, 194.032, 194.034, 195.022, 213.05 FS. History—New 3-30-10, Amended 9-26-11, xx-xx-xx.

12D-9.020 Exchange of Evidence.

(1) ~~Florida Statutes provide that at least fifteen (15) days before the hearing, the petitioner shall provide the property appraiser with a list and summary of evidence, accompanied by copies of documentation, to be presented at the hearing. Even if a petitioner does not comply with subsection 194.011(4)(a), F.S., the petitioner may still present evidence and the board or special magistrate may accept such evidence for consideration. The petitioner has the option of participating in an exchange of evidence with the property appraiser. If the petitioner chooses not to participate in the evidence exchange, the petitioner may still present evidence for consideration by the board or the special magistrate.~~ However, as described in this section, if the property appraiser asks in writing for specific evidence before the hearing in connection with a filed petition, and the petitioner has this evidence and knowingly refuses to provide it to the property appraiser a reasonable time before the hearing, the evidence cannot be presented by the petitioner or accepted for consideration by the board or special magistrate. Reasonableness shall be determined by whether the material can be reviewed, investigated, and responded to or rebutted in the time frame remaining before the hearing. These requirements are more specifically described in subsection (8) of this rule and in paragraphs Rule 12D-9.025(4)(a) and (f), F.A.C.

(2)(a) ~~If the petitioner chooses to participate in an exchange of evidence with the property appraiser, at least fifteen (15) days before the hearing, the petitioner shall provide the property appraiser with a list and summary of evidence to be presented at the hearing accompanied by copies of documentation to be presented at the hearing.~~ To calculate the fifteen (15) days, the petitioner shall use calendar days and shall not include the day of the hearing in the calculation, and shall count backwards from the day of the hearing.

(b) ~~When a petitioner If the petitioner chooses to participate in an exchange of evidence with the property appraiser and he or she shows good cause to the board clerk for not being able to meet the fifteen (15) day requirement and the property appraiser is unwilling to agree to a different timing of the exchange, the board clerk is authorized to reschedule the hearing to allow for the exchange of evidence to occur.~~

(c) No later than seven (7) days before the hearing, if the property appraiser receives the petitioner's documentation and if requested in writing by the petitioner, the property appraiser shall provide the petitioner with a list and summary of evidence to be presented at the hearing accompanied by copies of documentation to be presented by the property appraiser at the hearing. There is no specific form or format required for the petitioner's written request for a list of evidence with copies of all documents and a summary of the evidence to be presented by witnesses. The evidence list must contain the property record card if ~~requested provided by the board clerk~~. To calculate the seven (7) days, the property appraiser shall use calendar days and shall not include the day of the hearing in the calculation, and shall count backwards from the day of the hearing.

(d) through (9) No change.

Rulemaking Authority 194.011(5), 194.034(1), 195.027(1), 213.06(1) FS. Law Implemented 193.074, 194.011, 194.015, 194.032, 194.034, 194.035, 195.022, 195.084, 200.069, 213.05 FS. History—New 3-30-10, Amended xx-xx-xx.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Larry Green, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)617-8871, email greenlar@dor.state.fl.us

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 24, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: A Notice of Rule Development for proposed Rule 12D-9.020, F.A.C., was published in the March 22, 2012 edition of the Florida Administrative Weekly (Vol. 38, No. 9, pp. 917-918)

Notices of Rule Development for proposed Rules 12D-9.001, 12D-9.019, and 12D-9.020, F.A.C., were published twice in the Florida Administrative Weekly: on July 27, 2012 (Vol. 38, No. 30, p. 3075); and, on August 31, 2012 (Vol. 38, No. 35, pp. 3563-3564).

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NO.: RULE TITLE:

12D-16.002 Index to Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12D-16.002, F.A.C., is to implement provisions from Chapter 2012-54, 2012-57, and 2012-193, Laws of Florida; Article VII, Sec. 6, and Article XII, Sec. 32, Florida Constitution; Sections 193.155 and 196.031, F.S.; and, to remove outdated forms and provide updated forms for the

property appraisers, tax collectors, clerks of court, and the public.

SUMMARY: The proposed amendments to Rule 12D-16.002, F.A.C., is to adopt revised forms based on state constitutional amendments passed in the November 2012 general election and update selected forms to reflect current statutory provisions.

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

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

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

LAW IMPLEMENTED: : 92.525, 95.18, 136.03, 192.001(18), 192.0105, 193.052, 193.077, 193.085, 193.092, 193.114, 193.122, 193.155, 193.1554, 193.1555, 193.1556, 193.461, 193.501, 193.503, 193.625, 193.703, 194.011, 194.032, 194.034, 194.035, 194.037, 195.002, 195.022, 195.087, 196.011, 196.015, 196.031, 196.075, 196.081, 196.082, 196.091, 196.095, 196.101, 196.121 196.131, 196.141, 196.151, 196.161, 196.173, 196.183, 196.193, 196.1961, 196.1983, 196.1995, 196.202, 196.24, 196.26, 197.182, 197.222, 197.2423, 197.2425, 197.3632, 197.3635, 197.414, 197.432, 197.472, 197.502, 197.512, 197.552, 200.065, 200.069, 213.05, 218.12, 218.125, 218.66, 218.67 FS.

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

DATE AND TIME: October 17, 2013, 9:00 a.m.

PLACE: Conference Room 3503, Building 2, Capital Circle Office Complex, 2450 Shumard Oak Blvd., Tallahassee Florida. The public can also participate in this hearing through a simultaneous electronic broadcast of this event by the Department of Revenue using WebEx and conference calling technology from their home or office. The requirements to participate are access to the Internet and a telephone. Specific information about how to participate in this electronic meeting will be included in the Agenda for this hearing posted on the Department's site at: <http://dor.myflorida.com/dor/property/legislation/>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Dianne Porter, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)617-8880 or email porter@dor.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dianne Porter, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, P.O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)617-8880 or email porter@dor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

12D-16.002 Index to Forms.

