

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Contractors – Highway – Qualification to Bid	14-22
RULE TITLES:	RULE NOS.:
General Procedural Requirements	14-22.0011
Rating the Applicant	14-22.003
Eligibility for Obtaining Proposal Documents	14-22.008
Over-Bidding	14-22.009
Suspension, Revocation, or Denial of Qualification	14-22.012
Contractor Non-Responsibility Forms	14-22.0141 14-22.015

PURPOSE AND EFFECT: The proposed amendment is to update and clarify provisions of Rule Chapter 14-22, including substantive amendments, restructuring of the rule chapter, and editorial revisions. In addition, the tables in Rule 14-22.003 showing ratings for Management and Administration of Work and Work Performance are being removed from the text of the rules. The rating factors will be contained in a new form, which is being incorporated by reference in Rule 14-22.015.

SUBJECT AREA TO BE ADDRESSED: This is a proposed amendment and restructuring of seven rules within Rule Chapter 14-22. The rating tables for Management and Administration of Work and Work Performance are being removed from the text and replaced by a form.

SPECIFIC AUTHORITY: 334.044(2), 337.14(1) FS.

LAW IMPLEMENTED: 120.569, 337.11(3)(b), 337.11(5)(a)1.-3., 337.11(7)(b)1., 337.11(7)(c), 337.14, 337.16, 337.164, 337.165, 337.167 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James C. Myers, Administrative and Management Support Level IV, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-22.0011 General Procedural Requirements.

(1) This rule chapter sets forth requirements for ~~qualifying~~ applicants ~~to be certified by the Department as qualified who wish~~ to bid for the performance of road, bridge, or public transportation construction contracts, in excess of \$250,000.

(2) Except for the provisions of Rules 14-22.012 and 14-22.0141, this rule chapter does not apply to bidders who wish to bid on construction contracts of \$250,000 or less, or other contracts not having to do with the construction of roads, bridges, or other public transportation projects.

(3) Time. The provisions of Rule 28-106, F.A.C., shall apply in computing any period of time prescribed by this rule chapter.

(4) Request for Hearing. All requests for hearing shall be in writing and shall be filed with the Clerk of Agency Proceedings, Department of Transportation, MS 58, Haydon Burns Building, 605 Suwannee Street, Tallahassee, Florida 32399-0458. A request for hearing is filed when it is delivered to and received by the Clerk of Agency Proceedings at the above address and accordingly, is not timely filed unless it is received by the Clerk of Agency Proceedings within the appropriate time period.

(5) Definitions.

(a) The following terms shall have the meanings set forth in Section 337.165, Florida Statutes: “contractor₁”; “contract crime₂”; “convicted” or “conviction₂”; and “affiliate₂”:

(b) The term “affiliate” also shall include those companies which:

1. Have the same person or entity holding at least five percent ownership interest in both companies ~~owning a majority of the stock of the companies~~.
2. Have one of the companies holding an ownership interest in ~~owning all or a majority of the stock of~~ the other.
3. Have a common director(s) or officer(s).
4. Have one company financing the other, or otherwise making financial advances to the other.
5. Have one company subscribing to all the capital stock of the other, or otherwise causing the incorporation of the other.
6. Have one company paying the salaries, expenses, or losses of the other.
7. Have the directors of one company directing the actions of the directors or officers of the other, so that the directors or officers of each company do not act independently of each other.

8. Have one business entity so closely allied with another business entity through an established course of dealings, such as lending of financial assistance or engaging in joint ventures, as to cause a public perception that the two firms are one entity.

(c) The term “applicant” means the person, firm, or combination of persons or firms for which qualification is desired. Joint ventures are addressed in Rule Section 14-22.007.

(d) The term “bidder” means an entity which is ~~pre~~qualified according to this rule chapter, and which possesses sufficient current capacity to obtain bid proposal documents from the Department.

(e) The terms ~~“business”, “business purposes” or “construction assets”~~ means assets used for the construction of roads, bridges, or public transportation projects. The terms ~~“non-business”, “non-business purposes,” or “non-construction assets”~~ means assets not used for the construction of roads, bridges, or public transportation projects.

(f) The term “qualified equipment appraiser” means an individual employed by an equipment company that sells, rents, or leases the general type of equipment being appraised, or a company or individual(s) engaged in the business of appraising equipment regularly used in the construction of roads, bridges, or other transportation projects.

(g) The term “qualified real estate appraiser” means an individual who meets all of the requirements of the laws of the state in which the appraisal occurs. Real estate appraisals on Florida real estate must be performed by a “Certified General Appraiser,” as defined in Section 475.611, Florida Statutes.

(h) The term “construction revenues” means all revenues earned through contracting for the performance of road, bridge, and other construction projects (to include all revenues derived from providing administration, labor, material, equipment, supplies, and services necessary to fulfill contractual obligations incurred in the performance of road, bridge, and other construction projects).

Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 120.569, 337.11(3)(b), 337.11(5)(a)1.-3., 337.11 (7)(b)1., 337.11(7)(c), 337.14, 337.16, 337.164, 337.165, 337.167 FS. History—New 11-10-82, Amended 8-25-83, Formerly 14-22.011, Amended 12-20-89, 1-4-94, 7-1-95, 8-6-96, 1-17-99,

14-22.003 Rating the Applicant.

(1) Verification of Information. The Department will make such inquiries and investigations as deemed necessary to verify and evaluate whether the applicant is competent, is responsible, and possesses the necessary financial resources to perform the desired work, based upon the following applicant’s statements regarding:

~~(a) The necessary Organization and management, including construction experience, and past work performance record of the applicant or applicant’s employees, whether with or prior to their employment by that applicant, including deficiency in quality of completed work, any history of payment of liquidated damages, untimely completion of projects where liquidated damages were not paid, uncooperative attitude, contracts litigation, claims and defaults in Florida or other states possessed by the applicant’s employees.~~

(b) Adequate Equipment, as shown on the equipment list for the requested classes of work. Adequate equipment shall be basic equipment used by the industry in the normal construction for each class of work or called for in the Standard Specifications for Road and Bridge Construction in force at the time of application.

~~(c) Work performance record, including the quality of completed work, any history of payment of liquidated damages, untimely completion of projects where liquidated damages were not paid, cooperative attitude, contracts litigation, claims, and defaults.~~

~~(c)(4)~~ Integrity, including evaluation of truthfulness of statements in the application and in other contractual documents and responsibility.

(d) Financial resources, sufficient to establish a Maximum Capacity Rating (MCR) as set forth in (2) below. The Department will consider any other relevant financial information.

(2) MCR Maximum Capacity Rating.

~~(a) Definition and Formula. The Maximum Capacity Rating (MCR)~~ shall be the total aggregate dollar amount of uncompleted work an applicant may have under contract at any one time as prime contractor and/or subcontractor, regardless of its location and with whom contracted. The MCR is determined by the Department using the following formula:

MCR = AF x CRF x ANW, in which

MCR = Maximum Capacity Rating

AF = Ability Factor (determined from the Ability Score as provided below)

CRF = Current Ratio Factor (determined as provided below)

ANW = Adjusted Net Worth (for rating purpose, determined as provided below).

1. Ability Score.

a. New applicants and applicants who have not been qualified under this rule for more than two years shall have their Ability Factor determined from the total Ability Score resulting from evaluations of the applicant’s organization, management, work experience and letters of recommendation. The maximum values used in determining the ability score for the above applicants are as follows:

ABILITY SCORE	
	Maximum Value
Organization and Management	
Experience of Principals	15
Experience of Construction Supervisors	15
Work Experience	
Completed Contracts	
Highway and bridge related	
Non-highway and bridge related	10
Ongoing Contracts	
Highway and bridge related	25*
Non-Highway and bridge related	10
TOTAL	100
*Maximum value shall be increased to 35 if applicant's experience is exclusively in highway and bridge construction.	

b. If the applicant has been qualified under this rule within the last two years, and the Department has three or more Prime Contractor Past Performance Reports on file for projects completed for the Department within five years of the application filing date which have not been previously used to determine an Ability Score, the applicant's Ability Score shall be calculated by adding the scores of these reports plus the average score from the previous application and dividing this sum by the number of scores used. Prime Contractor's Past Performance Reports shall reflect the applicant's organization, management and demonstrated work performance, including work sublet to others, set forth in Form 700-010-25, which is incorporated by reference in Rule 14-22.015. as follows:

MANAGEMENT AND ADMINISTRATION OF THE WORK	Maximum Value
Preconstruction Conference Presentation	
Maintenance of traffic plan furnished	5
Erosion control and water pollution plan furnished	5
Written proposed work schedule furnished	5
Tentative work project schedule furnished	5
Additional permits and licenses required by the contractor identified or acquired	5
Sources for contract materials provided	5
Potential subcontractors identified	5
All forms necessary to meet E.E.O. requirements completed and furnished	5
Contractor's construction vehicle registration documentation provided	5
Contract Compliance with Equal Employment Opportunity (E.E.O.), Labor, On-the-job Training (O.J.T.), and Disadvantaged Business Enterprise (D.B.E.)	
Complied with E.E.O. hiring goals	5
Displayed company E.E.O. policy statement for duration of contract	5
Furnished certified payrolls to the Department as required for themselves and their subcontractors	5
Corrected wage violations within time frame stipulated	5
Complied with applicable labor regulations	5
Completed on-the-job (O.J.T.) training for worker classifications submitted	5
Satisfied contract D.B.E. requirements	5
Project Records and Contract Documentation	
Submitted subcontract requests in a timely manner (Reasonably prior to the subcontractor eing needed on the job)	10
Rental agreements provided to the department prior to deployment of equipment on the job	10
Certification for materials furnished when materials were delivered or stockpiled	10
Invoices and delivery tickets furnished for materials used	10
Shop drawings submitted to allow time for required review	10
Responded to correspondence from the department by the date requested	10
Provided the Department a copy of written permission for operations conducted on private property adjacent to the project	10
Effectiveness in Scheduling and Organizing Construction Operations and Negotiating Contract Modifications	
Materials were ordered and delivered early enough to be available for use when needed	30
Advanced planning and coordination was done on complicated or critical work to assure a smooth operation	40
Coordinated subcontractor operations to maintain work schedule	30
Organized and coordinated all operations to maintain work schedule preventing delays or stoppages of work	40
Notified the Department in advance of personnel or schedule changes and shut-downs for adverse weather, holidays, or other circumstances	20
Handled necessary modifications to the contract promptly and in a cooperative manner	20
Submitted documentation for extra work, time extensions, or claims that was organized and complete	30

WORK PERFORMANCE	Maximum Value
Execution of the Work	
Provided supervisory personnel that demonstrated experience in the types of work performed	30
Committed manpower that possessed skill levels commensurate with assigned duties to maintain work schedule	30
Performed work on other production items available when work on controlling items was prevented	10
Started and completed intermediate or critical project phases within scheduled time plus authorized extensions	20
Took necessary steps to minimize and immediately correct hazardous job site conditions and operations	30
Cooperated in the performance of the work with other contractors on or adjacent to the project.	10
Supervised subcontractors to maintain work schedule and insure contract compliance	30
Complied with conditions stipulated in regulatory permits	30
Adhered to the requirements stipulated in the contract and project plans	10
Provided accurate engineering and survey layout	20
Promptly corrected all deficient work to comply with the contract requirements	20
Work Quality and Interface With the Department's Inspection of the Work	
Provided resources to produce uniform quality to the finished work	40
Informed Department project personnel in advance of scheduled day-to-day items of work	20
Allowed sufficient time for completing job site sampling and testing of materials	30
Gave sufficient notice for the Department project personnel to provide for and complete required inspection before continuing with affected work	30
Informed the project personnel when conflicts with existing portions of the work were encountered	20
Provided and maintained adequate survey station markers and grades to allow for necessary inspection	10
Endeavored to resolve problems at the project level and followed the chain of authority in the Department	20
Maintenance of Traffic (M.O.T.)	
Provided and maintained necessary signing, striping, and traffic control devices to safely move traffic through the construction zone	40
Provided qualified personnel for the set up and servicing of M.O.T. operations	30
Utilized appropriate and safe methods to switch, close, or open lanes under live traffic	40
Coordinated construction operations that directly affected the traveling public so as to minimize impact to the public	30
Provided properly trained and fully equipped personnel for flagging traffic	20
Provided and maintained a current list of personnel available for non-working hour emergencies	20
Interaction of Construction Operations With Existing Facilities and Completed Work	
Installed and maintained erosion control devices in accordance with approved erosion control plan	20
Protected private property and business facilities along the right of way or adjacent to the project	10
Provided and maintained adequate access to adjacent property	20
Coordinated daily construction activities with adjacent business operations to reduce adverse effects	30

Provided prompt response to legitimate complaints from adjacent business or property owners	20
Protected accepted work from damage from continuing construction operations	10
Job Site Safety Conditions	
Enforced contract safety regulations for construction operations	20
Enforced contractor's own safety policies for construction operations	20
Maintained work site in an organized and safe condition	20
Provided workers safety training and equipment	20
Maintained, in good working order, safety warning devices and safety gear on construction equipment	20
Equipment Provision and Utilization	
Had on site the amount and types of equipment required to maintain work schedule	10
Utilized equipment that met the contract requirements and produced an acceptable finished product	10
Repaired and maintained production equipment	10
Interface with Utilities	
Demonstrated effort to schedule and coordinate with utility companies prior to beginning construction operations affecting those utilities	10
Took adequate measures to protect existing utility equipment and property	10
Immediately notified utility companies and the Department when construction operations interrupted or damaged utilities	10
Demonstrated a cooperative effort to work together with utility companies as needed to correct unforeseen problems	10
Final Completion of the Work	
Completed work within contract time plus authorized extensions	5
Retained a work force sufficient to timely complete final clean up	5
Completed all punch list items in a timely manner	5
Final paperwork and documentation was submitted	5
Performance Score Calculation. Total Score Divided by Maximum Rating Attainable Multiplied by 100 Equals Performance Score.	

c. If the applicant has been qualified under this rule within the last two years, and the Department does not have three or more Prime Contractor Past Performance Reports on file for the applicant for projects completed for the Department within five years of the application filing date, then the Ability Factor (AF) from the applicant's last successful application will be is brought forward and used.

d. The average Ability Score determined in a. or b. above is converted to an AF Ability Factor pursuant to Rule Section 14-22.003(2)(a)2., or the AF Ability Factor is brought forward as indicated in c. above. The AF Ability Factor is then used in the formula pursuant to Rule Section 14-22.003(2)(a) to compute the applicant's MCR Maximum Capacity Rating.

2. Ability Factor. The Ability Score for new and active applicants shall determine the Ability Factor (AF) as follows:

Ability Score	AF
Less than 54	4
55-64 or less	1 2
65-69	<u>2 3</u>
70-73	<u>3 4</u>
74-76	<u>4 5</u>
77-79	<u>5 6</u>
80-84	8
90-93	12
94-97	14

98-100 15

a. Notwithstanding the requirements in Rule Sections 14-22.003(2)(a) and 14-22.003(2)(a)1.a., 1.b., 1.c., 1.d., and 14.22.003(2)(a)2. above, the AF will be limited to a maximum of 4, if the applicant receives an ability score of 76 or less on the initial application, or receives an ability score of 76 on two or more Prime Contractor Past Performance Reports on file for projects completed during the 12 month period preceding the applicant's fiscal year ending date for which the Certificate of Qualification is being issued. The use of a surety commitment letter to raise the Maximum Capacity Rating is prohibited under this limitation.

b. This AF limitation will remain in effect during the current qualification period.

3. Current Ratio Factor (CRF). The current ratio is the number resulting from dividing the adjusted current assets by the adjusted current liabilities. The actual current ratio from 0.60 up to a maximum of 2.00 will be used as the ~~CRF Current Ratio Factor~~. For current ratios greater than 2.00, 2.00 will be used as the ~~CRF Current Ratio Factor~~. The applicant will be denied qualification if their current ratio is less than 0.60.

4. Adjusted Net Worth (ANW). The ~~ANW Adjusted Net Worth~~ must be a positive value for the applicant to be considered for qualification. The ~~ANW Adjusted Net Worth~~ used in the Maximum Capacity Rating formula will be the amount of capital and surplus (net worth) adjusted as follows:

a. Value allowed for equipment shall be the book value, or 50 percent of actual value given by a qualified equipment appraiser, whichever is greater. Equipment appraisals must be dated no earlier ~~older~~ than six months prior to receipt of the application.

b. Value allowed for real estate used for business purposes (road, bridge or public transportation construction) shall be:

(I) The book value or the value given by a qualified real estate appraiser, (r)Real estate appraisals shall be dated no earlier ~~older~~ than two years prior to the date the application is filed, less

(II) encumbrances against same (s)Such encumbrances will not also be deducted elsewhere).

c. No value will be allowed for real estate, or ~~and~~ any other property not used in road, bridge, or public transportation construction, and no allowance shall be given for homesteads or personal property.

d. Assets of doubtful value shall be eliminated in part or entirely.

e. Contingent liabilities shall be treated as actual liabilities, wholly or in part, depending on the probability of such liabilities becoming actual liabilities.

5. ~~Maximum Capacity Rating (MCR)~~. The calculated ~~MCR Maximum Capacity Rating~~ shall be rounded off according to the following scale:

Up to \$500,000 – round off to nearest \$10,000

Above \$500,000 to \$2,000,000 – round off to nearest \$25,000

Above \$2,000,000 – round off to nearest \$50,000

(b) Bonding Capacity.

1. ~~Except for the provisions of 14-22.003(2)(a)2.a., above, an An~~ applicant who qualifies for a positive rating ~~under the above provisions~~, has an Ability Score of ~~80~~ 75 or higher, and has a Current Ratio Factor of at least 1.00, shall be allowed to raise their ~~MCR Maximum Capacity Rating~~ upon receipt of evidence of a current bonding capacity exceeding the calculated ~~MCR Maximum Capacity Rating~~ from a surety company authorized to do business in Florida. Such evidence shall be in the form of a letter of commitment executed by an officer of the surety who is authorized to bind the surety, with a power of attorney attached. The surety letter must be dated within four months of ~~the~~ request and cover the certification period. The limit for a ~~MCR Maximum Capacity Rating~~ issued on the basis of such bond commitment for applicants with an Ability Score of ~~80~~ 75 through 90 will be determined by the following "Surety Capacity" formula:

$$SC = SM \times MCR \times (CRV \div TRV)$$

In which:

SC = Surety Capacity

SM = Surety Multiplier (Determined from Ability Score – Surety Multiplier Table as provided below)

MCR = Maximum Capacity Rating (Determined as provided in 14-22.003(2)(a))

CRV = Construction Revenues (As set forth in applicant's financial statements per 14-22.002(2)(c)2.)

TRV = Total Revenues (As set forth in applicant's financial statements)

ABILITY SCORE – SURETY MULTIPLIER TABLE			
Ability Score	Surety Multiplier	Ability Score	Surety Multiplier
75	2.0	83	4.2
76	2.2	84	4.6
77	2.4	85	5.0
78	2.6	86	5.6
79	2.8	87	6.2
80	3.0	88	6.8
81	3.4	89	7.4
82	3.8	90	8.0

2. ~~Except for the provisions of 14-22.003(2)(a)2.a., above, the MCR the Maximum Capacity Rating~~ for firms that have an Ability Score of 91 or greater will be the "Aggregate of Contracts" amount stipulated in the surety commitment letter. A ~~MCR Maximum Capacity Rating~~ established through the use of a surety commitment letter shall not exceed the "Aggregate of Contracts" amount stipulated in the surety commitment letter.

3. ~~Except for the provisions of Rule Section 14-22.003(2)(a)2.a., above, use~~ Use of a surety commitment letter to increase an applicant's ~~MCR Maximum Capacity Rating~~ will only be considered if at the time of application the applicant's ~~CRF Current Ratio Factor~~ is at least 1.00, as defined in Rule Section 14-22.003(2)(a)3., and the applicant has an Ability Score of ~~80~~ 75 or higher. No event(s) during the qualification period subsequent to the ending date of the audited financial statements used for qualification will be considered in determining an applicant's ~~CRF Current Ratio Factor~~.

4. ~~Newly established companies with a Current Ratio Factor of at least 1.00 may use a surety commitment letter as described above, provided the applicant has received an Ability Score of 75 or higher. The Maximum Capacity Rating issued on the basis of such bond commitment shall be determined by multiplying the surety commitment amount(s) by 0.50.~~

(3) Classification of Work.

(a) Applicant request for class(es) of work. Applicants shall indicate each class of work for which they desire qualification. The Department will consider qualifying the applicant only in the specific class or classes of work requested.

(b) The major classes of work are as follows:

1. Major Bridges:

- a. Bridges which include bascule spans.
- b. Bridges which include curved steel girders.
- c. Bridges with multi-level roadways.
- d. Bridges of concrete segmental construction.
- e. Bridges which include steel truss construction.
- f. Bridges which include cable stayed construction.

g. Bridges of conventional construction which are over a water opening of 1000 feet or more.

2. Intermediate Bridges are bridges that contain none of the types of construction listed under Major Bridges and span lengths exceeding 50 feet (center to center of cap).

3. Minor Bridges are bridges with span lengths not exceeding 50 feet (center to center of cap) and total length not exceeding 300 feet. A Minor Bridge shall not contain any type of construction listed under Major Bridges or Intermediate Bridges.

4. Bascule Bridge Rehabilitation.

5. Grading (includes clearing and grubbing, excavation, and embankment).

6. Drainage (includes all storm drains, pipe culverts, culverts, etc.).

7. Flexible Paving (includes limerock, shell base and other optional base courses, soil-cement base, mixed-in-place bituminous paving, bituminous surface treatments and stabilizing).

8. Portland Cement Concrete Paving.

9. Hot Plant-Mix Bituminous (includes structural and surface courses).

(c) Specialty classes of work are as follows:

1. Electrical work (includes roadway, bridge and runway lighting).

2. Fencing.

3. Guardrail.

4. Grassing, Seeding, and Sodding.

5. Landscaping.

6. Traffic Signals.

7. Computerized Traffic Control Systems.

8. Bridge Painting.

9. Pavement Markings (includes delineators, traffic stripe painting, and thermoplastics).

10. Roadway Signing.

(d) Such other classes of work not normally performed by road and bridge contractors as the applicant may request.

Specific Authority 120.53(1)(a), 334.044(2), 337.14(1) FS. Law Implemented 337.11(3)(b), 337.11(5)(a)1.-3., 337.11 (7)(b)1., 337.11(7)(c), 337.14, 337.164, 337.167 FS. History—Formerly Chapter 14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 9-24-75, Formerly 14-22.01(4), Amended 3-23-79, 11-10-82, 8-25-83, 1-9-84, 10-1-85, Formerly 14-22.03, Amended 12-20-89, 4-22-92, 1-4-94, 7-1-95, 7-2-95, _____.

14-22.008 Eligibility for Obtaining Proposal Documents.

(1) Proposal documents for a specific project(s) shall be issued only to a prospective bidder who has a Current Capacity equal to or larger than the budgeted contract amount and a Certificate of Qualification, which expires on or after the date proposals are to be received, covering one or more classes of work which, in the aggregate, comprises 50 percent or more of the Department's budget estimate of the total value of normal work included in the proposal documents, ~~and who also has a Current Capacity equal to or larger than the budgeted contract amount.~~

(2) The term "normal work" as used herein means all work in the contract not designated in the proposal document or the Specifications as Specialty Work.

(3) The term "Current Capacity" as used herein is as defined in 14-22.006(1).

(4) Eligibility for obtaining proposal documents shall have no effect on determination of the Current Capacity.

(5) A qualified bidder will be issued proposal documents for any number of projects, provided the estimated contract amount of any individual project requested does not exceed their Current Capacity. Except for the provisions of 14-22.003(2)(a)2.a., above, qualified firms that desire to bid a project which exceeds their Current Capacity, ~~and~~ whose ~~CRF Current Ratio Factor~~ was at least 1.00 based on the financial statements used for current qualification, and that have an Ability Score of ~~80~~ 75 or higher, will be allowed to bid that specific project if the firm furnishes a commitment letter from a surety company, authorized to do business in Florida, that the project amount does not exceed the firm's Surety

Capacity as established by Rule Section 14-22.003(2)(b)1., ~~and that provides sufficient surety coverage to allow the firm to be eligible to receive bidding documents for that specific project only.~~ Issuance of proposal documents by the Department will be subject to payment of applicable costs by the qualified bidder.

(6) The bid shall be signed by the owner for sole proprietorships; partner(s) authorized to bind the entity for a partnership; the president or vice president for corporations; and for limited liability companies an ~~the~~ authorized executing official. Bids submitted by a joint venture shall be signed by the authorized executing officials of the business entities comprising the joint venture and the attorney-in-fact for the joint venture.

Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 337.11(3)(b), 337.11(5)(a)1.-3., 337.11(7)(b)1., 337.11(7)(c), 337.14, 337.164 FS. History—Formerly Chapter 14-8, Amended 7-1-68, 8-20-68, 5-9-70, 1-6-72, 9-24-75, Formerly 14-22.01(11), Amended 3-23-79, 11-10-82, 8-25-83, Formerly 14-22.08, Amended 12-20-89, 1-4-94, 7-1-95, 7-2-95,_____.

14-22.009 Over-Bidding.

(1) Any bid that exceeds the Current Capacity of the bidder shall be disqualified and rejected unless the bidder fulfills the requirements of Section 14-22.009(3).

(2) In the event a bidder submits the low bid on two or more projects in the same letting where ~~and~~ the aggregate dollar amount of the bids is greater than the Current Capacity of the bidder, and the bidder is unable to increase their Current Capacity by fulfilling the requirements of Section 14-22.009(3), the Department shall select the particular project or projects for ~~to~~ award that will be in the best interest of the Department, ~~and is within the bidder's Current Capacity, and shall disqualify and reject their other bid or bid(s).~~

(3) Before the Department takes action under the provisions of either of the preceding two paragraphs, the bidder shall be notified in writing of the Department's action and, except for the AF provisions of Rule Section 14-22.003(2)(a)2.a., above, shall be allowed a period of 10 days from the date the bid was opened to submit evidence to justify an increase in their Current Capacity ~~such as additional bonding capacity (only permitted for firms that possess a Current Ratio Factor of at least 1.00 based on financial statements for current qualification and that have an Ability Score of 75 or higher) or that work on existing contracts has been subcontracted to others.~~ Proposed subcontracts under unexecuted contracts will not be considered. If the Department finds the evidence justifies a change in the bidder's Current Capacity, their Current Capacity shall be changed accordingly. Any such change based on bonding capacity will be subject to the Surety Capacity requirements of 14-22.003(2)(b)1. and subject to a time limit.

(4) The determination of the successful bidder on any project or projects in which bids have been disqualified under the provisions of this section shall be made without consideration of the ~~bid or bids so~~ disqualified bid(s).

Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 337.11(3)(b), 337.11(5)(a)1.-3., 337.11(7)(b)1., 337.11(7)(c), 337.14, 337.165 FS. History—Formerly Chapter 14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 9-24-75, Formerly 14-22.01(11), Amended 3-23-79, 11-10-82, 8-25-83, Formerly 14-22.09, Amended 12-20-89, 1-4-94, 7-1-95, 7-2-95,_____.

14-22.012 Suspension, Revocation, or Denial of Qualification.

(1) The Department will, for good cause, ~~as that term is defined in Section 337.16(2), Florida Statutes,~~ suspend, revoke, or deny any contractor's qualification to bid. A suspension, revocation, or denial for good cause pursuant to this rule shall prohibit the contractor from bidding on any Department construction contract for which prequalification is required by Section 337.14, Florida Statutes, ~~and~~ shall constitute a determination of non-responsibility to bid on any other Department construction or maintenance contract, ~~and shall prohibit the contractor~~ from acting as a material supplier or subcontractor, ~~or consultant~~ on any Department contract or project during the period of suspension, revocation, or denial. As provided in Section 337.16(2), Florida Statutes, such good cause shall include, but shall not be limited to, the provisions of paragraphs (a) and (b) through (e) below. When a specific period of revocation, denial, or suspension is not specified by this rule, the period shall be based on the criteria set forth in ~~of~~ Rule 14-22.014(4), F.A.C., ~~as well as Department contractor certification activities.~~

(a) The contractor's Certificate of Qualification shall be suspended, revoked, or denied ~~or revoked~~ for at least one year when it is determined by the Department that any one of the following has occurred:

1. One of the circumstances specified under Section 337.16(2)(a),(b), ~~or (d), or (e),~~ Florida Statutes, has occurred.
2. Affiliated contractors submitted more than one proposal for the same work. In this event the Certificate of Qualification of all of the affiliated bidders will be revoked or denied. All bids of affiliated bidders will be rejected.
3. The contractor made or submitted to the Department false, deceptive, or fraudulent statements, certifications, or materials in any claim for payment or any information required by any Department contract, including the Certification of Current Capacity to the Department.

~~4. The contractor defaulted on any Department contract, or a the contract surety assumed control of financial responsibility for, took over any Department contract of from the contractor.~~

~~(b) When the Department determines that a contractor has submitted a false, deceptive, or fraudulent Certification of Current Capacity to the Department, the Certificate of Qualification of a contractor will be suspended or denied as provided in subparagraphs 1. and 2. Any bid submitted with a false, deceptive, or fraudulent Certification of Current Capacity shall be disqualified and rejected.~~

~~(b)1. A~~ The contractor's ~~shall have its~~ Certificate of Qualification shall be suspended, revoked, or denied; for a period of 90 days upon a first occurrence, 180 days upon a

second occurrence within three years of the first occurrence, or one year upon a third occurrence within three years of the first occurrence, when it is determined by the Department that one of the following has occurred:-

1. The contractor failed to timely furnish all contract documents required by the contract specifications or special provisions, or by any state or federal statutes or regulations.

2. The contractor failed to register, pursuant to Chapter 320, Florida Statutes, all motor vehicles operated in this state. In the event the contractor submits a second false, deceptive, or fraudulent Certification of Current Capacity within two years after the end of a suspension under subparagraph 1., the Department will revoke or deny the contractor's Certificate of Qualification to bid for a period not exceeding one year.

3. The contractor failed to notify the Contracts Administration Office within 10 days of the contractor or any of its affiliates being declared in default or otherwise not completing work on a contract, being suspended from qualification to bid or denied qualification to bid by any other public agency, semi-public agency, or private entity. This suspension will be in addition to any period of denial or revocation resulting from violation of (a) above.