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

Form Number	Form Title	Effective Date		Form Number	Form Title	Effective Date
(2)	No change.		(c)(d)	DR-482HW	Application and Return for High-Water Recharge Classification of Lands (r. xx/xx n-12/99)	xx/xx 1/00
(3)(a)	DR-402 Declaration of Mobile Home as Real Property (r. xx/xx xx/xx)	6/83	(e)	DR-482HP	Application and Return for Classification/Exemption of Property as Historic Property Used for Commercial or Certain Nonprofit Purposes (r. 12/04)	12/04
(b)	through No change.		(f)	DR-484	Budget Form for Property Appraisers (r. xx/xx11/12)	xx/xx 11/12
(5)(a)	DR-403EB The (tax year) Ad Valorem Assessment Rolls Exemption Breakdown of County, Florida (r. 12/12 6/11)	xx/xx 11/12	(24)	DR-484	Budget Form for Property Appraisers (r. xx/xx11/12)	xx/xx 11/12
(6)(a)	DR-403PC The Value and Number of Parcels on the Real Property Countywide Assessment Roll by Category (r. 12/12 6/11)	xx/xx 11/12	(25)	DR-485D	Decision of the Value Adjustment Board Denial for Non-Payment (r. xx/xx)	xx/xx
(b)	DR-403V The (tax year) Revised Recapitulation of the Ad Valorem Assessment Roll Value Data (r. 12/12 6/11)	xx/xx 11/12	(a)	DR-485M	Notice of Decision of The Value Adjustment Board (r. 11/12)	11/12
(7)(a)	through No change.		(b)	DR-485M	Notice of Decision of The Value Adjustment Board (r. 11/12)	11/12
(9)(a)	(8)(b) No change.		(c)(b)	DR-485R	Value Adjustment Board – Remand to Property3/10 Appraiser (n. 12/09)	
(9)(b)	DR-409 Certificate of Correction of Tax Roll (r. 3/13 11/12)	xx/xx 11/12	(d)(e)	DR-485V	Decision of The Value Adjustment Board – Value Petition (r. 11/12)	11/12
(13)(a)	through No change.		(c)(b)	DR-485R	Value Adjustment Board – Remand to Property3/10 Appraiser (n. 12/09)	
(12)(b)	Economic Development Ad Valorem Property Tax Exemption (r. xx/xx 12/99)	xx/xx 11/12	(d)(e)	DR-485V	Decision of The Value Adjustment Board – Value Petition (r. 11/12)	11/12
(b)	DR-418 No change.	xx/xx 11/12	(e)(d)	DR-485WCN	Value Adjustment Board – Clerk’s Notice (r. 11/12)	11/12
(b)	through No change.		(f)(e)	DR-485WI	Value Adjustment Board – Withdrawal of Petition3/10 (n. 12/09)	
(f)	14(a) Certification of School Taxable Value (r. 5/13 5/11)	xx/xx 11/12	(g)(f)	DR-485XC	Decision of The Value Adjustment Board – Exemption, Classification, or Assessment Difference Transfer Petition (r. 11/12)	11/12
(g)	through (e)(r. 5/13 5/11)		(26)	DR-486	Petition to the Value Adjustment Board – Request for Hearing (r. xx/xx 12/09)	xx/xx 3/10
(b)	DR-420S https://www.flrules.org/Gateway/reference.asp?No=Ref-01756	xx/xx 11/12	(a)	DR-486	Petition to the Value Adjustment Board – Request for Hearing (r. xx/xx 12/09)	xx/xx 3/10
(c)	through No change.		(b)	DR-486	No change.	
(18)	(15)(a) Certification of Final Taxable Value (r. 5/13 5/11)		(c)	DR-486PORT	Petition to the Value Adjustment Board – Transfer of Homestead Assessment Difference -- Request for Hearing (r. xx/xx xx/xx 12/09)	xx/xx 3/10
(19)	DR-422 https://www.flrules.org/Gateway/reference.asp?No=Ref-01759	xx/xx 11/12	(d)	DR-486XCO	Certification of Compliance (r. 5/13 5/11)	
(21)(a)	through No change.		(e)	DR-487	https://www.flrules.org/Gateway/reference.asp?No=Ref-01779	xx/xx 11/12
(17)(c)	Notice of New, Rebuilt, or Expanded Property (r. xx/xx)	xx/xx 9/84	(f)	DR-487	No change.	
DR-456	through No change.		(28)	DR-489EB	The (tax year) Ad Valorem Assessment Rolls Exemption Breakdown of County, Florida (r. 12/12 6/11)	xx/xx 11/12
(20)	Railroad Distribution Sheet (r. 1/95)		(29)(a)	DR-489EB	The (tax year) Ad Valorem Assessment Rolls Exemption Breakdown of County, Florida (r. 12/12 6/11)	xx/xx 11/12
DR-471	DR-471	11/12	(b)	DR-489PC	The Value and Number of Parcels on the Real Property Countywide Assessment Roll by Category (r. 12/12 6/11)	xx/xx 11/12
(a)(b)	DR-474 Notice of Proposed Property Taxes (r. 11/12)	1/12	(c)	DR-489V	The (tax year) Preliminary Recapitulation of the Ad Valorem Assessment Roll, Value Data (r. 12/12 n-6/11)	xx/xx 11/12
	https://www.flrules.org/Gateway/reference.asp?No=Ref-01768					
(b)(e)	DR-474M Amended Notice of Proposed Property Taxes (r. 11/12)	11/12				
	https://www.flrules.org/Gateway/reference.asp?No=Ref-01769					
(c)(d)	DR-474N Notice of Proposed Property Taxes and Proposed or Adopted Non-Ad Valorem Assessments (r. 11/12)	11/12				
	https://www.flrules.org/Gateway/reference.asp?No=Ref-01770					
(22)	DR-481 Value Adjustment Board – Notice of Hearing (r. xx/xx xx/xx n-11/12)	3/10				
(23)(a)	DR-482 Application and Return for Agricultural Classification of Lands (r. xx/xx 12/00)	xx/xx 1/01				
(b)	through (c) No change.					
(d)	DR-482HP Application and Return for Classification/Exemption of Property as Historic Property Used for Commercial or Certain Nonprofit Purposes (r. xx/xx)	xx/xx 12/04				

(30)(a)	DR-490	Notice of Disapproval of Application for Property Tax Exemption or Classification by the County Property Appraiser (r. xx/xx 44/42)	xx/xx 44/42
(30)(b)	through (38)	No change.	
(39)(a)	DR-501	Original Application for Homestead and Related Tax Exemptions (r. 12/12 44/42)	xx/xx 44/42
(b)	through (c)	No change.	
(d)	DR-501DV	Application for Homestead Tax Discount, Veterans Age 65 and Older with a Combat-Related Disability (r. 12/12 xx/xx 44/42)	xx/xx 44/42
(e)	through (g)	No change.	
(h)	DR-501SC	Adjusted Gross Household Income Sworn Statement and Return (r. 12/12 44/42)	xx/xx 44/42
(i)	DR-501T	Transfer of Homestead Assessment Difference, Attachment to Original Application for Tax Homestead Exemption (r. 12/08)	11/12
(j)	DR-501TS	Designation of Ownership Shares of Abandoned Homestead (n. xx/xx)	xx/xx
(40)(a)	through (41)(b)	No change.	
(c)	DR-504HA	Ad Valorem Tax Exemption Application and Return – Homes for the Aged (r. xx/xx 44/04)	xx/xx 42/04
(d)	through (43)(b)	No change.	
(44)(a)	DR-507C	List of Certificates Sold for Taxes (r. 12/06)	40/07
(b)	DR-508	Application for Separate Assessment of Mineral, Oil and Other Sub-Surface Rights (r. 12/94)	12/94
(45)(a)	through (48)(c)	No change.	
(49)(a)	DR-517C	Warrant Register (continuous) (n. 9/82)	9/82
(b)	DR-517L	Execution and Warrant for Collection of Delinquent Ad Valorem Leasehold Taxes (r. 12/96)	12/96
(50)(a)	DR-518	Cut Out Request (r. xx/xx 42/92)	xx/xx 42/92
(b)	DR-520A	Tax Roll Sheet	40/94
(51)(a)	DR-524	Index Tax Roll Sheet	40/94
(a) (b)	DR-528	Notice of Ad Valorem Taxes and Non-Ad Valorem Assessments (example only) (r. 11/12) https://www.flrules.org/Gateway/reference.asp?No=Ref-01806	11/12
(b)(c)	DR-529	Notice Tax Impact of Value Adjustment Board (r. 12/09)	3/10
(52)(a)	through (57)(a)	No change.	
(b)	DR-584	Budget Form for Tax Collectors (r. xx/xx 44/42) https://www.flrules.org/Gateway/reference.asp?No=Ref-01813	xx/xx 44/42
(58)	through (60)	No change.	
(61)(a)	DR-593	Application for Section 218.66, F.S., Special Distributions for Contested Property Taxes (r. xx/xx 6/98)	xx/xx 42/98
(b)		No change.	

Rulemaking Authority 195.027(1), 213.06(1) FS. Law Implemented 92.525, 95.18, 136.03, 192.001(18), 192.0105, 193.052, 193.077, 193.085, 193.092, 193.114, 193.122, 193.155, 193.1554, 193.1555, 193.1556, 193.461, 193.501, 193.503, 193.625, 193.703, 194.011, 194.032, 194.034, 194.035, 194.037, 195.002, 195.022, 195.087, 196.011, 196.015, 196.031, 196.075, 196.081, 196.082, 196.091, 196.095, 196.101, 196.121, 196.131, 196.141, 196.151, 196.161, 196.173, 196.183, 196.193, 196.1961, 196.1983, 196.1995, 196.202, 196.24, 196.26, 197.182, 197.222, 197.2423, 197.2425, 197.3632, 197.3635, 197.414, 197.432, 197.472, 197.502, 197.512, 197.552, 200.065, 200.069, 213.05, 218.12, 218.125, 218.66, 218.67 FS. History—New 10-12-76, Amended 4-11-80, 9-17-80, 5-17-81, 1-18-82, 4-29-82, Formerly 12D-16.02, Amended 12-26-88, 1-9-92, 12-10-92, 1-11-94, 12-27-94, 12-28-95, 12-25-96, 12-30-97, 12-31-98, 2-3-00, 1-9-01, 12-27-01, 1-20-03, 1-26-04, 12-30-04, 1-16-06, 10-2-07, 3-30-10, 11-1-12, ~~xx-xx-xx~~.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dianne Porter, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)617-8880 or email porter@dor.state.fl.us

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Governor and Cabinet of Florida
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 24, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Proposed Rules 12D-16.002, F.A.C., were published twice in the Florida Administrative Weekly; first on July 27, 2012 (Vol. 38, No. 30, pp. 3075-3076) and again on August 31, 2012 (Vol. 38, No. 35, p. 3564). A third Proposed Rule 12D-16.002, F.A.C., was published in the July 29, 2013, edition of the Florida Administrative Register (Vol. 39, No. 146, p. 3738).

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.314
RULE TITLE: Rules of Prohibited Conduct and Penalties for Infractions

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to comply with Section 817.535, Florida Statutes, which allows for inmates to be disciplined if they are found by the court to have filed or directed a filer to file, with the intent to defraud or harass another, any instrument containing a materially false, fictitious, or fraudulent statement or representation that purports to affect an owner’s interest in the property described in the instrument.

SUMMARY: To allow inmates who are found by a court to have violated Section 817.535, Florida Statutes to be disciplined.

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: upon review of the proposed changes to these rules, the department has determined that the amendments will not exceed any one of the economic analysis criteria in a SERC as set forth in s. 120.541(2)(a), FS.

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, 944.14, 944.279, 944.28 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: LaDawna Fleckenstein, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.314 Rules of Prohibited Conduct and Penalties for Infractions.

The following table shows established maximum penalties for the indicated offenses. As used in the table, "DC" means the maximum number of days of disciplinary confinement that may be imposed and "GT" means the maximum number of days of gain time that may be taken. Any portion of either penalty may be applied.

Maximum
Disciplinary Actions

SECTION 1 through 8 No change.

SECTION 9 – MISCELLANEOUS INFRACTIONS

- 9-1 Obscene or profane act, gesture, or statement – oral, written, or signified 30 DC + 90 GT
- 9-2 Bribery or attempted bribery 30 DC + 90 GT
- 9-3 Breaking and entering or attempted breaking 30 DC + 90 GT
- 9-4 Attempt, conspiracy, or solicitation to commit any crime or violation of the Rules of Prohibited Conduct 30 DC + 90 GT

- 9-5 Theft of property under \$50.00 in value 30 DC + 60 GT
- 9-6 Bartering with others 15 DC + 30 GT
- 9-7 Sex acts or unauthorized physical contact involving inmates 30 DC + 90 GT
- 9-9 Tattooing, being tattooed, branding or body art to include body piercing. 30 DC + 60 GT
- 9-10 Lying to staff member or others in official capacity, or falsifying records 60 DC + All GT
- 9-11 Feigning illness or malingering as determined by a physician or medical authority 10 DC + 15 GT
- 9-12 Gambling or possession of gambling paraphernalia 10 DC + 15 GT
- 9-13 Insufficient work: This constitutes an inmate not working up to expectation, taking into consideration the inmate's physical condition, the degree of difficulty of assignment, and the average performance by fellow inmates assigned to the same task 10 DC + 15 GT
- 9-14 Mail regulation violations 30 DC + 30 GT
- 9-15 Visiting regulation violations 30 DC + 30 GT
- 9-16 Refusing to work or participate in mandatory programs 60 DC + 90 GT
- 9-17 Disorderly conduct 30 DC + 60 GT
- 9-18 Unauthorized physical contact involving non-inmates 60 DC + 90 GT
- 9-19 Presenting false testimony or information before Disciplinary Team, Hearing Officer, or Investigating Officer 60 DC + All GT
- 9-20 Extortion or attempted extortion 60 DC + 60 GT
- 9-21 Fraud or attempted fraud 30 DC + 90 GT
- 9-22 Robbery or attempted robbery 60 DC + All GT
- 9-23 Theft of property exceeding \$50 in value 60 DC + All GT
- 9-24 Loaning or borrowing money or other valuables 15 DC + 30 GT
- 9-25 Telephone regulation violations 30 DC + 30 GT
- 9-26 Refusing to submit to substance abuse testing 60 DC + 180 GT
- 9-27 Use of unauthorized drugs – as evidenced by positive results from urinalysis test, or observable behavior 60 DC + 180 GT
- 9-28 Canteen Shortage under \$50.00 30 DC + 60 GT
- 9-29 Canteen Shortage over \$50.00 60 DC + All GT

- 9-31 Use of Alcohol – as evidenced by 30 DC + 90 GT
positive results from authorized
tests, or by observable behavior
- 9-32 In accordance with Section 60 DC + All GT
944.279(1), F.S., is found by the
court to have brought a frivolous
or malicious suit, action, claim,
proceeding or appeal in any court,
or to have brought a frivolous or
malicious collateral criminal
proceeding or is found by the court
to have knowingly or with reckless
disregard for the truth brought
false information or evidence
before the court.
- 9-33 Tampering with, defeating or 60 DC + All GT
depriving staff of any security
device. Security devices include:
locks; locking devices; electronic
detection systems; personal body
alarm transmitters and receivers;
handheld radios; restraint devices
such as handcuffs, waist chains,
leg irons and handcuff covers;
keys; video and audio monitoring
and recording devices; security
lighting; weapons; and any other
device utilized to ensure the
security of the institution.
- 9-34 Tampering with or defeating any 60 DC + All GT
fire or other safety device. Safety
devices include: fire, smoke, and
carbon dioxide detection devices;
alarm systems; fire suppression
systems and devices such as fire
sprinklers, fire extinguishers, and
dry chemical systems; safety and
emergency lighting; exit lights;
evacuation route and warning
placards; self-contained breathing
apparatuses; personal protective
equipment; first aid kits; eye wash
stations; and any other device
utilized to ensure the safety of the
institution, staff and inmates.
- 9-35 Establishes or attempts to establish 60 DC + 180 GT
a personal or business relationship
with any staff member or
volunteer.
- 9-36 Gang related activities, including 30 DC + 60 GT
recruitment; organizing; display of

- 9-37 symbols, groups, or group photos; 60 DC + All GT
promotion or participation.
Unauthorized use of or tampering
with a computer, computer
peripheral device, or any other
office equipment. Other office
equipment includes copying
machines, facsimile machines,
postage meters, or any other
device utilized in an office or
office-like environment.
- 9-38 In accordance with Section 60 DC + All GT
817.535 (4), F.S., is found by the
court to have filed or directed a
filer to file, with the intent to
defraud or harass another, any
instrument containing a materially
false, fictitious, or fraudulent
statement or representation that
purports to affect an owner’s
interest in the property described in
the instrument.

SECTION 10 through 11 No change.

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.14, 944.279, 944.28 FS. History–New 3-12-84, Amended 1-10-85, Formerly 33-22.12, Amended 12-30-86, 9-7-89, 11-22-90, 6-2-94, 10-1-95, 3-24-97, 7-9-98, 8-13-98, Formerly 33-22.012, Amended 9-30-99, 6-7-00, 4-18-02, 10-10-04, 1-9-05, 4-17-05, 6-5-05, 10-27-05, 10-12-06, 11-8-07, 5-18-08, 11-9-08, 5-11-09, 12-12-10, 10-1-11, 6-18-13,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
James Upchurch, Assistant Secretary of Institutions
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Michael D. Crews, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: September 23, 2013
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAR: September 9, 2013

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Fraud

RULE NOS.: RULE TITLES:

69D-3.001 Definitions

69D-3.002 Governance of Organization

69D-3.003 Use of Division Property or Facilities

PURPOSE AND EFFECT: Section 626.9895, F.S., authorized the Division of Insurance Fraud to establish a direct-support organization to support the prosecution, investigation, and prevention of motor vehicle insurance fraud, to be known as the “Automobile Insurance Fraud Strike Force” (Strike Force). Section 626.9895(5)(c), F.S., requires the Department to adopt rules prescribing the procedures by which the Strike Force is

governed and any conditions with which the Strike Force must comply to use the Division's property.