(c) If the contractor is an affiliate of a contractor who has been determined non responsible, pursuant to Rule 14 22.0141, or whose Certificate of Qualification was suspended, revoked, or denied and the contractor is dependent on the affiliation for personnel, equipment, bonding capacity, or financial resources, then that contractor's Certificate of Qualification shall be suspended, revoked, or denied for the same time period as the affiliate.

(d) A contractor's Certificate of Qualification shall be suspended for a period of four months when it is determined by the Department that the contractor failed to notify the Contracts Administration Office within 10 days of being declared in default, suspended from qualification to bid or denied qualification to bid by any public agency, semi-public agency, or private entity.

(e) A contractor's Certificate of Qualification shall be suspended for a period not to exceed four months when it is determined by the Department that either one of the following has occurred:

1. The contractor failed to timely furnish all contract documents required by the contract specifications or special provisions to be provided after the Department's offer of final payment. However, the contractor shall be reinstated to the qualified bidders list upon providing all outstanding documents, unless its Certificate of Qualification has expired.

2. The contractor failed to register, pursuant to Chapter 320, Florida Statutes, all motor vehicles operated in this state. However, the contractor shall be reinstated to the qualified bidders list upon providing a notarized affidavit of such registration unless its Certificate of Qualification has expired.

(2) The Department shall deny or revoke or deny the Certificate of Qualification to bid of any contractor and its affiliates for a period of 36 months, pursuant to Section 337.165, Florida Statutes, when it is determined by the Department that the contractor has, subsequent to January 1, 1978, been convicted of a contract crime within the jurisdiction of any state or federal court. Any such contractor shall not act as a prime contractor, material supplier, subcontractor, or consultant on any Department contract or project during the period of denial or suspension, revocation, or denial.

(3) The Certificate of Qualification of a contractor found delinquent under Section 337.16(1), Florida Statutes, shall be denied, suspended, or revoked as provided in that statute. A suspension or revocation shall prohibit the contractor from being a subcontractor on Department work during the period of suspension or revocation, except when a prime contractor's bid has used prices of a Subcontractor who becomes disqualified after the bid and before the request for authorization to sublet is presented.

(4) Any decision by the Department to suspend, revoke, or deny a contractor's Certificate of Qualification to bid will be provided to the contractor in accordance with Rule 28-106.111, F.A.C. The Department's action will become final unless a timely petition for a hearing is filed in accordance with Rules 28-106.104, 28-106.201, and 28-106.301, F.A.C. In order to be timely, when the Department's intent is to deny a Certificate of Qualification for reasons other than delinquency or conviction for contract crime, the petition must be filed with the Department's Clerk of Agency Proceedings within 10 24 days after receipt of the Department's notice, in accordance with Sections 337.14 and 337.16, Florida Statutes. When the Department's intent is to revoke or suspend a Certificate of Qualification or deny a Certificate of Qualification for delinquency or conviction for contract crime, Rule 28-106.111, F.A.C., except that when Department action is based on a contract crime or delinquency, the petition shall be filed within 21 40 days of receipt of the Department's notice, pursuant to Rule 28-106.111, F.A.C. Substantially affected persons may file a request for a variance from or waiver of applicable Department rules in accordance with Section 120.542, Florida Statutes, and Rule Chapter 28-104, F.A.C.

(5) If a contractor's Certificate of Qualification is revoked, suspended, or denied and the contractor receives an additional period of revocation, suspension, or denial of its Certificate of Qualification, the time periods will run consecutively.

(6)(5) The suspension, revocation, or denial of any qualification to bid shall not affect obligations under any pre-existing contracts, except as may be amended by the parties.

Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 334.044(27), 337.11, 337.14, 337.16, 337.164, 337.165, 337.167 FS. History—Formerly Chapter 14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 9-24-75, Formerly 14-22.01(11), Amended 3-23-79, 11-10-82, 8-25-83, 10-1-85, Formerly 14-22.12, Amended 12-20-89, 1-4-94, 7-1-95, 7-2-95, 2-16-99, _____.

14-22.0141 Contractor Non-Responsibility.

(1) Contractors who wish to bid for the performance of construction contracts less than or equal to \$250,000, or any maintenance contracts, are presumed to be responsible bidders unless the Department determines that good cause exists to declare the contractor non-responsible, which shall include the following one of the following occurs:

(a) One of the circumstances specified in Section 337.16(2), Florida Statutes, occurs;

(b) The contractor or its affiliate defaulted on any Department contract, or the contract surety assumed control of or financial responsibility for, ~~took over any Department contract of from~~ the contractor;

(c) The contractor's qualification to bid is suspended, revoked, or denied for good cause from qualification to bid or denied qualification to bid by any public agency or semi-public agency;

(d) The contractor made or submitted to the Department false, deceptive, or fraudulent statements, certifications, or materials in any claim for payments or any information required by any Department contract;

(e) The contractor failed to comply with contract requirements, or failed to follow Department direction in the execution of a contract; ~~The contractor is otherwise determined by the Department to be non-responsible pursuant to Subsection (2);~~

(f) The contractor did not pay its subcontractors or suppliers in a timely manner or in compliance with contract documents;

(g)~~(f)~~ The contractor or affiliate(s) ~~or affiliates~~ has been convicted of a contract crime, as provided in Section 337.165, Florida Statutes;

~~(g) Qualifications, which the contractor does not possess, have been included in the proposal package for specialized work;~~

(h) An affiliate of t~~The contractor has previously been determined by the Department to be non-responsible, and the specified period of suspension, revocation, or denial remains in effect.~~

(2) ~~In addition to the criteria set out in Subsection (1), the Department shall determine a contractor to be non-responsible pursuant to Section 337.16(2), Florida Statutes:~~

~~(i)(a) When a review of the performance of a contractor performing under contract on construction contracts less than or equal to \$250,000, or any maintenance contracts reveals The contractor has instances of poor or unsatisfactory performance, deficient management resulting in project delay, or poor quality workmanship, a history of payment of liquidated damages, untimely completion of projects where liquidated damages were not paid, uncooperative attitude, contract litigation, claims, or defaults. the Department will consider all surrounding circumstances and make a professional~~

~~determination of contractor non-responsibility of any contractor determined to be deficient. The Department shall then proceed in accordance with Subsection (4).~~

~~(j)(b) When the Department determines that any other circumstance constituting "good cause" under Section 337.16(2), Florida Statutes, exist. The Department shall then proceed in accordance with Subsection (4).~~

~~(3) In the event that any of Subsections (1)(a) through (f) occur, the Department shall proceed in accordance with Subsection (4).~~

~~(2)(4) Determination of Contractor Non-Responsibility. The determination of contractor non-responsibility will be made by the appropriate District Secretary. The Contractor District Secretary will be determined to be declare the contractor non-responsible and ineligible to bid on Department contracts for a period of time, based on the seriousness of the deficiency.~~

(a) Examples of factors affecting the seriousness of a deficiency are:

1. Impacts on project schedule, cost, or quality of work;
2. Unsafe conditions allowed to exist;
3. Complaints from the public;
4. Delay or interference with the bidding process; ~~and~~
5. The potential for repetition; ~~and~~
6. Integrity of the public construction process; and
7. Effect on the health, safety, and welfare of the public.

(b) This rule does not limit the Department's ability to reject a bid submitted by a contractor for a particular contract based upon the Contractor being non-responsible.

~~(3)(b) Notice of intended agency action under this section Any decision to suspend the contractor from bidding will be provided in accordance with Rule 28-106.111, F.A.C. The Department's action will become final unless a timely petition for a hearing is filed in accordance with Rules 28-106.104, 28-106.201 and 28-106.301, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule 28-106.111, F.A.C. except that when Department action is based on a contract crime, the petition shall be filed within 10 days of receipt of the Department's notice. Substantially affected persons may file a request for a variance from or waiver of applicable Department rules in accordance with Section 120.542, Florida Statutes, and Rule Chapter 28-104, F.A.C.~~

~~(c) If a contractor receives two or more suspensions during the same period, the suspensions will be served consecutively.~~

~~(5) This rule does not limit the Department's ability to reject a bid submitted by a contractor for a particular contract as non-responsible, should any of the events in Subsections (1)(a) through (f) occur.~~

Specific Authority 334.044(2) FS. Law Implemented 337.16(2) FS. History—New 4-12-95, Amended 12-7-97, _____.

14-22.015 Forms.

The following forms are incorporated by reference as part of the rules of the Department and are available from the Contracts Administration Office, 605 Suwannee Street, Mail Station 55, Room 1-B 60, Tallahassee, Florida 32399-0455:

Form Number	Date	Title
375-020-32	10/93 12/98	Application for Qualification
375-020-21	10/93	Status of Contracts on Hand
375-020-22	02/95 08/00	Certification of Current Capacity
<u>700-010-25</u>	<u>03/01</u>	<u>Contractor Past Performance Rating</u>

Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 120.53(1)(b), 337.14, 337.164, 337.167 FS. History--New 11-10-82, Amended 8-25-83, Formerly 14-22.15, Amended 12-20-89, 1-4-94, 7-1-95, 7-2-95, _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

DOCKET NO.: 01-10R

RULE CHAPTER TITLE: Sovereignty Submerged Lands Management
 RULE CHAPTER NO.: 18-21

RULE TITLES: Management Policies, Standards, and Criteria 18-21.004
 Applications for Public Easement 18-21.009
 Applications for Private Easement 18-21.010
 Payments and Fees 18-21.011

PURPOSE AND EFFECT: The Department of Environmental Protection, as staff to the Board of Trustees, proposes to establish corridors for the placement of fiber optic cables on sovereign submerged lands along the coast of Florida. In addition, DEP is proposing to assess fees for the use of sovereign submerged lands by fiber optic cables and other types of utilities.

SUBJECT AREA TO BE ADDRESSED: Criteria for locating corridors and establishing fees associated with the use of sovereign submerged lands for placement of fiber optic cables and other utilities. During the rule development process, the Department may decide to amend any or all of the rule sections contained in Chapter 18-21 of the Florida Administrative Code.

SPECIFIC AUTHORITY: 253.03(7), 253.0345, 253.73, 258.43, 370.021(1) FS.

LAW IMPLEMENTED: 253.03, 253.0345, 253.034, 253.04, 253.041, 253.115, 253.12, 253.41, 253.61, 253.68, 253.71, 253.72, 253.74, 253.75, 253.77, 258.42, 258.43, 370.16 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Phil Coram, Department of Environmental Protection, Bureau of

Submerged Lands and Environmental Resources, 2400 Blair Stone Road, MS 2500, Tallahassee, FL 32399-2400, telephone (850)921-9870 Fax (850)488-6579, or e-mail: Phil.Coram@dep.state.fl.us.

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE TITLE: Publications Incorporated by Reference
 RULE NO.: 40D-2.091

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to modify the circumstances under which the form entitled "Well Verification for All Non-Domestic Wells Located in the Most Impacted Area of the Eastern Tampa Bay Water Use Caution Area", Form No. 42.10-005 (10/95) must be submitted to the District. The effect of the proposed amendment will be to create an exemption from the requirement to submit the form for wells constructed on residential properties of one acre or less.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments address Section 7.2 of the District's Basis of Review for Water Use Permit Applications regarding the Eastern Tampa Bay Water Use Caution Area. Specifically, the amendment will create an exemption from the requirement to submit District Form No. 42.10-005 (10/95) for irrigation wells constructed on single family residential lots of one acre or less.
 SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen E. West, Deputy General Counsel, Office of General Counsel, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-2.091 Publications Incorporated by Reference.
 The "Basis of Review for Water Use Permit Applications" _____ ~~September 3, 2000~~, is hereby incorporated by reference into this Chapter and is available from the District upon request.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS. History—New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, 8-3-00, 9-3-00, _____.

Basis of Review for Water Use Permit Applications
Section 7.0 Water Use Caution Areas

7.2 EASTERN TAMPA BAY WATER USE CAUTION AREA

- 1. through 7. No change.
- 8. Limitation of Quantity Permitted
- A. through E. No change.

F. Applicants for new non-domestic water well construction in the MIA must submit the form titled “Well Verification for All Non-Domestic Wells Located in the Most Impacted Area of the Eastern Tampa Bay Water Use Caution Area”, Form No. 42.10-005 (10/95), adopted by reference in Rule 40D-1.659, F.A.C., with a Well Construction Permit Application. Irrigation wells constructed on single family residential lots of one acre or less are exempt from this requirement.

F. is renumbered as G.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE TITLE: Exemptions
RULE NO.: 40D-4.051

PURPOSE AND EFFECT: The purpose of the proposed amendments is to remove several exemptions from environmental resource permitting from the District’s rules. Specifically, subsections 40D-4.051(3),(4),(5) and (6), F.A.C., which provide permitting exemptions for projects which had received some form of regulatory or governmental approval prior to October 1, 1984. The effect of the proposed amendments will be that projects that may have been exempt from permitting under these rules will be required to obtain environmental resource permits.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments will repeal subsections (3), (4), (5) and (6) of Rule 40D-4.051, F.A.C. which provide exemptions for certain projects from environmental resource permitting.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.149, 373.171, 373.414(9) FS.

LAW IMPLEMENTED: 373.406, 373.413, 373.414(9) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen E. West, Deputy

General Counsel, Office of General Counsel, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-4.051 Exemptions.

The following activities are exempt from permitting under this chapter:

(1) through (2) No change.

~~(3) Any project, work or activity which has received all governmental approvals necessary to begin construction and is under construction prior to October 1, 1984.~~

~~(4) Any project, work or activity which received a surface water management permit from the District prior to October 1, 1984.~~

~~(5) Any project, work or activity which did not require a surface water management permit from the District and had received all other necessary governmental approvals to begin construction or operation prior to October 1, 1984.~~

~~(6) Any phased or long term build out project, including a development of regional impact, planned unit development, development with a master plan or master site plan, or similar project, which has received local or regional approval prior to October 1, 1984, if:~~

~~(a) The approval process requires a specific site plan and provides for a master drainage plan approved prior to the issuance of a building permit, and~~

~~(b) The developer has notified the District of its intention to rely upon this exemption on or before April 1, 1985.~~

~~Projects exempt under this subsection shall continue to be subject to the District’s surface water management rules in effect prior to October 1, 1984.~~

(7) through (16) renumbered (3) through (12) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171, 373.414(9) FS. Law Implemented 373.406, 373.413, 373.414(9) FS. History—Readopted 10-5-74, Formerly 16J-4.05, Amended 10-1-84, 10-1-86, 3-1-88, 1-24-90, 10-3-95, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE TITLE: Exemptions
RULE NO.: 40D-4.051

PURPOSE AND EFFECT: The purpose of the proposed amendments is to repeal or amend District rules which were listed by the District pursuant to Section 120.536, F.S. The effect will be to amend subsections 40D-4.051(12)(i) and (n), F.A.C. which are exemptions from environmental resource permitting that deal with the construction or restoration of seawalls, and to repeal subsection 40D-4.051(13)(d), F.A.C. in its entirety.

SUBJECT AREA TO BE ADDRESSED: The proposed amendment of subsection 40D-4.051(12)(i), F.A.C. will delete language that was listed by the District as unauthorized and for which no authorizing legislation was passed by the 2000 Legislature. The amendment will also add language clarifying the activities covered by the exemption. The proposed amendment to subsection 40D-4.051(12)(n), F.A.C. will delete redundant language, add the construction of riprap as an activity covered by the exemption, and clarify the requirements for construction of seawalls and ripraps in estuaries and lagoons. The repeal of subsection 40D-4.051(13)(d) will remove an exemption for the use of rotenone by the Florida Fish and Wildlife Conservation Commission.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.149, 373.171, 373.414(9) FS.