SUMMARY: Rule 69D-3.001, F.A.C., defines the terms "Board of Directors," "Division," "Motor vehicle insurance fraud," and "Organization." Rule 69D-3.002, F.A.C., sets forth procedural rules for the operation of the Strike Force. Rule 69D-3.003 sets forth the conditions which the Strike Force must comply with to use the Division's property or 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: The Department conducted an economic analysis of the potential impact of the proposed changes and determined that there will be no adverse economic impact or regulatory increases that would 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: 626.9895(5)(c) FS.

LAW IMPLEMENTED: 626.9895 FS.

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

DATE AND TIME: October 21, 2013, 9:30 a.m.

PLACE: Room 230A, Alexander Building, 2020 Capital Circle S.E., 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 five days before the workshop/meeting by contacting: Jack Kelley at (850)413-3115 or Jack.Kelley@myfloridacfo.com.. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jack Kelley, Assistant Director, Division of Insurance Fraud, 200 E. Gaines Street, Tallahassee, FL 32399-0318, (850)413-3115 or Jack.Kelley@myfloridacfo.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69D-3.001 Definitions.

As used in this rule chapter, the term:

(1) "Board of Directors" means the Organization's governing board as described in Section 626.9895(4), F.S.

(2) "Division" means the Division of Insurance Fraud of the Department of Financial Services.

(3) "Motor vehicle insurance fraud" means any act defined as a "fraudulent insurance act" under Section 626.989, F.S., which relates to the coverage of motor vehicle insurance as described in part XI of Chapter 627, F.S.

(4) "Organization" means the direct-support organization established under Section 626.9895, F.S., the Automobile Insurance Fraud Strike Force.

Rulemaking Authority 626.9895(5)(c) FS. Law Implemented 626.9895 FS. History--New _____.

69D-3.002 Governance of Organization.

(1) By May 30th of each year, the Organization shall apply to the Division for certification that it is in compliance with the requirements of Section 626.9895(2), F.S., and with the written contract entered into with the Division pursuant to Section 626.9895(3), F.S. The award of the annual certification shall be recorded in the minutes of the meeting of the Organization.

(2) Membership, appointment, and terms of the Board of Directors shall be as provided under Section 626.9895(4), F.S.

(3) The Board of Directors shall approve the Articles of Incorporation, the Bylaws, and any amendments to such Articles or Bylaws. The Articles of Incorporation and Bylaws shall provide that the Organization is organized and operated exclusively in support of the Division and its efforts to reduce motor vehicle insurance fraud.

(4) The Chief Financial Officer, or designee, shall serve as the chair of the Board of Directors.

(5) The Organization shall be subject to an annual financial audit in accordance with Section 215.981, F.S.

(6) The Board of Directors of the Organization shall approve and submit an annual budget for approval by the Division by May 30 of each year. Amendments to the budget must be approved by the Division.

(7) If the Organization fails to obtain the annual certification from the Division or is dissolved, reversion of all moneys and property held in trust by the Organization shall be in accordance with Section 626.9895(3), F.S.

Rulemaking Authority 626.9895(5)(c) FS. Law Implemented 626.9895 FS. History--New _____.

69D-3.003 Use of Division Property or Facilities.

(1) The Organization shall obtain written approval from the the Division prior to the use of fixed property or facilities of the Division.

(2) The Organization may enter into a lease with the Division for the use of Division facilities. Such lease shall:

(a) Specify the property to be used, the purpose for which the property will be used, and the term of the lease.

(b) Specify the compensation or other consideration, if any, the Organization will pay to the Division for the use of such facilities.

(c) Provide for the terms of liability.

Rulemaking Authority 626.9895(5)(c) FS. Law Implemented 626.9895 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Jack Kelley, Assistant Director

NAME OF AGENCY HEAD WHO APPROVED THE

PROPOSED RULE: Jeff Atwater, Chief Financial Officer

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: September 23, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAR: July 31, 2013

Section III

Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-1.09401 Student Performance Standards

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 39, No. 181, September 17, 2013 Florida Administrative Register has been continued from October 15, 2013 to November 19, 2013.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-1.09412 Course Requirements - Grades K-12 Basic and Adult Secondary Programs

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 39, No. 181, September 17, 2013 Florida Administrative Register has been continued from October 15, 2013 to November 19, 2013.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-1.09414 Course Requirements - Grades PK-12
Exceptional Student Education

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 39, No. 181, September 17, 2013 Florida Administrative Register has been continued from October 15, 2013 to November 19, 2013.

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: RULE TITLE:

64B10-11.002 Examination for Licensure

NOTICE OF PUBLIC HEARING

The Board of Nursing Home Administrators announces a hearing regarding the above rule, as noticed in Vol. 39, No. 78, April 22, 2013 Florida Administrative Register.

DATE AND TIME: Friday, October 11, 2013, 9:00 a.m. or as soon thereafter as can be heard

PLACE: Renaissance Tampa International Plaza Hotel, 4200 Jim Walter Blvd., Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss proposed text of Rule 64B10-11.002, F.A.C.

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 five days before the workshop/meeting by contacting: William Miller, Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257. 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 FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: RULE TITLE:

69A-47.011 Adoption of the Florida Elevator Safety Code

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. 39, No. 125, June 27, 2013 issue of the Florida Administrative Register.

Based upon written comments received from the Joint Administrative Procedures Committee, the following changes

have been made to the proposed rule: The "Purpose and Effect" section of the proposed rule misidentified Rule 61A-3.012, F.A.C., as Rule 61C-3.012, F.A.C. The "Summary" section of the proposed rule also provided that Rule 69A-3.012, F.A.C., and Rule 61C-5.001, F.A.C., and other materials, were adopted and incorporated by reference, which is no longer accurate. Changes have been made to clarify that, while its provisions are consistent with those standards adopted in specified provisions of Rules 61A-3.012 and 61C-5.001, F.A.C., the proposed rule does not incorporate by reference any of the referenced materials or rules by reference. References to Rule 69A-3.012, F.A.C., are changed to include that rule's complete title; references to Rule 69C-5.001, F.A.C., are changed to include that rule's effective date.

The changes are as follows:

69A-47.011 ~~Standards Adopted Adoption of the Florida Elevator Safety Code.~~

(1) The following shall be in compliance with the Florida Fire Prevention Code, 2010 Edition, as adopted in Rule 69A-3.012, F.A.C., "Standards of the National Fire Protective Association and Other Standards Adopted," and those standards adopted in Rule 61C-5.001, F.A.C., "Safety Standards," (8-21-12) ~~Chapter 61C 5, F.A.C., Florida Elevator Safety Code, which is hereby adopted and incorporated by reference:~~

(a) through (c) No change.

(2) Rule 61C-5.001, "Safety Standards,"(8-21-12), Chapter 61C5, F.A.C., Florida Elevator Safety Code

may be obtained by writing to the Department of Financial Services, Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, Florida 32300-0342.

Rulemaking Specific Authority 633.104 633.04 FS. Law Implemented 633.104 633.04, 633.206 633.022 FS. History--New 8-16-01, Formerly 4A-47.011, Amended _____.

Section IV
Emergency Rules

NONE

Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver

NONE

Section VI
Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF EDUCATION

The Florida Department of Education announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 9, 2013, 1:30 p.m.

PLACE: Meeting to be conducted using Communication Media Technology, specifically conference call: 1(888)670-3525; participant code: 5297069236, then press #

GENERAL SUBJECT MATTER TO BE CONSIDERED: The State Apprenticeship Advisory Council will discuss general items as it relates to apprenticeship in Florida. The agenda includes subjects of committee structure, updates, assignments and responsibilities, and apprenticeship updates relative to apprentices and Florida's registered apprenticeship programs.

A copy of the agenda may be obtained by contacting: Juanita Warren at (850)245-0454 or via email to Juanita.Warren@fldoe.org.

For more information, you may contact: Ken Olsen at (850)245-9039 or via email to Ken.Olsen@fldoe.org.

DEPARTMENT OF EDUCATION

Division of Florida Colleges

The Florida State College at Jacksonville District Board of Trustees announces the following meeting for Wednesday, October 2, 2013, to which the public is invited.

Special Board Meeting:

DATE AND TIME: Wednesday, October 2, 2013, 3:30 p.m. – 5:00 p.m.

PLACE: Advanced Technology Center, Rooms T-140 & T-141, 401 West State Street, Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: Trustee Interview of College President Finalist.

Copies of the agenda for the Special Board meeting will be available for inspection beginning Wednesday, September 25, 2013, and copies will be provided upon written request and the payment of approved duplicating charges. Any person wishing to address agenda items at the Board of Trustees meeting will be provided an opportunity to do so by appearing before the Board at the meeting.

All objections to this notice or the propriety of the scheduled public meeting should be filed in writing with the Interim College President, Florida State College at Jacksonville, on or before October 2, 2013. All legal issues should be brought to the College's attention and an attempt made to resolve them prior to the public meeting. Any person wishing to appeal a decision made by the Board with respect to any matter

considered at this meeting will need a record of the proceeding for such an appeal and may, therefore, need to ensure that a verbatim record is made.

The College does not discriminate on the basis of race, color, ethnicity, national origin, gender, religion, age or disability in employment or the provision of services and is an equal access/equal opportunity/affirmative action College.

If special accommodations are required, please advise Human Resources twenty-four (24) hours in advance of the meeting by contacting Associate Vice President of Human Resources Dan Richardson at (904)632-3381 or Dan.Richardson@fscj.edu.

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission
The Criminal Justice Standards and Training Commission announces public meetings to which all persons are invited.

DATES AND TIMES: Officer Discipline Class, Monday, November 4, 2013, 8:00 a.m. – 5:00 p.m.;

Florida Criminal Justice Educators Association Meeting, November 5, 2013, 8:30 a.m. – Open

Officer Discipline Class, November 5, 2013, 8:30 a.m. – 5:00 p.m.

Professional Leadership Re-Boot Camp, November 5, 2013, 8:30 a.m. – 5:00 p.m.

Training Center Director Steering Committee Meeting, November 5, 2013, 1:00 p.m. – 2:00 p.m.

Training Center Director Basic Recruit Committee Meeting, November 5, 2013, 2:00 p.m. – 4:00 p.m.

Training Center Director Officer Wellness Committee Meeting, November 5, 2013, 2:00 p.m. – 4:00 p.m.

Training Center Director Advanced Training Committee Meeting, November 5, 2013, 2:00 p.m. – 4:00 p.m.

Training Center Director Rules Committee Meeting, November 5, 2013, 2:00 p.m. – 4:00 p.m.

Training Center Director Technology Committee Meeting, November 5, 2013, 2:00 p.m. – 4:00 p.m.

Training Center Director Open Forum, November 5, 2013, 4:00 p.m. – 5:00 p.m.

Officer Discipline Class, November 6, 2013, 8:30 a.m. – 5:00 p.m.

Training Center Directors Association Business Meeting, November 6, 2013, 8:30 a.m. – Open

Professional Leadership Re-Boot Camp, November 6, 2013, 8:30 a.m. – 5:00 p.m.

Probable Cause Determination Hearings, November 6, 2013, 10:00 a.m. – Open

Regional Criminal Justice Selection Center Directors Association, November 6, 2013, 1:00 p.m. – 2:00 p.m.

Commission Workshop – Rules Workshop, November 6, 2013, 2:30 p.m. – Open

CJS&T Commission Business Agenda, November 7, 2013, 8:00 a.m. – Open

Officer Discipline Class, November 7, 2013, 8:30 a.m. – 12:00 p.m.

CJS&T Commission Officer Disciplinary Hearings, November 7, 2013, 9:30 a.m. – Open

PLACE: Hilton Sandestin Beach, 4000 Sandestin Blvd., Destin, FL 32550; reservation number: (800)367-1271; hotel telephone number: (850)267-3076; \$83.00 each night for single/double; check-in: 4:00 p.m. and check-out: 11:00 a.m.; reservation website: Hilton Sandestin. Hotel website: hiltonsandestinbeach.com; reservation deadline: October 25, 2013. Three days prior to arrival date or a one-night room and tax fee will be charged. On-site complimentary self-parking. Valet parking is available for a \$20.00 fee for each night.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The above meetings are held to discuss issues relating to standards, training, examinations, certification, de-certification, record management for law enforcement, correctional, and correctional probation officers, trust fund issues, commission rules, officer discipline penalty guidelines, and certification and recertification of criminal justice training schools.

A copy of the agenda may be obtained by contacting: Donna Hunt at (850)410-8615 or email at donnahunt@fdle.state.fl.us if you have questions about the above meetings. If you have questions about the Officer Discipline Agenda, please contact Lori Morea at (850)410-8625 or email at lorimorea@fdle.state.fl.us. If you have questions about hotel accommodations, please contact Cheryl Taylor at (850)410-8657 or email at cheryltaylor@fdle.state.fl.us. The Commission packet can be viewed or downloaded after October 27, 2013, at:

<http://www.fdle.state.fl.us/Content/getdoc/91a75023-5a74-40ef-814d-8e7e5b622d4d/CJSTC-Home-Page.aspx>.

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 14 days before the workshop/meeting by contacting: Donna Hunt at (850)410-8615 or email at donnahunt@fdle.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

For more information, you may contact: Donna Hunt at (850)410-8615 or email at donnahunt@fdle.state.fl.us.

PUBLIC SERVICE COMMISSION

The Florida Public Service Commission announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday October 24, 2013. The Commission Conference begins at 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.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Public Service Commission will consider at its October 24, 2013 Commission Conference, Docket No. 130237-EL, the 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 2014. In addition, the Company seeks permission to issue and sell short-term securities during the calendar years 2014 and 2015 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.

A copy of the agenda may be obtained by contacting: N/A
For more information, you may contact: Martha F. Barrera, Office of the General Counsel, (850)413-6218.

REGIONAL PLANNING COUNCILS

Central Florida Regional Planning Council

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

DATE AND TIME: October 1, 2013, 6:30 p.m.

PLACE: Polk Street Center, 1255 West Polk Street, Bartow, FL 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: Bartow Community Redevelopment Agency (CRA) Public Visioning Meeting.

A copy of the agenda may be obtained by contacting: Eric Labbe at (863)534-7130, ext. 106 or at elabbe@cfrpc.org.

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

Southwest Florida Water Management District

The Southwest Florida Water Management District (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 15, 2013, 1:30 p.m.

PLACE: SWFWMD Tampa Service Office, 7601 US Highway 301 North, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: Environmental Advisory Committee meeting: Discuss committee business. All or part of this meeting may be conducted by means of communications media technology in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained by contacting: WaterMatters.org – Boards, Meetings & Event Calendar; 1(800)423-1476 (FL only) or (352)796-7211.

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: SWFWMD Human Resources Bureau Chief at 1(800)423-1476 (FL only) or (352)796-7211, 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).

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: Cindy.Taylor@watermatters.org, 1(800)423-1476 (FL only) or (352)796-7211, ext. 4150 (Ad Order EXE0280).

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

The Southwest Florida Water Management District (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 17, 2013, 6:00 p.m. – 8:00 p.m.