LAW IMPLEMENTED: 373.406, 373.413, 373.414(9) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen E. West, Deputy General Counsel, Office of General Counsel, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-4.051 Exemptions.

The following activities are exempt from permitting under this chapter:

(1) through (12)(h) No change.

(i) The restoration of a seawall or riprap at its previous location, upland of its previous location, or within 18 inches one foot waterward of its previous location, as measured from the face of the existing seawall slab to the face of restored seawall slab or from the front slope of the existing riprap to the front slope of the restored riprap. No filling can be performed except in the actual restoration of the seawall or riprap. No construction shall be undertaken without necessary title or leasehold interest, especially where private and public ownership boundaries have changed as a result of natural occurrences such as accretion, reliction and natural erosion. ~~Restoration and repair shall be performed using the criteria set forth in Section 373.414(5), Florida Statutes.~~ This exemption shall be limited to functioning seawalls or riprap. This exemption shall not affect the permitting requirements of Chapter 161, Florida Statutes.

(j) through (m) No change.

(n) The construction of ~~private vertical~~ seawalls or riprap in wetlands or other surface waters, ~~other than in an estuary or lagoon, and the construction of riprap revetments,~~ where such construction is between and adjoins at both ends existing seawalls or riprap, follows a continuous and uniform construction line with the existing seawalls or riprap, is no more than 150 feet in length, and does not violate existing water quality standards, impede navigation adversely or affect flood control. However, this shall not affect the permitting requirements of Chapter 161, Florida Statutes. In estuaries and lagoons cConstruction of vertical seawalls is limited to the circumstances and purposes stated in shall be in accordance with subsection 373.414(5)(b)1-4., Florida Statutes.

(o) No change.

(13)(a) through (c) No change.

~~(d) The use of rotenone, by the Florida Game and Fresh Water Fish Commission, in conducting tests related to its responsibility regarding fish management. The chemical selected shall be used at no more than the strength approved by the EPA label, or a lesser strength than the EPA approved label. In addition, the chemical shall be used only under the direct on-site supervision of a staff member of the Florida Game and Fresh Water Fish Commission.~~

(e) through (h) renumbered (d) through (g) No change.

(14) through (16) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171, 373.414(9) FS. Law Implemented 373.406, 373.413, 373.414(9) FS. History-Readopted 10-5-74, Formerly 16J-4.05, Amended 10-1-84, 10-1-86, 3-1-88, 1-24-90, 10-3-95,

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: General and Procedural **RULE CHAPTER NO.:** 40E-1

PURPOSE AND EFFECT: The purpose and effect of the rule development is to amend 40E-1, F.A.C. to clarify the District's interpretation of the statutory scope of the consumptive use program.

SUBJECT AREAS TO BE ADDRESSED: 40E-1.602.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.103 FS.

LAW IMPLEMENTED: Chapter 373, Part II, FS.

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

TIME AND DATE: 10:00 a.m. – 4:00 p.m., March 6, 2001

PLACE: Mounts Building Auditorium, Mounts Botanical Garden, 531 North Military Trail, West Palm Beach, FL 33406

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: For technical issues contact, Scott Burns (internet: sburns@sfwmd.gov), or Cecile Ross (internet: cross@sfwmd.gov) at South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045. For procedural issues contact: Julie Jennison, South Florida Water

Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6294 or (561)682-6294 (internet: jjenniso@sfwmd.gov).

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Consumptive Use RULE CHAPTER NO.: 40E-2

PURPOSE AND EFFECT: The purpose and effect of the rule development is to amend 40E-2, F.A.C. and the "Basis of Review for Water Use Permit Applications Within the South Florida Water Management District – October 1997", F.A.C. to clarify the District's interpretation of the statutory scope of the consumptive use program.

SUBJECT AREAS TO BE ADDRESSED: 40E-2.041; BOR SECTION 1.8.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.103 FS.

LAW IMPLEMENTED: 373.103, Chapter 373, Part II. FS.

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

TIME AND DATE: 10:00 a.m. – 4:00 p.m., March 6, 2001

PLACE: Mounts Building Auditorium, Mounts Botanical Garden, 531 North Military Trail, West Palm Beach, FL 33406

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: For technical issues contact, Scott Burns (internet: sburns@sfwmd.gov), or Cecile Ross (internet: cross@sfwmd.gov) at South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045. For procedural issues contact: Julie Jennison, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6294 or (561)682-6294 (internet: jjenniso@sfwmd.gov). Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Consumptive Use RULE CHAPTER NO.: 40E-2

RULE TITLES: Publications Incorporated by Reference 40E-2.091
Conditions for Issuance of Permits 40E-2.301
Limiting Conditions 40E-2.381

PURPOSE AND EFFECT: The purpose and effect of the rule development is to establish criteria for applications and renewals consistent with Rule 40E-8, F.A.C., regarding minimum flows and levels. The purpose is also to update citations to and modify the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District – October 1997" to incorporate changes consistent with Rule 40E-8, F.A.C.

SUBJECT AREAS TO BE ADDRESSED: Minimum flows and levels.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.219, 373.223, 373.224, 272.229, 373.232, 373.233, 373.236, 373.239 FS.

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

TIME AND DATE: 10:00 a.m. – 4:00 p.m., March 6, 2001

PLACE: Mounts Building Auditorium, Mounts Botanical Garden, 531 North Military Trail, West Palm Beach, FL 33406

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY TEXT THAT WILL BE AVAILABLE FEBRUARY 9, 2001 IS: For technical issues contact, Scott Burns (internet:sburns@sfwmd.gov), or Cecile Ross (internet: cross@sfwmd.gov) at South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045. For procedural issues contact: Julie Jennison, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6294 or (561)682-6294 (internet: jjenniso@sfwmd.gov). Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Minimum Flows and Levels
RULE CHAPTER NO.: 40E-8

PURPOSE AND EFFECT: The purpose and effect of the rule development is to establish minimum flows and levels by January, 2001 for Lake Okeechobee, the Everglades (which includes the freshwater regions of Everglades National Park, Water Conservation Areas, and the Holeyland and Rotenberger Wildlife Management Areas), the Biscayne Aquifer in Southeastern Florida, the Lower West Coast Aquifers, and the Caloosahatchee River, in accordance with Chapter 373, Florida Statutes.

SUBJECT AREAS TO BE ADDRESSED: Minimum flows and levels.

SPECIFIC AUTHORITY: 373.042, 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.042, 373.0421 FS.

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

TIME AND DATE: 10:00 a.m. – 4:00 p.m., March 6, 2001

PLACE: Mounts Building Auditorium, Mounts Botanical Garden, 531 North Military Trail, West Palm Beach, FL 33406.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY TEXT THAT WILL BE AVAILABLE FEBRUARY 9, 2001 IS: For technical issues contact, Scott Burns (internet: sburns@sfwmd.gov), or Cecile Ross (internet: cross@sfwmd.gov) at South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045. For procedural issues contact: Julie Jennison, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6294 or (561)682-6294 (internet: jjenniso@sfwmd.gov). Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: General and Procedural
RULE CHAPTER NO.: 40E-20

PURPOSE AND EFFECT: The purpose and effect of the rule development is to amend 40E-20, F.A.C. to clarify the District’s interpretation of the statutory scope of the consumptive use program.

SUBJECT AREAS TO BE ADDRESSED: Consumptive use program.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.103 FS.

LAW IMPLEMENTED: Chapter 373, Part II. FS.

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

TIME AND DATE: 10:00 a.m. – 4:00 p.m., March 6, 2001

PLACE: Mounts Building Auditorium, Mounts Botanical Garden, 531 North Military Trail, West Palm Beach, FL 33406

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: For technical issues contact, Scott Burns (internet: sburns@sfwmd.gov), or Cecile Ross (internet: cross@sfwmd.gov) at South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045. For procedural issues contact: Julie Jennison, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6294 or (561)682-6294 (internet: jjenniso@sfwmd.gov). Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: General Water Use Permits
RULE CHAPTER NO.: 40E-20

RULE TITLES: Policy and Purpose
Notice of Intent
Conditions of Issuance of Authorization
Limiting Conditions
RULE NOS.: 40E-20.011
40E-20.112
40E-20.302
40E-20.381

PURPOSE AND EFFECT: The purpose and effect of the rule development is to establish criteria for conditions for issuance of authorization consistent with Rule 40E-8, F.A.C., regarding minimum flows and levels. The purpose is also to update

references to the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – October 1997”.

SUBJECT AREAS TO BE ADDRESSED: Minimum flows and levels.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.103, 373.118, 373.175, 373.246 FS.

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

TIME AND DATE: 10:00 a.m. – 4:00 p.m., March 6, 2001

PLACE: Mounts Building Auditorium, Mounts Botanical Garden, 531 North military Trail, West Palm Beach, FL 33406

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY TEXT THAT WILL BE AVAILABLE

FEBRUARY 9, 2001 IS: For technical issues contact, Scott Burns (internet: sburns@sfwmd.gov), or Cecile Ross (internet: cross@sfwmd.gov) at South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045. For procedural issues contact: Julie Jennison, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6294 or (561)682-6294 (internet: jjenniso@sfwmd.gov). Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: General and Procedural **RULE CHAPTER NO.:** 40E-21

PURPOSE AND EFFECT: The purpose and effect of the rule development is to amend 40E-21, F.A.C. to clarify the District’s interpretation of the statutory scope of the consumptive use program.

SUBJECT AREAS TO BE ADDRESSED: Consumptive use program.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.103 FS.

LAW IMPLEMENTED: Chapter 373, Part II. FS.

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

TIME AND DATE: 10:00 a.m. – 4:00 p.m., March 6, 2001

PLACE: Mounts Building Auditorium, Mounts Botanical Garden, 531 North Military Trail, West Palm Beach, FL 33406.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: For technical issues contact, Scott Burns (internet: sburns@sfwmd.gov), or Cecile Ross (internet: cross@sfwmd.gov) at South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045. For procedural issues contact: Julie Jennison, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6294 or (561)682-6294 (internet: jjenniso@sfwmd.gov).

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Water Shortage Plan **RULE CHAPTER NO.:** 40E-21

RULE TITLES: Definitions **RULE NOS.:** 40E-21.051

Declaring a Water Shortage 40E-21.231

General Water Use Restrictions 40E-21.271

Phase II Severe Water Shortage 40E-21.531

PURPOSE AND EFFECT: The purpose and effect of the rule development is to modify provisions regarding agricultural uses of water during Phase III and IV water shortages consistent with Rule 40E-8, F.A.C. regarding minimum flows and levels.

SUBJECT AREAS TO BE ADDRESSED: Minimum flows and levels.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.103, 373.118, 373.175, 373.246 FS.

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

TIME AND DATE: 10:00 a.m. – 4:00 p.m., March 6, 2001

PLACE: Mounts Building Auditorium, Mounts Botanical Garden, 531 North Military Trail, West Palm Beach, FL 33406.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY TEXT THAT WILL BE AVAILABLE

FEBRUARY 9, 2001 IS: For technical issues contact, Scott Burns (internet: sburns@sfwmd.gov), or Cecile Ross (internet: cross@sfwmd.gov) at South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045. For procedural issues contact: Julie Jennison, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6294 or (561)682-6294 (internet: jjenniso@sfwmd.gov).

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Regional Water Shortage Plans RULE CHAPTER NO.: 40E-22

RULE TITLES: Policy and Purpose 40E-22.312
Lake Okeechobee Agricultural Area Boundary 40E-22.322
Water Shortage Triggers 40E-22.332

PURPOSE AND EFFECT: The purpose and effect of the rule development is to create a regional water shortage plan for Lake Okeechobee consistent with Chapter 40E-8, F.A.C. requirements.

SUBJECT AREAS TO BE ADDRESSED: Minimum flows and levels for Lake Okeechobee.

SPECIFIC AUTHORITY: 373.042, 373.0421, 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.086, 373.103(4), 373.175, 373.246 FS.

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

TIME AND DATE: 10:00 a.m. – 4:00 p.m., March 6, 2001

PLACE: Mounts Building Auditorium, Mounts Botanical Garden, 531 North Military Trail, West Palm Beach, FL 33406

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY TEXT THAT WILL BE AVAILABLE

FEBRUARY 9, 2001 IS: For technical issues contact, Scott Burns (internet: sburns@sfwmd.gov), or Cecile Ross (internet: cross@sfwmd.gov) at South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045. For procedural issues contact: Julie Jennison, South Florida Water Management

District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6294 or (561)682-6294 (internet: jjenniso@sfwmd.gov).

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Everglades Program RULE CHAPTER NO.: 40E-63

PURPOSE AND EFFECT: The purpose is to develop rules to implement the Everglades Forever Act (“EFA”), Section 373.4592(4)(f)5., Florida Statutes (F.S.), which specifies, “effective immediately, landowners within the C-139 Basin shall not collectively exceed an annual average loading of phosphorus. . . .” The proposed rules will establish the compliance methodology and compliance actions required by C-139 landowners if the phosphorus load limitation for the C-139 Basin is exceeded. The effect of the proposed rule will be potential enhancement of the downstream receiving water quality in accordance with the intent of the EFA.

SUBJECT AREA TO BE ADDRESSED: Rule development to establish a compliance methodology for phosphorus load limitations for the C-139 Basin.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.4592 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 noon, March 7, 2001

PLACE: Conference Room, Clewiston Field Station of the South Florida Water Management District, S.R. 832, Rt. 1, Clewiston, FL 33440

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY TEXT IS:

For technical questions, Pam Smith, Sr. Supervising Engineer, Everglades Regulation Department, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6901 or (561)682-6901 (e-mail psmith@sfwmd.gov); or for legal/administrative questions, Julie Jennison, Senior Legal Research Asst., 1(800)432-2045, extension 6294 or (561)682-6294 (e-mail jjenniso@sfwmd.gov).

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Health Quality Assurance

RULE TITLES:	RULE NOS.:
Definitions	59A-23.002
Quality Assurance	59A-23.004
Medical Records	59A-23.005
Grievance Procedures	59A-23.006
Reporting Requirements	59A-23.008
Employee and Provider Education	59A-23.009

SUBJECT AREA TO BE ADDRESSED: Workers' Compensation Managed Care Arrangements.

PURPOSE AND EFFECT: The Agency for Health Care Administration (AHCA) is proposing to amend rules 59A-23.002, 59A-23.004, 59A-23.005, and 59A-23.006, F.A.C.; and propose rules 59A-23.008 and 59A-23.009, to implement subsection (25) of section 440.134, Florida Statutes. These proposed changes will specify: (a) Requirements and procedures for case management, utilization management, and peer review; (b) Requirements and procedures for quality assurance and medical records; (c) Requirements and procedures for dispute resolution; (d) Requirements and procedures for employee and provider education; (e) Requirements and procedures for reporting data regarding grievances, return-to-work outcomes, and provider networks; and (f) clarify workers' compensation managed care arrangement definitions.

SPECIFIC AUTHORITY: 440.134(25) FS.

LAW IMPLEMENTED: 440.134 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 p.m., March 6, 2001

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, 1st Floor Conference Room A, Tallahassee, Florida 32308-5403

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Betty Jean Cettie, Agency for Health Care Administration, Health Services and

Facilities Consultant, Bureau of Managed Health Care, (850)414-8981, Agency's web site: www.fdhc.state.fl.us/MCHQ/Manage Health Care/WCMC/index.shtml

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE TITLE: Continuing Education **RULE NO.:** 61G10-18

PURPOSE AND EFFECT: The purpose of this new chapter is to address Continuing Education.

SUBJECT AREA TO BE ADDRESSED: Inactive Status.

SPECIFIC AUTHORITY: 481.315 FS.

LAW IMPLEMENTED: 481.315 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sherri Landrum, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Disciplinary Guidelines **RULE NO.:** 64B8-55.001

PURPOSE AND EFFECT: The Board proposes to update the existing rules.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 456.072, 476.079, 478.52(4) FS.

LAW IMPLEMENTED: 456.072, 456.079, 478.52(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kaye Howerton, Executive Director, Electrolysis Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE: Fees for Application, Examination, Initial and Renewal Licensure
RULE NO.: 64B32-3.005

PURPOSE AND EFFECT: The proposed rule change is to raise the fee charged for licensure and to change the word "registration" to licensure" for clarity.

SUBJECT AREA TO BE ADDRESSED: Fees for Application, Examaination, Initial and Renewal Registration.

SPECIFIC AUTHORITY: 455.641, 468.364 FS.

LAW IMPLEMENTED: 455.641, 468.364 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B32-3.005 Fees for Application, Examination, Initial and Renewal Licensure ~~Registration~~.

(1) through (2) No change.

(3) The initial licensure ~~registration~~ fee for a person who becomes licensed shall be \$110.00 ~~\$70.00~~.

(4) No change.

Specific Authority ~~456.064~~ 455.641, 468.364 FS. Law Implemented ~~456.064~~ 455.641, 468.364 FS. History--New 4-29-85, Formerly 21M-35.05, Amended 9-21-93, 1-3-94, Formerly 61F6-35.005, Amended 9-29-94, Formerly 59R-72.006, 64B8-72.006, Amended _____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Shrimp
RULE CHAPTER NO.: 68B-31

RULE TITLE: Northwest Region Food Shrimp
RULE NO.: 68B-31.010

PURPOSE AND EFFECT: The purpose of this rule development effort is to delay for one year the scheduled expiration of the allowance for the use of skimmer trawls for food shrimp production in a portion of Apalachicola Bay. Necessary studies on the effects of such gear have not been completed, delaying a decision on whether the gear can be allowed on a permanent basis. The effect of this rule development effort will be to allow those food shrimp

producers who have been experimenting with skimmer trawls to continue for another year before a final decision is made on the appropriateness of the gear.

SUBJECT AREA TO BE ADDRESSED: Food shrimp production with skimmer trawls in Apalachicola Bay.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE LATER ANNOUNCED IN THIS PUBLICATION.

Special accommodations at this workshop for persons with disabling conditions should be requested in writing at least 7 days in advance, if such workshop is held. Contact Lisa Rubenstein, Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-31.010 Northwest Region Food Shrimp Production Gear Specifications.

Each person harvesting shrimp in the Northwest Region as a food shrimp producer shall comply with the requirements specified in this rule.

(1) Allowable Gear – No person shall harvest shrimp in the nearshore and inshore Florida waters of the region as a food shrimp producer with any type of gear other than:

(a) A roller frame trawl meeting the following specifications:

1. Neither the upper or lower horizontal beam on a roller frame trawl so used is greater than 16 feet in length.

2. The vertical bars shielding the trawl opening are spaced no further than 3 inches apart.

3. No more than two such trawls, unconnected, shall be towed by a single vessel at any time.

4. The netting of the trawl shall be no larger in mesh area than specified by Rule 68B-31.0035(2).

(b) No more than two unconnected otter trawls, each with a perimeter around the leading edge of the net not greater than 66 feet and a net no larger in mesh area than specified by Rule 68B-31.0035(2). The two otter trawls allowed in the nearshore and inshore Florida waters of this region shall include any try net being towed.

(c) Until July 1, ~~2002~~ 2001, and only in the area of the Northwest Region specified herein, no more than two unconnected skimmer trawls meeting the following specifications:

1. The perimeter around the leading edge of any skimmer trawl shall not exceed 56 feet.
2. No more than two skimmer trawls, unconnected other than being attached to the same vessel, shall be deployed from a single vessel at any time.
3. The netting of a skimmer trawl shall be no larger in mesh area than specified by Rule 68B-31.0035(2).
4. No skimmer trawl shall be used to harvest shrimp except in the following described area in Apalachicola Bay in the Northwest Region: All waters of Apalachicola Bay in Franklin County bounded on the north by the John Gorrie Memorial Bridge, on the west by the Apalachicola Shipping Channel to Channel Marker No. 2, on the south by ICWW Channel, and on the east by the Bryant Patton Bridge.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 1-1-92, Amended 1-1-96, 8-17-98, 6-1-99, Formerly 46-31.010, Amended _____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Resources

RULE CHAPTER TITLE: Artificial Reef Program
 RULE CHAPTER NO.: 68E-9

PURPOSE AND EFFECT: The purpose of this proposed rule development is to codify the procedures for submitting applications from local coastal governments and nonprofit corporations for grants and financial assistance, the criteria used for awarding grants and financial assistance for artificial reef siting and development and monitoring, and the criteria used to determine the eligibility of nonprofit corporations.

SUBJECT AREA TO BE ADDRESSED: Procedures for submitting an application for financial assistance for artificial reef siting and development, and for artificial reef monitoring and evaluation and the criteria for allocating available funds pursuant to §370.25, Florida Statutes.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Fla. Const., 370.25(2),(4) FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const. 370.25(2),(4) FS.

A HEARING ON THE PROPOSED RULE DEVELOPMENT WILL BE CONDUCTED IN CONJUNCTION WITH THE COMMISSION'S REGULARLY SCHEDULED PUBLIC MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATE: 8:30 a.m., each day, March 29-30, 2001
 PLACE: Holiday Inn-Capital, 1355 Apalachee Parkway, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mr. Robert Palmer, Chief, Bureau of Marine Fisheries Management
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE AND CAN BE OBTAINED FROM: James V. Antista, General Counsel, 620 South Meridian Street, Tallahassee, Florida 32399-1600

**Section II
 Proposed Rules**

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLES:	RULE NOS.:
Records to be Maintained by Check Cashers	3C-560.704
Postdated Check	3C-560.803
Money Transmitters	3C-560.805

PURPOSE AND EFFECT: Distinguish transactions that are outside of the scope of Chapter 560, Florida Statutes.

SUMMARY: The proposed rule specifies that any agreement to extend, renew or continue a check cashing transaction, for value, is outside of the scope of Chapter 560, Florida Statutes. To assure compliance, a check casher may not enter into a check cashing transaction with a drawer until the expiration of two days following negotiation for value of any payment instrument made by the same drawer and accepted by the check casher.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 560.105(3) FS.

LAW IMPLEMENTED: 560.309, 560.310, 655.86 FS.

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

TIME AND DATE: 10:00 a.m., March 12, 2001

PLACE: Room 526, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Don Saxon, Director, Division of Securities and Finance, Room 664, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9805

THE FULL TEXT OF THE PROPOSED RULES IS:

3C-560.704 Records to be Maintained by Check Cashers.

(1) Every check casher shall maintain a records of all payment instruments cashed for each business day. The records shall include the following information with respect to each payment instrument accepted by the check casher:

- (a) The name of the maker;
- (b) The address of the maker;
- (c) The date appearing on the payment instrument;
- (d) The amount of the payment instrument;
- (e) The date of deposit by the check casher;
- (f) The fee charged to cash the payment instrument;
- (g) The verification fee, if any, imposed on the customer;

and

(h) A line item description of the steps taken to verify the customer's identity.

(2) The following additional information shall be maintained:

(a) Records relating to all returned payment instruments that shall include, if applicable, the following: A daily business reconciliation; and

1. The date the payment instrument was returned to the check casher;

2. The name and address of the maker;

3. The amount of the returned payment instrument;

4. The date of deposit by the check casher;

5. The amount of the payment instrument;

6. The charge-back fees imposed by the check casher's financial institution;

7. The date on which collection is made from the customer; and

8. A description of the method by which collection was ultimately achieved.

(b) A daily summary of the business activities including the following documents: ~~Records of all returned items.~~

1. Bank deposit receipts;

2. Photocopies of checks evidencing withdrawal of funds from accounts maintained by the check casher; and

3. A daily cash reconciliation summarizing each day's activities and reconciling cash on hand at the close of business.

(c) Monthly bank statements for all accounts maintained.

(d) A copy, if applicable, of the customer's written authorization to electronically debit the customer's account.

(e) A copy of all payment instruments accepted by the check casher.

(f) A copy of the customer's verifiable means of identification, and any other documentation the money transmitter collects in order to verify the customer's identity.

Specific Authority 560.105(3) FS. Law Implemented 560.310 FS. History--New 9-24-97, Amended _____.

3C-560.803 Postdated Check.

(1) A check casher may accept a postdated check, subject to the fees established in Section 560.309(4), F.S.

(2) Any agreement to extend, renew or continue a check cashing transaction in any manner, including the substitution of a new check drawn by the drawer, if coupled with the imposition of any fees, compensation, or any other benefit, is outside of the scope of Chapter 560, F.S.

(3) A check casher may not enter into a check cashing transaction with a drawer until the expiration of two days following the negotiation for value of any payment instrument made by the same drawer and accepted by the check casher.

Specific Authority 560.105(3) FS. Law Implemented 655.86, 560.309 FS. History--New 9-24-97, Amended _____.

3C-560.805 Money Transmitters.

A money transmitter, or money transmitter-affiliated party, whether registered or unregistered, may not accept a postdated check or agree to delay negotiating a check unless accomplished pursuant to Rules 3C-560.803 and 3C-560.704, F.A.C. Nothing contained within Chapter 560, F.S., shall be construed as permitting a money transmitter to convert a Chapter 560, F.S. transaction into a loan.

Specific Authority 560.105(3) FS. Law Implemented 560.309 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rick White, Financial Administrator

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Don Saxon, Director, Division of Securities and Finance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 7, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 27, 2000

DEPARTMENT OF INSURANCE

RULE TITLES:	RULE NOS.:
Additional Contracts	4-191.036
Primary Care Physicians	4-191.046
Emergency Services Procedures	4-191.048
Contracted Providers	4-191.073

PURPOSE AND EFFECT: The rules were found to be unnecessary or lacking in delegated legislative authority during the 120.536(2)(b) analysis, and therefore should be repealed.

SUMMARY: Repeal of provisions regarding HMOs found to be unnecessary or lacking in delegated legislative authority during the 120.536(2)(b) analysis.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 641.36 FS.
 LAW IMPLEMENTED: 641.19(6)(e), 641.31(12), 641.3101, 641.3905 FS.

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

TIME AND DATE: 9:30 a.m., March 14, 2001
 PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jim Bracher, Bureau of Managed Care, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0347, phone (850)413-2500

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Yvonne White, (850)413-4214.

THE FULL TEXT OF THE PROPOSED RULES IS:

4-191.036 Additional Contracts.

Specific Authority 641.36 FS. Law Implemented 641.3101 FS. History--New 2-22-88, Formerly 4-31.036, Amended 5-28-92, Repealed.

4-191.046 Primary Care Physicians.

Specific Authority 641.36 FS. Law Implemented 641.19(6)(e) FS. History--New 10-25-89, Formerly 4-31.046, Repealed.

4-191.048 Emergency Services Procedures.

Specific Authority 641.36 FS. Law Implemented 641.31(12) FS. History--New 2-22-88, Formerly 4-31.048, Amended 5-28-92, Repealed.

4-191.073 Contracted Providers.

Specific Authority 641.36 FS. Law Implemented 641.3905 FS. History--New 5-28-92, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jim Bracher, Bureau Chief, Bureau of Managed Care, Division of Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michelle Newell, Director, Division of Insurer Services, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 29, 2001

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLES:	RULE NOS..
Specific Exemptions	12A-1.001
Schools Offering Grades K Through 12; Parent-Teacher Associations; and Parent-Teacher Organizations	12A-1.0011
Sales Tax Brackets	12A-1.004

Aircraft, Boats, Mobile Homes, and Motor Vehicles	12A-1.007
Receipts from Services Rendered by Insect or Pest Exterminators	12A-1.009
Cleaning Services	12A-1.0091
Receipts from Sales by Barber Shops and Beauty Shops	12A-1.010
Food and Drink for Human Consumption; Sales of Food or Drinks Served, Cooked, Prepared, or Sold by Restaurants or Other Like Places of Business	12A-1.011
Credit for Taxes Paid in Error	12A-1.013
Refunds and Credits for Sales Tax Erroneously Paid	12A-1.014
Trade and Cash Discounts	12A-1.018
Occasional or Isolated Sales or Transactions Involving Tangible Personal Property or Services	12A-1.037
Sales by Photographers, Photofinishers and Photostat Producers, Photoengravers, Wood Engravers and Public Officials of Public Records	12A-1.041
Vending Machines	12A-1.044
Sale of Agricultural Products	12A-1.048
Tax Due at Time of Sale; Tax Returns and Regulations	12A-1.056
Waiver of Electronic Data Interchange Sales and Use Tax Return Filing Requirements	12A-1.0565
Trade Stamps	12A-1.058
Registration	12A-1.060
Sales in Interstate and Foreign Commerce; Sales to Nonresident Dealers; Sales to Diplomats	12A-1.064
Sales by Governmental Agencies and Instrumentalities and Exempt Institutions	12A-1.069
Concession Prizes; The Sale of Food, Drink, and Tangible Personal Property at Concession Stands	12A-1.080
Partial Exemption for Farm Equipment; Suggested Exemption Certificate for Items Used for Agricultural Purposes	12A-1.087
Use Tax	12A-1.091
Authority to Issue Subpoenas and Subpoenas Duces Tecum	12A-1.0935
Revocation of Sales Tax Certificates of Registration	12A-1.0955
Industrial Machinery and Equipment for Use in a New or Expanding Business	12A-1.096
Public Use Forms	12A-1.097
Service Warranties	12A-1.105

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule Chapter 12A-1, F.A.C., is to: (1) remove provisions that are obsolete or redundant of statutory provisions; (2) create a single administrative rule containing

guidelines to schools offering grades K through 12, parent-teacher organizations, and parent-teacher associations and remove such provisions from other sections of Rule Chapter 12A-1, F.A.C.; (3) provide the effective sales tax brackets for transactions taxable at the rates of 2.5%, 6%, and 7% for counties that do not impose a discretionary sales surtax that are required by s. 212.12(11), F.S., as amended by s. 1, Chapter 2000-276, L.O.F.; (4) incorporate the amendments to s. 215.26, F.S. (s. 10, ch. 94-314, L.O.F., and s. 10, ch. 99-239, L.O.F.), and the provisions of s. 213.255, F.S., created by s. 9, ch. 99-239, L.O.F., to provide that an application for refund of tax paid must be filed with the Department within 3 years after the date of payment of the tax; (5) provide that charges for pest control services rendered to residential facilities used as living accommodations are not subject to tax, even though the rental or lease charges to guests to use such accommodations may be subject to the taxes imposed on transient rentals; (6) provide that charges for cleaning services for tangible personal property are not subject to tax; (7) incorporate the legislative changes to s. 212.07, F.S., which require dealers who purchase items for the purposes of resale to extend a copy of their Annual Resale Certificate to make tax exempt purchases; (8) incorporate the statutory requirements in s. 212.0515, F.S. (as amended by s. 2, Ch. 98-141, s.7, Ch. 98-342, and s. 1, Ch. 99-366, L.O.F.), for sales made through vending machines; (9) provide clarifying language regarding the sale of agricultural products; (10) provide a suggested exemption certificate to be issued by persons purchasing items for agricultural use and for purchases of equipment used on farm subject to tax at the rate of 2.5%; (11) incorporate the provisions of ss. 1 and 2, Chapter 2000-345, L.O.F. (amends ss. 212.031(1)(a)12. and (3), F.S.; creates s. 212.04(3), F.S.), which provide that tax collected on certain admission charges and real property rentals is not due to the state on the first day of the month following the date of the transaction; (12) incorporate the provisions of s. 1, Chapter 2000-206, L.O.F., which repealed s. 212.18(5), F.S., which required certain taxpayers to pay an annual registration fee; (13) incorporate the provisions of s. 1, Chapter 2000-276, L.O.F., which reduces to 2.5 percent the tax rate on certain farm equipment used in agricultural production (amends s. 212.08(5)(a), F.S.) and provides a definition of the term "agricultural production" (creates s. 212.02(34), F.S.); (14) incorporate the provisions of s. 54, Chapter 2000-165, L.O.F., which removed the requirement that a business entity be registered with the WAGES Program Business Registry to be eligible to receive an exemption for the purchase or lease of machinery and equipment used in a new or expanding business; (15) incorporate and certify the changes to forms that have been amended by the Department; (16) remove forms used internally by the Department in the administration of sales tax that do not meet the definition of a rule, as defined by s. 120.52(15), F.S., and are not required to be adopted by

reference; (17) remove all obsolete forms that are no longer used by the Department; and (18) make necessary technical changes.