PLACE: Sarasota Service Office, 6750 Fruitville Road, Sarasota, FL 34240

GENERAL SUBJECT MATTER TO BE CONSIDERED: Recreation Evaluation Public Information Meeting – provide the public with an opportunity to review the preliminary results and provide input on the District's recreation evaluation. All or part of this meeting may be conducted by means of communications media technology in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained by contacting: WaterMatters.org – Boards, Meetings & Event Calendar; 1(800)423-1476 (FL only) or (352)796-7211.

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: SWFWMD Human Resources Bureau Chief at 1(800)423-1476 (FL only) or (352)796-7211, 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).

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: carmen.sanders@watermatters.org, 1(800)423-1476 (FL only) or (352)796-7211, ext. 4477 (Ad Order EXE0281).

REGIONAL UTILITY AUTHORITIES

Withlacoochee Regional Water Supply Authority
The Withlacoochee Regional Water Supply Authority announces public meetings to which all persons are invited.

DATES AND TIMES: Notice is hereby given that the regular meetings of the WRWSA shall be held at the dates listed below. All meetings shall begin at 3:30 p.m.

October 16, 2013; November 20, 2013; December 18, 2013; January 15, 2014; February 19, 2014; March 19, 2014; April 16, 2014; May 21, 2014; June 18, 2014; July 16, 2014; August 20, 2014; September 17, 2014

PLACE: Lecanto Government Building, Room 166, 3600 W. Sovereign Path, Lecanto, Florida 34461

GENERAL SUBJECT MATTER TO BE CONSIDERED: The WRWSA meetings are held to conduct regular business.

A copy of the agenda may be obtained by contacting: WRWSA, 3600 W. Sovereign Path, Suite 228, Lecanto, FL 34461 or by viewing the WRWSA website at www.wrwsa.org under "Meetings" and then under "Current Agenda" prior to each meeting.

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: Nancy H. Smith, WRWSA, (352)527-5795 or nsmith@wrwsa.org. 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: Nancy H. Smith, WRWSA, 3600 W. Sovereign Path, Suite 228, Lecanto, FL 34461, Telephone: (352)527-5795 or email: nsmith@wrwsa.org.

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation
The Reemployment Assistance Appeals Commission announces a public meeting to which all persons are invited.

DATE AND TIME: October 2, 2013, 9:00 a.m.

PLACE: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151

GENERAL SUBJECT MATTER TO BE CONSIDERED: Deliberation for cases pending before the Commission that are ready for final review and the Chairman's report. No public testimony will be taken.

A copy of the agenda may be obtained by contacting: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting: Reemployment Assistance Appeals Commission, (850)487-2685. 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: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685.

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists
The Board of Hearing Aid Specialists announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 10, 2013, 10:00 a.m.

PLACE: (850)245-4474 to inquire about call-in number

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel with Reconsiderations.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, BIN #C08, Tallahassee, FL 32399-3258. If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is

to be made. Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at (800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster at (850)245-4474 at least one week prior to meeting date.

GULF CONSORTIUM

The Gulf Consortium announces a conference call and public meeting to which all persons are invited.

DATE AND TIME: October 1, 2013, 10:00 a.m. Central Daylight Time

PLACE: Mobile Government Plaza, Multipurpose Room, 205 Government St., Mobile, AL 26644; conference call number, (888)670-3525; participant code: 998 449 5298#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Gulf Consortium Directors will be meeting with representative of counties and parishes from the four other Gulf Coast States to consider the formation of a Gulf Coast caucus to advance issues of mutual concern, which may include commenting on the proposed U.S. Treasury rules relating to the RESTORE Act and other matters.

A copy of the agenda may be obtained by contacting: Doug Darling at (850)922-4300 or ddarling@fl-counties.com; or, see www.FACRestore.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: Doug Darling at (850)922-4300 or ddarling@fl-counties.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (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 Doug Darling at (850)922-4300 or ddarling@fl-counties.com; or, see www.FACRestore.com.

MRGMiami

The Florida Department of Transportation (FDOT), District Six, announces a hearing to which all persons are invited.

DATE AND TIME: Wednesday, October 2, 2013, 6:00 p.m., Formal Presentation at 7:00 p.m. followed by a public comment period

PLACE: Betty T. Ferguson Recreational Complex, 3000 NW 199th Street, Miami Gardens, FL 33056

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT) District Six, in conjunction with the Florida's Turnpike Enterprise (FTE), will conduct a public hearing for the Golden Glades Interchange Project Development and Environment (PD&E) Study from State Road (SR) 826/Palmetto Expressway eastbound to I-95 northbound (Financial Management Number 428358-1-22-01; Efficient Transportation Decision Making (ETDM) Number 11300). This Hearing is being held to allow interested persons an opportunity to express their views concerning the location, conceptual design, social, economic, and environmental effects of the proposed improvements to the Golden Glades Interchange. The public hearing will begin as an open house at 6:00 p.m. with a formal presentation at 7:00 p.m. followed by a public comment period. The primary purpose of this study is to provide a direct connection from SR 826/Palmetto Expressway eastbound to I-95 northbound and to improve the Turnpike southbound to I-95 southbound connection in order to increase mobility and reduce travel delay. The project also evaluated the feasibility of connecting potential express lanes from SR 826/Palmetto Expressway to the existing I-95 express lanes system. These improvements are in support of a separate and adjacent SR 826 PD&E Study, from I-75 to Golden Glades Interchange, currently under study and an Ultimate Master Plan to be established for this interchange. Draft project documents will be available for review from September 11, 2013 to October 14, 2013 at the following locations: FDOT District Six, 1000 NW 111 Avenue, Room 6251, Miami, FL 33172, Monday through Friday, 8:00 a.m. – 5:00 p.m. and the North Dade Regional Library, 2455 NW 183rd Street, Miami Gardens, FL 33056, Monday, Thursday, Friday and Saturday, 10:00 a.m. – 6:00 p.m., Tuesday and Wednesday, 1:00 p.m. – 9:00 p.m. Draft documents will also be available on the project's website, www.fdotmiamidade.com/goldengladesstudy and on display at the public hearing.

A copy of the agenda may be obtained by contacting: Mr. Dat Huynh, P.E., Project Manager, Florida Department of Transportation District Six, 1000 NW 111th Avenue, Room 6251, Miami, Florida 33172, (305)470-5217 (telephone), (305)640-7558 (fax) or via email at dat.huynh@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 seven (7) days before the workshop/meeting by contacting: Mr. Nicholas Danu at (305)470-5219, or in writing at 1000 NW 111th Avenue, Room 6111A, Miami, Florida 33172, or via email at nicholas.danu@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). Any persons who require translation services (free of charge) should also contact Mr. Nicholas Danu at least seven (7) days before the meeting.

For more information, you may contact: Mr. Dat Huynh, P.E., Project Manager, Florida Department of Transportation District Six, 1000 NW 111th Avenue, Room 6251, Miami, Florida 33172, (305)470-5217 (telephone), (305)640-7558 (fax) or via email at dat.huynh@dot.state.fl.us.

Section VII

Notice of Petitions and Dispositions Regarding Declaratory Statements

NONE

Section VIII

Notice of Petitions and Dispositions Regarding the Validity of Rules

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

NONE

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

NONE

Section IX

Notice of Petitions and Dispositions Regarding Non-rule Policy Challenges

NONE

Section X

Announcements and Objection Reports of the Joint Administrative Procedures Committee

NONE

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

DEPARTMENT OF EDUCATION

University of North Florida

RFQ 14-12 AE New NCAA Pool

NOTICE TO PROFESSIONAL CONSULTANTS

REQUEST FOR QUALIFICATIONS

RFQ 14-12

The University of North Florida Board of Trustees, a public body corporate, announces that Professional Services are required in the discipline of architecture and engineering for the design of a new NCAA pool to be located at the University of North Florida, 1 UNF Drive, Jacksonville, FL 32224.

The scope of this project consists of an NCAA Olympic-size outdoor pool plus a three meter diving pool with a platform. This facility is to be located in close proximity to the existing Student Wellness Complex. The design will include a complete deck and bleachers. If feasible, men's and women's lockers, shower rooms, a mechanical room and a storage facility will be designed so as to be incorporated into a future Student Wellness Complex expansion. The design will also take into consideration, and test the feasibility of, adding a tensile fabric that will in the future cover both the pool and the bleachers.

The proposed schedule for this project is:

Advertisements	September 25, 2013
Pre-submittal	October 11, 2013
Conference	
Submittals Due	October 29, 2013, 2:00 p.m.
Evaluation	November 2013
Meeting(s)	
Interviews/Award	December 2013/January 2014

Firms wishing to apply for consideration shall submit a Letter of Application/Interest with the appropriate documents from RFQ 14-12 titled AE- New NCAA Pool.

The Letter of Application should have attached:

1. The most recent version of the "Professional Qualifications Supplement," completed by the applicant. Applications on any other form will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

3. Six complete copies of the above requested data bound and in the order listed above, plus one electronic copy of all submittal materials. Applications which do not comply with the above instructions may be disqualified.

Application materials will not be returned.

Minority business participation is strongly recommended and supported by the University of North Florida.

Blanket professional liability insurance will be required for this project in the amount of \$2,000,000 and will be provided as part of the Basic Services (each, aggregate and per occurrence).

As required by §287.133, Fla. Stat., a consultant 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 consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$15,000 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplemental forms, descriptive project information and selection criteria may be obtained online at the UNF Purchasing department website at <http://www.unf.edu/purchasing/>.

Submit one original and five complete copies of submittals to the above referenced address. RFQ submittals must be received no later than 2:00 p.m. on October 29, 2013. Facsimile (fax) or email submittals are not acceptable and will not be considered.

HILLSBOROUGH COUNTY AVIATION AUTHORITY
 HCAA RFQ 13-411-032 Project Number 8100 14 Main
 Terminal Transfer Level Expansion and Concession
 Redevelopment

HILLSBOROUGH COUNTY AVIATION AUTHORITY
 (AUTHORITY)

Request for Qualifications
 Solicitation Number 13-411-032
 Project Number 8100 14

Sealed qualifications for the Main Terminal and Airport Concession Redevelopment Program will be received from Design-Build firms by the Authority at Tampa International Airport Offices located at 4160 George J. Bean Parkway, Suite 2400, Administrative Building, Second Level, Red Side, Tampa, Florida 33607.

Solicitation documents and detailed requirements will be available on the Tampa International Airport website at www.tampairport.com, Airport Business, Active Solicitations on Tuesday, October 1, 2013 by 5:00 p.m.

Section XII Miscellaneous

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Beannie's Motorsports, Inc. for the establishment of BOSS motorcycles

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More
 than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Boss Hoss Cycles, Inc., intends to allow the establishment of Beannie's Motorsports, Inc., as a dealership for the sale of motorcycles manufactured by Boss Hoss Cycles, Inc. (line-make BOSS) at 401 8th Street, Holly Hill, (Volusia County), Florida, 32117, on or after October 25, 2013.

The name and address of the dealer operator(s) and principal investor(s) of Beannie's Motorsports, Inc., are dealer operator(s): Whitney Van Horn, 13 Promenade at LionsPaw, Daytona Beach, Florida 32124, Larry Taylor, 13 Promenade at LionsPaw, Daytona Beach, Florida 32124; principal investor(s): Whitney Van Horn, 13 Promenade at LionsPaw, Daytona Beach, Florida 32124, Larry Taylor, 13 Promenade at LionsPaw, Daytona Beach, Florida 32124.

The notice indicates intent to establish the new point location 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 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 US Mail to: Doug Zaricor, Boss Hoss Cycles, Inc., 790 South Main Street, Dyersburg, Tennessee 38024.

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.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Elite Scooter Store, Inc., for the establishment of MOTF motorcycles

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that MotoFino USA, Inc., intends to allow the establishment of Elite Scooter Store, Inc., as a dealership for the sale of motorcycles manufactured by MotoFino USA, Inc. (line-make MOTF) at 831 North Mills Avenue, Orlando, (Orange County), Florida 32803, on or after October 25, 2013.

The name and address of the dealer operator(s) and principal investor(s) of Elite Scooter Store, Inc., are dealer operator(s): Reid Lockhart, 14112 Evening Sky Place, Orlando, Florida 32828; principal investor(s): Reid Lockhart, 14112 Evening Sky Place, Orlando, Florida 32828.

The notice indicates intent to establish the new point location 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, 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 US Mail to: Jessica Richeson, MotoFino USA, Inc., 2167 Gordon Highway, Augusta, Georgia 30909.

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.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Swamp Cycles, LLC, for the establishment of FSTI motorcycles

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Puma Cycles Corporation, intends to allow the establishment of Swamp Cycles, LLC, as a dealership for the sale of motorcycles manufactured by Foshan City Fosti Motorcycle Manufacturing Co. Ltd. (line-make FSTI) at 633 Northwest 13th Street, Gainesville, (Alachua County), Florida 32601, on or after October 25, 2013.

The name and address of the dealer operator(s) and principal investor(s) of Swamp Cycles, LLC, are dealer operator(s): Shawn Glasser, 633 Northwest 13th Street, Gainesville, Florida 32601, principal investor(s): Shawn Glasser, 633 Northwest 13th Street, Gainesville, Florida 32601.

The notice indicates intent to establish the new point location in a county of less 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 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 US Mail to: Lawrence Y. Luo, Puma Cycles Corporation, 576 Explorer Street, Brea, California 92821.

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.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Withdrawal of Ocean Cadillac, Inc. for relocation of Cadillac vehicles

NOTICE OF WITHDRAWAL

Notice is hereby given that the publication of Ocean Cadillac, Inc., relocation of their franchise dealership (Miami-Dade County) for sales of Cadillac vehicles is hereby withdrawn by General Motors, LLC, published in Vol. 39, No. 147, of the Florida Administrative Register on July 30, 2013.

DEPARTMENT OF ECONOMIC OPPORTUNITY
 Division of Community Development
 Final Order No.: DEO-13-093
 In re: A LAND DEVELOPMENT REGULATION
 ADOPTED BY ISLAMORADA, VILLAGE OF
 ISLANDS, FLORIDA, ORDINANCE NO. 13-15

FINAL ORDER

APPROVING ISLAMORADA ORDINANCE NO. 13-15

The Department of Economic Opportunity (“Department”) hereby issues its Final Order, pursuant to §§ 380.05(6) and 380.0552(9), Fla. Stat. (2012), approving land development regulations adopted by Islamorada, Village of Islands, Florida, Ordinance No. 13-15 (the “Ordinance”).

FINDINGS OF FACT

The Florida Keys Area is designated by § 380.0552, Fla. Stat., as an area of critical state concern. Islamorada, Village of Islands, is a local government within the Florida Keys Area.

The Ordinance was adopted by Islamorada, Village of Islands, on July 1, 2013, and rendered to the Department on July 26, 2013.

The Ordinance amends the Village Code of Ordinances, by amending Chapter 30, “Land Development Regulations,” Article V “Schedule of District Use and Development Standards,” Division 5 “Outdoor Lighting,” Section 30-791(f) “Prohibited lighting,” to allow the use of fluorescent outdoor lighting. Pursuant to Section 30-792(k) of the Land Development Regulations, the more restrictive regulations in Article VII, Division 3, of the Land Development Regulations that prohibit fluorescent lighting on turtle nesting areas continue to apply.

CONCLUSIONS OF LAW

The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern. §§ 380.05(6) and (11) and § 380.0552(9), Fla. Stat.

“Land development regulations” include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Fla. Stat. The regulations adopted by the Ordinance are land development regulations.

All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. §§ 380.05(6) and 380.0552(9), Fla. Stat. The Principles for Guiding Development for the Florida Keys Area of Critical State Concern are set forth in § 380.0552(7), Fla. Stat.

The Ordinance is consistent with the Principles for Guiding Development as a whole and specifically furthers the following Principles:

(a) Strengthening local government capabilities for managing land use and development so that local government

is able to achieve these objectives without continuing the area of critical state concern designation.