SUMMARY: The proposed amendments to Rule 12A-1.001, F.A.C., Specific Exemptions: (1) remove unnecessary references to other rules sections; (2) remove provisions regarding the exemption provided for religious publications that are clearly provided in s. 212.06(9), F.S.; (3) remove provisions regarding the sale of fertilizers, insecticides, fungicides, seeds, and the purchase of nets and other items by commercial fishermen that will be provided in Rules 12A-1.048 and 12A-1.087, F.A.C., as amended; (4) remove language that is redundant of the provisions of Rule 12A-1.064, F.A.C., regarding the purchase of certain items used in the repair and maintenance of vessels; (5) remove provisions regarding the sale of fuel that are provided in Rule 12A-1.059, F.A.C.; (6) remove provisions regarding the exemption provided for hospital rooms and meals that are clearly provided in s. 212.08(7)(i), F.S.; (7) remove obsolete provisions regarding the sale of advertising slides; (8) remove provisions regarding safety deposit boxes that are repetitive of Rule 12A-1.070, F.A.C.; (9) remove provisions regarding purchases by and sales by schools that will be provided in Rule 12A-1.0011, F.A.C., as created; (10) remove provisions regarding professional, insurance, or personal service transactions and the sale of information services that are redundant of the provisions of s. 212.08(7)(v), F.S., or Rule 12A-1.062, F.A.C.; (11) clarify provisions regarding the exemption provided for guide dogs and remove the unnecessary incorporation by reference of forms DR-151 and DR-152, which are not required to be adopted as a rule, as defined in s. 120.52(15), F.S.; (12) remove provisions regarding the sale of artificial commemorative flowers that are clearly provided in s. 212.08(7)(a), F.S.

The proposed creation of Rule 12A-1.0011, F.A.C., Schools Offering Grades K through 12; Parent-Teacher Organizations; and Parent-Teacher Associations: (1) consolidates guidelines for schools offering grades K through 12, parent-teacher associations (PTAs), and parent-teacher organizations (PTOs) into one administrative rule; (2) defines the terms "schools offering grades K through 12," "parent-teacher associations," and "parent-teacher organizations"; (3) provides guidelines for when school districts may make tax exempt purchases for parent-teacher associations or parent-teacher organizations; (4) provides guidelines for when schools offering grades K through 12, PTAs, and PTOs may pay tax on their purchases in lieu of collecting tax on their sales of taxable items, such as those sold in fund-raising projects; (5) provides guidelines for the taxability of admission charges; and (6) provides guidelines for the sale of school books and supplies, yearbooks and other publications, and food and beverages sold in the student lunchroom or dining room or sold or dispensed through vending machines or other dispensing devices.

The proposed substantial rewording of Rule 12A-1.004, F.A.C.: (1) changes the title to “Sales Tax Brackets” to reflect the substantial rewording of the rule text; (2) provides the effective sales tax brackets for transactions taxable at the rates of 2.5%, 6%, and 7% for counties that do not impose a discretionary sales surtax that are required by s. 212.12(11), F.S., as amended by s. 1, Chapter 2000-276, L.O.F.; (3) provides for easier reading of the sales tax brackets; and (4) removes the requirement to certify forms containing the sales tax brackets.

The proposed amendments to Rule 12A-1.007, F.A.C., Aircraft, Boats, Mobile Homes, and Motor Vehicles, incorporate the amendments to s. 215.26, F.S. (s. 10, ch. 94-314, L.O.F., and s. 10, ch. 99-239, L.O.F.), and the provisions of s. 213.255, F.S., created by s. 9, ch. 99-239, L.O.F. Section 215.26, F.S., provides that an application for refund of tax paid must be filed with the Department within 3 years after the date of payment of the tax. Section 213.255(3), F.S., provides that an application for a refund of tax paid will be considered complete when all requested information is received by the Department.

The proposed amendments to Rule 12A-1.009, F.A.C., Pest Control Services: (1) provide that charges for pest control services for tangible personal property are not subject to tax; (2) provide that charges for pest control services rendered to residential facilities used as living accommodations are not subject to tax, even though the rental or lease charges to guests to use such accommodations may be subject to the taxes imposed on transient rentals; (3) remove provisions regarding the Department’s presumption that pest control services rendered to public lodging establishments advertised or held out to the public as places regularly rented to transient guests are taxable as nonresidential pest control services; (4) remove all guidelines related to establishing whether the pest control services provided to such living accommodations are for nonresidential or for residential use; and (5) remove references to rules that are no longer applicable.

The proposed amendments to Rule 12A-1.0091, F.A.C., Cleaning Services, provide that charges for cleaning services for tangible personal property are not subject to tax.

The proposed amendments to Rule 12A-1.010, F.A.C., Receipts from Sales by Barber Shops and Beauty Shops: (1) incorporate the legislative changes to s. 212.07, F.S., which require dealers who purchase items for the purposes of resale to extend a copy of their Annual Resale Certificate to make tax exempt purchases; (2) clarify that when tax has been paid to a supplier on items that are resold by the owner or operator of the shop, a credit or refund may be obtained, as provided in Rule 12A-1.014, F.A.C.; and (3) make grammatical technical changes.

The proposed amendments to Rule 12A-1.011, F.A.C.: (1) change the title to “Food and Drink for Human Consumption; Sales of Food or Drinks Served, Cooked, Prepared, or Sold by

Restaurants or Other Like Places of Business” to reflect the removal of provisions for sales through vending machines; (2) remove provisions regarding sales to or sales by schools offering grades K through 12, PTAs, and PTOs that will be provided in Rule 12A-1.0011, F.A.C., as created; (3) remove the repetition of provisions regarding the sale of food and beverages by concessionaires that are provided in Rule 12A-1.080, F.A.C.; and (4) remove provisions regarding sales of food items through vending machines that are provided in s. 212.0515, F.S., or Rule 12A-1.044, F.A.C., as amended.

The proposed repeal of Rule 12A-1.013, F.A.C., Credit for Taxes Paid in Error, consolidates into Rule 12A-1.014, F.A.C., guidelines for when dealers are allowed to apply for a refund or allowed to take a credit for tax paid on certain property and for sales tax erroneously paid.

The proposed amendments to Rule 12A-1.014, F.A.C.: (1) change the title to “Refunds and Credits for Sales Tax Erroneously Paid”; and (2) incorporate the amendments to s. 215.26, F.S. (s. 10, ch. 94-314, L.O.F., and s. 10, ch. 99-239, L.O.F.), and the provisions of s. 213.255, F.S., created by s. 9, ch. 99-239, L.O.F. Section 215.26, F.S., provides that an application for refund of tax paid must be filed with the Department within 3 years after the date of payment of the tax. Section 213.255(3), F.S., provides that an application for a refund of tax paid will be considered complete when all requested information is received by the Department.

The proposed amendments to Rule 12A-1.018, F.A.C., Trade and Cash Discounts, clarify in an example that the value of the coupon reduces the sales price of the item sold; however, the amount of tax due in that example remains unchanged.

The proposed amendments to Rule 12A-1.037, F.A.C., Occasional or Isolated Sales or Transactions Involving Tangible Personal Property or Services: (1) remove a reference to Rule 12A-1.038, F.A.C., that is no longer applicable; (2) remove provisions regarding sales to or sales by schools offering grades K through 12, PTAs, and PTOs that will be provided in the newly created Rule 12A-1.0011, F.A.C.; (3) remove provisions regarding sales made by qualified exempt organizations that are no longer necessary under the provisions of s. 212.08(7), F.S., as revised under s. 1, Chapter 2000-388, L.O.F.; and (4) remove the requirement that a sale of property acquired by exempt organizations and institutions through donation will only qualify as an exempt occasional or isolated sale if the donor paid the applicable taxes due on the donated property. Although this requirement is being removed, donors must continue to pay any applicable tax on property donated under the provisions of Rule 12A-1.077, F.A.C.

The proposed amendments to Rule 12A-1.041, F.A.C., Sales by Photographers, Photofinishers and Photostat Producers, Photoengravers, Wood Engravers and Public Officials of Public Records, remove provisions regarding sales to, or sales by, schools offering grades K through 12, PTAs, and PTOs that will be provided in the newly created Rule 12A-1.0011, F.A.C.

The proposed amendments to Rule 12A-1.044, F.A.C., Vending Machines: (1) incorporate the statutory requirements in s. 212.0515, F.S. (as amended by s. 2, Ch. 98-141, s.7, Ch. 98-342, and s. 1, Ch. 99-366, L.O.F.), for sales made through vending machines; (2) remove the statutory recitation of the terms “vending machine” and “vending machine operator,” as mandated by s. 120.74(1), F.S.; (3) consolidate the exemptions provided for certain items sold through vending machines into one subsection of this rule; (4) remove the recitation of the tax reporting divisors for sales made through vending machines that are provided in s. 212.0515(2), F.S.; (5) remove provisions for filing quarterly information reports (forms DR-15V, DR-15VOC, and DR-15VW) and the posting of notices that are no longer required or imposed under the provisions of s. 212.0515, F.S.; (6) remove the recitation of s. 212.0515(4), F.S., which imposes penalty and interest for failure to display the notice required in that subsection; (7) provide clarifying language regarding the registration requirements imposed on owners or operators of vending machines; and (8) provide that dealers are required to issue a copy of their Annual Resale Certificate to make tax exempt purchases for the purposes of resale.

The proposed amendments to Rule 12A-1.048, F.A.C.: (1) change the title to “Sale of Agricultural Products,” to reflect the proposed changes; (2) remove gender references; (3) reorganize the rule text to provide easier reading and clarity; (4) remove provisions regarding the sale of poultry and livestock that are provided in Rule 12A-1.049, F.A.C.; (5) clarify that sellers, including producers and other persons, who sell agricultural products that are not a marketable or finished product are not required to obtain an exemption certificate from the purchaser to make tax exempt sales of such agricultural products; (6) clarify that the sales of agricultural products as a marketable or finished product are subject to tax; (7) clarify that the sale of ornamental nursery stock, regardless of the state of growth or maturity, is subject to tax; (8) provide that the sales of certain items for agricultural use, as provided in s. 212.08(5), F.S., are exempt when the purchaser issues an exemption certificate to the seller; (9) remove the unnecessary listing of those items that are listed in the suggested exemption certificate provided in Rule 12A-1.087, F.A.C., as amended; and (10) provide that dealers who purchase ornamental nursery stock for resale must be registered as a dealer and extend a copy of their Annual Resale Certificate to make tax exempt purchases.

The proposed amendments to Rule 12A-1.056, F.A.C., Tax Due at Time of Sale; Tax Returns and Regulations: (1) incorporate the provisions of ss. 1 and 2, Chapter 2000-345, L.O.F. (amends ss. 212.031(1)(a)12. and (3), F.S.; creates s. 212.04(3), F.S.), which provide that tax collected on certain admission charges and real property rentals is not due to the state on the first day of the month following the date of the transaction; (2) remove the unnecessary provision regarding the Department’s authority to deny the collection allowance

when an incomplete return is filed that is clearly provided in s. 212.11(1)(a) and (b)1., F.S.; (3) provide guidelines that incorporate the provisions of s. 16, Chapter 2000-355, L.O.F. (amends s. 212.11(2)(c), F.S.), authorizing the Department to allow a taxpayer to continue on the same filing frequency when the increased payment would not permit the taxpayer to continue to file on the same frequency schedule; and (4) remove provisions for the payment of estimated tax on the waste newsprint disposal fee that is no longer imposed.

The proposed amendments to Rule 12A-1.0565, F.A.C., Waiver of Electronic Data Interchange Sales and Use Tax Return Filing Requirements, remove the incorporation by reference of form DR-654 (EDI Waiver Request), which does not meet the definition of a rule, as defined by s. 120.52(15), F.S., and is not required to be adopted by reference.

The proposed repeal of Rule 12A-1.058, F.A.C., Trade Stamps, removes from the administrative code an unnecessary rule regarding the sale of trade stamps.

The proposed amendments to Rule 12A-1.060, F.A.C., Registration: (1) incorporate the provisions of s. 1, Chapter 2000-206, L.O.F., which repealed s. 212.18(5), F.S., which required certain taxpayers to pay an annual registration fee; (2) provide technical changes to properly advise the titles of forms and how forms may be obtained from the Department and properly reference Rule 12A-1.039, F.A.C.; (3) remove the unnecessary incorporation by reference of forms that do not meet the definition of a rule, as defined by s. 120.52(15), F.S., and are not required to be adopted by reference; and (4) remove unnecessary provisions regarding the requirement of bonds that are clearly provided in the statutes.

The proposed amendments to Rule 12A-1.064, F.A.C.: (1) remove the unnecessary listing of an exemption for nets and parts thereof that is listed in the suggested exemption certificate provided in Rule 12A-1.087, F.A.C., as amended; and (2) remove provisions regarding the charge for printing catalogs that will be provided in Rule 12A-1.027, F.A.C., as amended.

The proposed repeal of Rule 12A-1.069, F.A.C., removes from the administrative code an unnecessary rule regarding sales by government entities and by exempt organizations that are clearly addressed in s. 212.08(6) and (7), F.S.

The proposed amendments to Rule 12A-1.080, F.A.C.: (1) amend the title to “Concession Prizes; The Sale of Food, Drink, and Tangible Personal Property at Concession Stands” and provide current guidelines for sales made at concession stands; (2) provide guidelines for the payment of tax due on prizes awarded for concession games; and (3) provide the method and tax divisor rates for concessionaires to remit tax due on sales.