(b) Protecting shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.

(n) Protecting the public health, safety, and welfare of the citizens of the Florida Keys and maintaining the Florida Keys as a unique Florida resource.

The Ordinance is consistent the Islamorada, Village of Islands, Comprehensive Plan including in particular Policies 1-4.2.1, 1-4.10.6, and 5-1.5.1.

WHEREFORE, IT IS ORDERED that Islamorada, Village of Islands, Ordinance No. 13-15 is found to be consistent with the Principles for Guiding Development for the Florida Keys Area of Critical State Concern and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Register unless a petition is timely filed as described in the Notice of Administrative Rights below.

DONE AND ORDERED in Tallahassee, Florida.

/s/ _____
 William B. Killingsworth, Director
 Division of Community Development
 Department of Economic Opportunity

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY’S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT’S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT’S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE

GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF ECONOMIC OPPORTUNITY A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY:

AGENCY CLERK

DEPARTMENT OF ECONOMIC OPPORTUNITY
 OFFICE OF THE GENERAL COUNSEL
 107 EAST MADISON STREET, MSC 110
 TALLAHASSEE, FLORIDA 32399-4128
 PHONE (850)245-7150
 FAX (850)921-3230

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the following persons by the methods indicated this 23rd day of September, 2013.

/s/

 James W. Bellflower, Agency Clerk
 Department of Economic Opportunity
 107 East Madison Street, MSC 110
 Tallahassee, FL 32399-4128
 Telephone: (850)717-8531

By U.S. Mail:

Honorable Ken Philipson
 Mayor, Islamorada, Village of Islands
 86800 Overseas Highway
 Islamorada, FL 33036

Edward Koconis, Director
 Planning and Development Services
 Islamorada, Village of Islands
 86800 Overseas Highway
 Islamorada, FL 33036

Ariana S. Lawson, Village Clerk
 Islamorada, Village of Islands
 86800 Overseas Highway
 Islamorada, FL 33036

By Hand Delivery or Interagency Mail:

Rebecca Jetton, ACSC Administrator, DEO Tallahassee

DEPARTMENT OF ECONOMIC OPPORTUNITY
 Division of Community Development

DEO Final Orders; DEO-13-094 and DEO-13-095
 NOTICE IS HEREBY GIVEN that the Florida Department of Economic Opportunity issued Final Order No.: DEO-13-094, on September 23, 2013, and Final Order No.: DEO-13-095, on September 23, 2013, in response to applications submitted by The French Quarter II Homeowners Association, Inc. and Town House Villas Sobre Del Mar Property Owners Association, Inc., respectively, for covenant revitalization under Chapter 720, Part III, Florida Statutes. The Department determined that the applications met the statutory requirements for covenant revitalization. Accordingly, the

Department’s Final Orders approved the two applications for covenant revitalization. Copies of the final orders may be obtained by writing to Agency Clerk, Department of Economic Opportunity, 107 E. Madison Street, MSC 110, Tallahassee, Florida 32399-4128 or James.Bellflower@DEO.MyFlorida.com.

DEPARTMENT OF ECONOMIC OPPORTUNITY
 Division of Community Development

Final Order no.: DEO-13-096

NOTICE IS HEREBY GIVEN that the Florida Department of Economic Opportunity issued Final Order No. DEO-13-096 on September 23, 2013, in response to an application submitted by the Charleston Square Homeowners Association of Tallahassee, Inc., for covenant revitalization under Chapter 720, Part III, Florida Statutes. The Department determined that the application did not meet the statutory requirements for covenant revitalization because the revived declaration contained covenants that are more restrictive on parcels owners that the covenants contained in the previous declaration in violation of Section 720.404(3), Florida Statutes. In addition, the Department could not verify the votes of sufficient property owners in favor of covenant revitalization, as required by Section 720.406(d), Florida Statutes. Accordingly, the Department’s Final Order denied the application for covenant revitalization. A copy of the final order may be obtained by writing to Agency Clerk, Department of Economic Opportunity, 107 E. Madison Street, MSC 110, Tallahassee, Florida 32399-4128 or James.Bellflower@DEO.MyFlorida.com.

DEPARTMENT OF ECONOMIC OPPORTUNITY
 Division of Community Development

Final Order.: DEO-13-086

In re: A LAND DEVELOPMENT REGULATION
 ADOPTED BY THE CITY OF KEY WEST,
 FLORIDA, ORDINANCE NO.13-12

FINAL ORDER

The Department of Economic Opportunity (“Department”) hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat. (2012), approving land development regulations adopted by the City of Key West, Florida, Ordinance No. 13-12 (the “Ordinance”).

FINDINGS OF FACT

The City of Key West is designated pursuant to § 380.05(1), Fla. Stat. (2012), and Chapter 28-36, Florida Administrative Code, as an area of critical state concern. Land development regulations adopted by the City of Key West do not become effective until approved by the Department by final order. §§ 380.05(6) and (11), Fla. Stat. (2012).

The Ordinance was adopted by the City of Key West on July 2, 2013, and rendered to the Department on August 1, 2013.

On December 5, 2012, the City adopted Ordinance No. 12-35, zoning in progress, to prevent issuance of any new business tax receipts for pain management clinics pending the adoption of zoning regulations. The Ordinance repeals Ordinance No. 12-35 and creates sections 122-1547 through 122-1552 of the Code of Ordinances to allow Pain Management Clinics as a conditional use in the General Commercial (CG) zoning district, provide definitions and licensing requirements, provide that Pain Management Clinics in existence prior to the effective date of Ordinance No. 12-35 shall be deemed to have a valid conditional use approval, and provide separation requirements for siting of new Pain Management Clinics.

CONCLUSIONS OF LAW

The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern. §§ 380.05(6) and (11), Fla. Stat. (2012).

“Land development regulations” include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2012). The regulations adopted by the Ordinance are land development regulations.

All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. §§ 380.05(6) and (11), Fla. Stat. (2012). The Principles for Guiding Development for the City of Key West Area of Critical State Concern are set forth in subsection 28-36.003(1), Florida Administrative Code.

The Ordinance is consistent with the Principles for Guiding Development as a whole and specifically furthers the following Principle:

- (a) To strengthen local government capabilities for managing land use and development.

The Ordinance is consistent with the City of Key West Comprehensive Plan and furthers Comprehensive Plan Policy 1-1.1.5 and Objective 1-1.3.

WHEREFORE, IT IS ORDERED that City of Key West Ordinance No. 13-12 is found to be consistent with the Principles for Guiding Development for the City of Key West Area of Critical State Concern and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Register unless a petition is timely filed as described in the Notice of Administrative Rights below.

DONE AND ORDERED in Tallahassee, Florida.

/s/ _____

WILLIAM B. KILLINGSWORTH
Director, Division of Community Development
Department of Economic Opportunity

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA

ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF ECONOMIC OPPORTUNITY A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY:

AGENCY CLERK
DEPARTMENT OF ECONOMIC OPPORTUNITY
OFFICE OF GENERAL COUNSEL
107 EAST MADISON STREET, MSC 110
TALLAHASSEE, FLORIDA 32399-4128
FAX NUMBER (850)245-7150

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order was filed with the undersigned designated Agency Clerk, and that true and correct copies were furnished to the persons listed below by the method indicated this 24th day of September, 2013.

/s/

James W. Bellflower, Agency Clerk
Department of Economic Opportunity
107 East Madison Street, MSC 110
Tallahassee, FL 32399-4128

By U.S. Mail:
The Honorable Craig Cates
Mayor, City of Key West
3216 Flagler Avenue
Key West, FL 33040

Cheryl Smith, City Clerk
3216 Flagler Avenue
Key West, FL 33040

Donald Leland Craig, AICP
City Planner
3140 Flagler Avenue
Key West, FL 33040

By Hand Delivery or Interagency Mail:
Rebecca Jetton, ACSC Administrator, DEO Tallahassee

Section XIII
Index to Rules Filed During Preceeding
Week

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