The proposed amendments to Rule 12A-1.087, F.A.C.: (1) change the title to “Partial Exemption for Farm Equipment; Suggested Exemption Certificate for Items Used for Agricultural Purposes,” to reflect the changes made to the

rule; (2) incorporate the provisions of s. 1, Chapter 2000-276, L.O.F., which reduces to 2.5 percent the tax rate on certain farm equipment used in agricultural production (amends s. 212.08(5)(a), F.S.) and provides a definition of the term "agricultural production" (creates s. 212.02(34), F.S.); (3) provide that liquefied petroleum gas, diesel, and kerosene used for agricultural purposes are exempt; and (4) provide guidelines for the issuance of a certificate to purchase tax exempt items used for agricultural purposes and a suggested exemption certificate.

The proposed amendments to Rule 12A-1.091, F.A.C., Use Tax: (1) provide a definition for the term "legal holiday"; (2) remove provisions regarding the payment of use tax on promotional materials that are repetitive of those provided in Rule 12A-1.034, F.A.C.; and (3) remove technical cross references to other rule sections that no longer apply.

The proposed amendments to Rule 12A-1.0935, F.A.C., Authority to Issue Subpoenas and Subpoenas Duces Tecum: (1) remove the incorporation by reference of the Department's internal forms DR-13, DR-13A, and DR-13B, which do not meet the definition of a rule, as defined by s. 120.52(15), F.S., and are not required to be adopted by reference; (2) provide reference to the forms currently used internally in the Department's process to issue subpoenas and/or subpoena duces tecum; and (3) provide guidelines to third-party record keepers to submit a claim for reimbursement of expenses incurred.

The proposed amendments to Rule 12A-1.0955, F.A.C., Revocation of Sales Tax Certificates of Registration, remove the incorporation by reference of forms previously used by the Department in the process of revoking sales tax certificates of registration that do not meet the definition of a rule, as defined by s. 120.52(15), F.S., and are not required to be adopted by reference.

The proposed amendments to Rule 12A-1.096, F.A.C., Industrial Machinery and Equipment for Use in a New or Expanding Business, incorporate the provisions of s. 54, Chapter 2000-165, L.O.F., which removed the requirement that a business entity be registered with the WAGES Program Business Registry to be eligible to receive an exemption for the purchase or lease of machinery and equipment used in a new or expanding business.

The proposed amendments to Rule 12A-1.097, F.A.C., Public Use Forms: (1) incorporate and certify the changes to forms that have been amended by the Department; (2) remove forms used internally by the Department in the administration of sales tax that do not meet the definition of a rule, as defined by s. 120.52(15), F.S., and are not required to be adopted by reference; and (3) remove all obsolete forms that are no longer used by the Department.

The proposed amendments to Rule 12A-1.105, F.A.C., Service Warranties, incorporate the legislative changes to s. 212.07, F.S., that require dealers who purchase items for the purposes of resale to extend a copy of their Annual Resale Certificate to make tax exempt purchases.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Since these proposed rules, proposed rule amendments, and proposed rule repeals only implement statutory provisions, no new regulatory costs are being created. Therefore, no statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 72.011, 212.05(1), 212.0515, 212.08(5)(b)4., 212.12(11), 212.17(6), 212.18(2), 213.06(1), 213.21, 213.255(11) FS.

LAW IMPLEMENTED: 72.011, 92.142(1), 92.525, 95.091, 119.07(1), 119.085, 120.57(1),(2), 120.60(5), 120.80(14), 125.0104(3)(g), 125.0108(2)(a), 212.02(1),(2),(4),(7),(9),(10), (12),(14),(15),(16),(19)-(22),(24),(29)-(34), 212.03, 212.0305 (3)(c),(h), 212.031, 212.04, 212.05, 212.0501, 212.0506, 212.0515, 212.052, 212.054, 212.055, 212.0596, 212.0598, 212.06, 212.0601, 212.0606, 212.07(1),(2),(5),(6),(7),(8), 212.08(1),(3)-(11), 212.0805, 212.0821, 212.085, 212.096, 212.11, 212.12(1)-(9),(11),(12), 212.13(1),(2), 212.14(2),(5),(7), 212.15(1),(2), 212.16(1),(2), 212.17(1),(6), 212.18(2),(3), 212.183, 212.21(2),(3), 213.12(2), 213.06(1), 213.20, 213.235, 213.255, 213.29, 213.35, 213.37, 213.755, 213.756, 215.01, 215.26(2), 366.051, 376.11, 403.715, 403.718, 403.7185, 634.011, 634.131, 634.401, 634.415 FS.

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

TIME AND DATE: 10:00 a.m., March 13, 2001

PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida 32399-0100

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-9407

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Jamie Phillips at (850)488-0717. If you are hearing or speech impaired, please contact the Department by calling 1(800)DOR-TDD1 (1(800)367-8331).

THE FULL TEXT OF THE PROPOSED RULES IS:

12A-1.001 Specific Exemptions.

~~Rulemaking power; rules promulgated by the Department of Revenue cannot be construed to extend exemptions beyond the scope of those intended by the statutes.~~

~~(1) ADMISSIONS. See Rule 12A-1.005.~~

~~(2) BIBLES.~~

~~(a) Bibles, hymn books, prayer books and religious publications similar thereto, altar paraphernalia, sacramental chalices, and like church service and ceremonial raiment and equipment are exempt. (See Rule 12A-1.008(11), F.S., for sale or purchase of religious publications.)~~

~~(b) Christian Science reading rooms are allowed to sell Bible and religious publications and literature tax exempt.~~

~~(c) A book of sermons does not fall within the specific exemptions provided under Rule 12A-1.001 and the sale thereof is taxable.~~

~~(1)(3) No change.~~

~~(4) DRUGS. Drugs and medicines are exempt. Certain disability appliances are also exempt. (See Rules 12A-1.020, 12A-1.021).~~

~~(5) FERTILIZERS, INSECTICIDES, FUNGICIDES.~~

~~(a) Fertilizers (including peat, topsoil, and manure, but not fill dirt), insecticides, pesticides, fungicides, herbicides and weed killers used for application on or in the cultivation of crops, groves and home vegetable gardens or by commercial nurserymen are exempt. These exemptions shall not be allowed unless the purchaser furnishes the seller a certificate stating that the item to be exempted is to be used exclusively for one of the foregoing purposes on a farm. When these items are used on lawns, golf courses, shrubbery, ornamentals, flower gardens, or for any purpose other than one of those specifically named herein as exempt, they are taxable. The sale of fill dirt is taxable.~~

~~(b) Insecticides, pesticides and fungicides, including disinfectants used in dairy barns or on poultry farms for the purpose of protecting cows or poultry or used directly on livestock, are exempt.~~

~~(c) Sales of the items referred to in paragraph (a) above to commercial farm or grove caretakers, or to cooperatives or to anyone else for use on farms are exempt. (See Rule 12A-1.039, F.A.C.)~~

~~(6) FISHERIES.~~

~~(a) Nets and materials, parts and labor used in the repair thereof, are exempt when used exclusively by commercial fishermen. (Sponge fishermen qualify as commercial fishermen). To purchase such nets tax exempt, a certificate in substantial conformity with the certificate suggested in Rule 12A-1.039 must be executed.~~

~~(b) The sale of fuels, vessels, and equipment, including but not limited to, materials, parts and labor used in the repair and maintenance of such ships and equipment, are taxable to the~~

~~extend provided in Section 212.08(4) and (8), F.S. Items such as cleaning materials, lubricating oils and greases, ice, fish bait, charts, foul weather gear, gloves, boots, rain clothing, rope, fishing tackle, and logs are taxable to the extent provided in Rule 12A-1.064, F.A.C., when purchased by commercial fisheries and commercial fishermen to fulfill the purpose for which the vessel is designed. Bait purchased by commercial fishermen which is used solely for the entrapment of stone crabs and blue crabs is specifically exempt.~~

~~(c) Charter boats, party boats, pleasure fishing boats, and equipment, materials, parts and labor used in the repair and maintenance of such boats and equipment are taxable.~~

~~(d) Lumber, rope and plastic floats used in the construction of crawfish traps are taxable.~~

~~(e) The breeding and raising of fish constitutes an agricultural project. Equipment and supplies used for such purposes are subject to tax in the same manner as any other agricultural activity. (See Rule 12A-1.087.)~~

~~(7) FUELS. Fuels used by public or private unities, including municipal corporations and rural cooperative associations, in generating electric power or energy for sale to the general public are exempt from all taxes imposed under Chapter 212, F.S. (For other exempt and taxable fuels, see Rule 12A-1.059.)~~

~~(8) GASES. Gases used for medical or therapeutic purposes are exempt. For taxable gases, see Rule 12A-1.015.~~

~~(2)(9) No change.~~

~~(10) GROCERIES. See Rule 12A-1.011, F.A.C.~~

~~(11) HOSPITALS. Room charges and meals furnished to patients or inmates as a part of the room charges are exempt, as are rooms and meals furnished employees under their employment contract. This rule also applies to institutions designed and operated primarily for the care of persons who are ill, aged infirm, mentally or physically incapacitated, or for any reason dependent upon special care or attention.~~

~~(3)(12) RADIO AND TELEVISION STATIONS.~~

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

~~(d) The sale of an advertising slide for use in a television broadcast and the art work pertaining to its production are taxable.~~

~~(13) SAFETY DEPOSIT BOXES. The rental of safety deposit boxes is exempt.~~

~~(14) SCHOOLS AND SCHOOLBOOKS.~~

~~(a) The sale of schoolbooks, including printed textbooks and workbooks, containing printed instructional material, and questions and answers for school purposes used in regularly prescribed courses of study in public, parochial, or nonprofit private schools grades K through 12 are exempt. Schools as used herein shall mean tax supported or parochial, church, and nonprofit private schools conducting regular classes and courses of study required for accreditation by or membership in the Southern Association of Colleges and Schools, State Department of Education, the Florida Council of Independent~~

Schools, or Florida Association of Christian Colleges and Schools, Inc. Yearbooks, magazines, directories, bulletins, papers, and similar publications distributed by educational institutions to the students are classified as schoolbooks and are treated in the same manner as other schoolbooks. Sales of all such items by junior colleges and institutions of higher learning, as well as by newsstands, and sales to the general public are taxable. Sales of school materials and supplies are taxable regardless of by whom sold; however, for the sake of convenience, schools grades K through 12 and their respective P.T.A.'s or P.T.O.'s have been granted the privilege of paying tax to their suppliers on school materials and supplies that they purchase for resale to students and the tax is passed on to the student as part of the selling price. All others making sales of school supplies and materials are required to register as dealers and collect the tax thereon from the purchaser.

(b) The sale of photographs by photographers for use in students' yearbooks is taxable if the purchase and payment are made by the student. They are exempt only if payment is made from school funds.

(c) Band uniforms, athletic uniforms and equipment, caps and gowns, and other items of clothing bought and paid for by a school with ownership and title remaining in the school are exempt.

(d)1. Tangible personal property sold outright or rented through the school to students is taxable based on delivered cost to the school or on the amount charged the student upon sale or rental. Student photographs, candies, confections, and novelties sold to students or the public for fund raising purposes come within this rule.

2. Food and beverages sold through vending machines located in the student lunchrooms or dining rooms of schools grades K through 12 are exempt. Sales of food and beverages through vending machines that are located elsewhere on the school's premises, other than the student lunchroom or dining room, are taxable. Schools grades K through 12 and their respective P.T.A.'s or P.T.O.'s which operate food and beverage vending machines selling taxable items may pay the tax to their suppliers on the vended items or remit the tax to the Department on the total receipts from each machine. See Rule 12A-1.044, F.A.C.

(e) The same tax regulations which apply to schools also apply to parent teacher associations. Parent teacher associations may qualify for exemption as educational institutions and may make tax exempt purchases of items used in their customary activities or items donated by the associations to the schools. Parent teacher associations holding fund raising events such as spring festivals, fun houses, and games where prizes are given away shall pay the tax on all materials used, including the prizes awarded.

(15) SEEDS. Field and garden seeds sold for the purpose of growing vegetables and fruit for human consumption are exempt. Flower seeds are taxable except when sold to commercial nurserymen or by the producer as an agricultural product.

~~(4)~~(16) SERVICE TRANSACTIONS.

(a) Professional, insurance or personal service transactions which involve sales as inconsequential elements for which no separate charges are made are exempt.

(b) The exemption described in paragraph (a) does not apply to personal service transactions which involve sales of tangible personal property, whether or not as inconsequential elements, when the service provided is an information service involving the furnishing of printed, mimeographed, multigraphed matter, microfiche, microfilm, or matter duplicating written or printed matter. The furnishing of information, including a written report to a person of a personal or individual nature and which is not or may not be substantially incorporated in reports furnished to other persons, is not an information service within the meaning of the law and is exempt. In such cases the person furnishing the information is required to pay the tax on the purchases of tangible personal property used by him in connection therewith. (See Rule 12A-1.062, F.A.C.)

(c) through (e) renumbered (a) through (c) No change.

(f) The exemption described in paragraph (a) does not apply to services that are taxable under s. 212.05(1)(k), F.S., as detective, burglar protection, and other protection services enumerated in Industry Numbers 7381 and 7382 of the Standard Industrial Classification Manual, 1987, and nonresidential cleaning and nonresidential pest control services described in Industry Group Number 734 of that Manual. See Rule 12A-1.0161, F.A.C.

(g) The exemption described in paragraph (a) does not apply to any service warranty transaction taxable under s. 212.0506, F.S. See Rule 12A-1.105, F.A.C.

(h) The exemption described in paragraph (a) does not apply to the sale of electrical power or energy, telephone, telegraph, or other telecommunication services, or television system program services taxable under s. 212.05(1)(e), F.S. See Rules 12A-1.046 and 12A-1.053, F.A.C.

~~(5)~~(17) GUIDE DOGS FOR THE BLIND.

(a) A blind person who holds a Consumer's Certificate of Exemption for the Blind (~~form~~ Form DR-152, incorporated by reference in Rule 12A-1.097, F.A.C.) issued by the Department Executive Director or the Executive Director's designee in the responsible program may purchase or rent a guide dog and purchase food or other items for the guide dog without payment of the tax at the time of purchase. The holder of the certificate is required to provide the certificate to the selling dealer at the time of purchase or lease. The selling exemption shall not be allowed unless the blind purchaser or lessee shall produce at the time of purchase or lease the Consumer's

~~Certificate of Exemption for the Blind (Form DR-152) and the dealer is required to shall record the name, address, and identification card number of the certificate holder purchaser or lessee on the invoice or other written evidence of the sale. The Executive Director or the Executive Director's designee in the responsible program will issue, without charge, the Consumer's Certificate of Exemption for the Blind (Form DR-152) to any blind person who either owns, rents, or contemplates the ownership of a guide dog for the blind and who holds an identification card as provided in Section 413.091, Florida Statutes and completes a Blind Person's Application for Certificate of Exemption (Form DR-151, incorporated by reference in Rule 12A-1.097, F.A.C.).~~

~~(b) Any person who holds an identification card, as provided in s. 413.091, F.S., issued by the Department of Education may apply to the Department to obtain a Consumer's Certificate of Exemption for the Blind (form DR-152). The application submitted to the Department must be signed by the applicant and contain the applicant's name, address, and number of the identification card issued pursuant to s. 413.091, F.S. This information may be submitted to the Department on form DR-151, Blind Person's Application for Certificate of Exemption.~~

~~(6)(18) No change.~~

~~(19) ARTIFICIAL COMMEMORATIVE FLOWERS. The sale of artificial commemorative flowers by a bona fide nationally chartered veterans' organization is exempt.~~

~~(20) through (21) renumbered (7) through (8) No change.~~

~~Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 92-525, 212.02(10),(12),(16),(20),(21), 212-03, 212-031, 212-04, 212.05, 212.0515, 212.06(2),(9); 212.08(4),(5)(a),(e),(6),(7)(a),(b),(c),(d),(f),(g),(h),(i),(k),(l),(m),(n),(o),(p),(q),(r),(s),(t),(v),(x),(bb),(cc),(dd),(kk),(nn),(8); 212.085, 212.17, 212.18, 213.12(2), 213.37, 403.715 FS. History—Revised 1-7-68, 1-7-70, Amended 1-17-71, Revised 6-16-72, Amended 7-19-72, 12-11-74, 5-27-75, 10-21-75, 9-7-78, 9-28-78, 10-18-78, 9-16-79, 2-3-80, 6-3-80, 7-7-80, 10-29-81, 12-3-81, 12-31-81, 7-20-82, 11-15-82, 10-13-83, 4-12-84, Formerly 12A-1.01, Amended 7-9-86, 1-2-89, 12-1-89, 7-7-92, 9-14-93, 5-18-94, 12-13-94, 3-20-96, 4-2-00, 6-28-00, _____.~~

12A-1.0011 Schools Offering Grades K Through 12; Parent-Teacher Associations; and Parent-Teacher Organizations.

(1)(a) For purposes of this rule, "schools offering grades K through 12" means state tax-supported, or parochial, church, and nonprofit private schools operated for and attended by pupils of grades K through 12.

(b) For purposes of this rule, "Parent-Teacher Organizations (PTOs)" and "Parent-Teacher Associations (PTAs)" mean those nonprofit organizations associated with schools whose purpose is to raise funds for schools teaching grades K through 12.

(2) PURCHASES BY SCHOOL DISTRICTS.

(a) School districts may purchase taxable goods and services necessary for parent-teacher associations or parent-teacher organizations tax exempt, as provided in s. 212.0821, F.S.

(b) The purchases made by the school district must be made with funds provided by the parent-teacher association or parent-teacher organization to the school district. The school district may extend a copy of its Consumer's Certificate of Exemption to the selling dealer at the time of the purchase to make such tax exempt purchases.

(3) SALES OF SCHOOL MATERIALS AND SUPPLIES AND FUND-RAISING ITEMS.

(a) The sale of school books used in regularly prescribed courses of study in schools offering grades K through 12 is exempt. School books include printed textbooks and workbooks containing printed instructional material, such as questions and answers, that are used in regularly prescribed courses of study in schools offering grades K through 12.

(b) The sale of yearbooks, magazines, newspapers, directories, bulletins, and similar publications distributed by schools offering grades K through 12 is exempt.

(c)1. Schools offering grades K through 12 and parent-teacher associations or parent-teacher organizations whose primary purpose is to raise funds for such schools may pay tax to their suppliers on the cost price of items in lieu of registering as a dealer, obtaining a Consumer's Certificate of Exemption, or collecting tax on their sales of the following taxable items:

a. School materials and supplies purchased, rented, or leased for resale or rental to students attending grades K through 12;

b. Items sold for fund raising purposes, such as candy, photographs, greeting cards, wrapping paper, and similar fund raising items;

c. Items sold through vending machines located on the school premises;

d. Food and beverages sold through vending machines located on school premises in locations other than the student lunchroom, student dining room, or other area specifically designated for student dining. See subsection (4).

2. Example: A parent-teacher association operates a book store selling school supplies, such as pencils, paper, and notebooks, to elementary school students. The parent-teacher association is not registered as a dealer. The parent-teacher association must pay tax to its suppliers on items sold to students in the book store, but is not required to collect sales tax from the students purchasing items from the book store.

(d)1. Schools offering grades K through 12, parent-teacher associations, and parent-teacher organizations that do not elect to pay tax to their suppliers on the purchase of items, as provided in paragraph (c), must register in the same manner as other dealers and collect and remit tax on taxable transactions. (See Rule 12A-1.060, F.A.C.) As registered dealers, schools offering grades K through 12, parent-teacher associations, and parent-teacher organizations may issue a copy of their Annual Resale Certificate (form DR-13) in lieu of paying tax on the purchased items for the purposes of resale.

2. Example: A parent-teacher organization holds a fund raising event to purchase additional computers for the school library. The students and faculty will obtain orders for a variety of gift items that will be purchased from a company engaged in the business of assisting schools with fund raising events. The parent-teacher organization collects the orders, determines the gift items that have been ordered in total, and places its order with the company. Payment to the company is made directly by the parent-teacher organization. If the parent-teacher organization does not pay sales tax to the company for its purchases of gift items, the parent-teacher organization must register as a dealer and collect and remit sales tax on its sales of the gift items. The parent-teacher organization may extend a copy of its Annual Resale Certificate to purchase the gift items tax exempt for the purposes of resale.

(4) SALES OF FOOD AND BEVERAGES.

(a) Food and beverages sold or served in the student lunchroom, student dining room, or other area designated for student dining in schools offering grades K through 12, as part of a school lunch to students, teachers, school employees, or school guests are exempt.

(b) Food and beverages sold or dispensed through vending machines or other dispensing devices located in the student lunchroom, student dining room, or other area designated for student dining in schools offering grades K through 12 are exempt.

(c) Food and beverages sold through vending machines or other dispensing devices located in a gymnasium, shop, teachers' lounge, corridor, or other area accessible to the general public and not specifically designated for student dining are subject to tax at the rates established in s. 212.0515(2), F.S.

(5) ADMISSION CHARGES.

(a) When only student or faculty talent is used in an athletic or other event sponsored by a school, admission charges are exempt.

(b) When a student is required to participate in a sport or recreation pursuant to a program or activity sponsored by, and under the jurisdiction of, the student's school, admission charges for participation imposed by the place of sport or recreation are exempt. The student's school will issue a certificate for the student to present to the organization charging the admission. If the student attends such place as a spectator, admission charges are taxable.

(c) When a state tax-supported school or other governmental entity sponsors, administers, plans, supervises, directs, and controls an athletic or recreational program, participation or sponsorship fees are exempt. The athletic or recreational program may be run in conjunction with a not-for-profit entity under s. 501(c)(3) of the Internal Revenue Code of 1986, as amended.

(d) When state tax-supported schools sponsor an athletic or other event and the talent to provide the event is not limited to students or faculty, admission charges to the event are exempt when:

1. The risk of success or failure for the event lies completely with the school sponsoring the event;
2. The funds at risk for the event must belong completely to the school sponsoring the event; and
3. The event is held in a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility.

(e) Admission charges, dues, and membership fees to an event or program sponsored by a school, parent-teacher association, or parent-teacher organization that qualifies as a not-for-profit entity under the provisions of s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, are exempt. A school, parent-teacher association, or parent-teacher organization will be considered as a sponsor of the event or program when it:

1. Actively participates in planning and conducting the event or program;
2. Assumes complete responsibility for the safety and success of the event or program, such that it will be subject to a suit for damages for alleged negligence in its conduct;
3. Is entitled to all the gross proceeds from the event or program and to all the net proceeds after payment of its costs; and
4. Is responsible for payments of all costs of the event or program and for bearing any net loss if the costs exceed gross proceeds.

Specific Authority 212.17(6), 212.18(3), 213.06(1) FS. Law Implemented 212.04(2)(a), 212.08(7)(o),(r),(nn), 212.0821 FS. History—New

(Substantial Rewording of Rule 12A-1.004 follows. See Florida Administrative Code for present text.)

12A-1.004 Sales Tax Brackets Involving Less Than One Dollar.

(1) The following effective tax brackets are applicable to all transactions taxable at the rate of 6%. For taxable sales in the amounts of more than \$1.09, 6% is to be charged on each \$1 of price, plus the tax amount due on any fractional part of \$1.

<u>Amount of Sale</u>	<u>Tax</u>	<u>Amount of Sale</u>	<u>Tax</u>
.10 – .16	.01	.51 – .66	.04
.17 – .33	.02	.67 – .83	.05
.34 – .50	.03	.84 – 1.09	.06

(2) The following effective tax brackets are applicable to the transactions pursuant to s. 212.05(1)(e), F.S., that are taxable at the rate of 7%. For taxable sales in the amounts of more than \$1.09, 7% is to be charged on each \$1 of price, plus the tax amount due on any fractional part of \$1.

Amount of Sale	Tax	Amount of Sale	Tax
.10 – .14	.01	.58 – .71	.05
.15 – .28	.02	.72 – .85	.06
.29 – .42	.03	.86 – 1.09	.07
.43 – .57	.04		

(3) The following effective tax brackets are applicable to the sale, rental, lease, use, consumption, or storage for use in this state of self-propelled, power-drawn, or power-driven farm equipment taxable at the rate of 2.5%. For taxable sales in the amounts of more than \$2.09, 5¢ is to be charged on each \$2 of price, plus the tax amount due on any fractional part of \$2.

Amount of Sale	Tax
.10 – .40	.01
.41 – .80	.02
.81 – 1.20	.03
1.21 – 1.60	.04
1.61 – 2.09	.05

(4)(a) The Department has prepared, for public use, schedules and rate cards to provide the sales tax effective brackets for counties that do not impose a discretionary sales surtax and for counties that impose a discretionary sales surtax. Copies are available, without cost, by: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at 850-922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax on Demand system at 850-922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 800-352-3671 (in Florida only) or 850-488-6800; or, 6) downloading the appropriate Sales Tax Bracket Cards from the Department's Internet site at <http://sun6.dms.state.fl.us/dor/taxes>. Persons with hearing or speech impairments may call the Department's TDD at 1-800-367-8331.

(b) For information regarding sales tax brackets effective for transactions in counties imposing discretionary sales surtaxes, see Rule 12A-15.002, F.A.C.

Specific Authority ~~212.05(1)(j)~~, 212.12(11), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.03(1),(3),(6), 212.031(1)(c),(d), 212.04(1), 212.05(1), 212.08(3), 212.12(9)(11) FS. History—Revised 10-7-68, 6-16-72, Amended 9-24-81, 7-20-82, Formerly 12A-1.04, Amended 12-13-88, 8-10-92, 3-17-93, 12-13-94, _____.

12A-1.007 Aircraft, Boats, Mobile Homes, and Motor Vehicles.

- (1) through (23) No change.
- (24) Lemon Law.

(a) The following provisions shall apply when a manufacturer, pursuant to the provisions of s. 681.104, F.S., replaces or repurchases a motor vehicle:

- 1. No change.

2.a. When the manufacturer repurchases the motor vehicle, the Department of Revenue shall refund to the manufacturer any Florida sales tax ~~that~~ ~~which~~ the manufacturer refunded to the consumer, lienholder, or lessor under the provisions of s. 681.104, F.S. To receive the refund—the manufacturer must file, within 3 years from the date of payment of the tax, an Application for Refund from the State of Florida (Form DR-26), incorporated by reference in Rule 12-26.008, F.A.C.) must be filed by the manufacturer within 3 years after the date the tax was paid in accordance with the timing provisions of s. 215.26(2), F.S. Applications for Refund (Form DR-26) are available by: 1) writing Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at 850-922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax On Demand system at 850-922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 800-352-3671 (in Florida only) or 850-488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses—(<http://sun6.dms.state.fl.us/dor/revenue.html>). Persons with hearing or speech impairments may call the Department's TDD at 1-800-367-8331. ~~The~~ In addition to the application for refund, the manufacturer must also shall submit, ~~to the Department of Revenue, in conjunction~~ with its application for refund, the following documentation: 1) a copy of the written agreement signed by the consumer, lienholder, or lessor under which the manufacturer refunded the Florida sales tax to the consumer, lienholder, or lessor; 2) a copy of the original sales invoice made out by the seller which affirmatively demonstrates payment of Florida sales tax on the purchase of the motor vehicle for which the refund is being sought; and 3) written documentation that the manufacturer refunded the Florida sales tax to the consumer, lienholder, or lessor. An application for refund shall not be considered complete pursuant to s. 213.255(3), F.S., and a refund shall not be approved before the manufacturer provides such documentation.

- b. No change.
- (b) No change.
- (25) through (29) No change.

Specific Authority 212.05(1),(5)(b), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(2),(4),(10),(14),(15),(16),(19),(20), 212.03, 212.05(1), 212.06(1),(2),(4),(5),(7),(8),(10),(12), 212.0601, 212.07(2),(7), 212.08(5)(i),(7)(t),(aa),(cc),(ff),(10),(11), 212.12(2),(12), 213.255(1),(2),(3), 215.26(2) FS. History—Revised 10-7-68, 1-7-70, Amended 1-17-71, Revised 6-16-72, 8-18-73, 12-11-74, 6-9-76, Amended 2-21-77, 5-10-77, 9-26-77, 9-28-78, 3-16-80, 12-31-81, 7-20-82, 10-13-83, Formerly 12A-1.07, Amended 1-2-89, 12-11-89, 3-17-93, 10-17-94, 3-20-96, 4-2-00, _____.

12A-1.009 Receipts from Services Rendered by Insect or Pest Exterminators.

(1)(a) ~~Nonresidential~~ ~~On or after September 1, 1992,~~ nonresidential pest control services are subject to tax. Nonresidential pest control services are those services (not involving repair) rendered to minimize or eliminate any infestation of nonresidential buildings by vermin, insects, and other pests that do not include services provided for tangible personal property, and include such, but are not limited to, the following services as which are subject to the State's sales and use tax:

1. Bird proofing;
2. Exterminating services;
3. Fumigating services;
4. Pest control in structures; and
5. Termite control.

(b) ~~Residential pest~~ Pest control services rendered to residential buildings are not taxable. Charges for pest control services provided at residential facilities For the purpose of this rule, residential buildings are buildings that are used as living accommodations homes or regular places of abode for persons, (such as detached or single family dwellings, apartments, duplexes, triplexes, quadraplexes, residential condominiums, residential cooperatives, residential time-share units, beach cottages, nursing homes, and mobile home parks, and the common areas of those residential facilities, are not subject to tax. Residential facilities include multiple unit structures where each unit or accommodation is intended for use as a private temporary or permanent residence, but do not include a facility that is intended for commercial or industrial purposes. Charges for pest control services provided at residential facilities that provide temporary or permanent residences are not subject to tax, even though the rental, lease, letting, or licensing of such living accommodations may be subject to the tax imposed under s. 212.03, F.S. apartments, duplexes, triplexes, condominiums, or cooperatives, or other similar facilities) which do not regularly cater to the traveling public. Public lodging establishments, as defined in s. 509.013, F.S., or portions thereof, and any other facilities or portions of facilities, which are advertised or generally held out to the public as places regularly rented to transients are presumed to be nonresidential buildings. Pest control services rendered to such nonresidential facilities are taxable. Sufficient documentation must be provided to substantiate whether the pest control service is provided to a residential or nonresidential building. See subsection (10) below for documentation requirements.

2. When a pest control service provider is contracted by a real estate agent, management company, or similar business to provide pest control services to a building or units within a building, and the service provider cannot determine whether the building or units are advertised or generally held out to the public as a place regularly rented to transients, the charges for

such services are fully taxable, unless the real estate agency, management company, or similar business furnishes the service provider a written statement that the entire building or specific units within the building are residential. See subsection (10) below for specific allocation methods. Any pest control service provider who receives from the purchaser a written statement showing the percentage or portion, if any, of the property which is nonresidential, and who collects tax according to such statement, shall be entitled to rely upon the allocation provided in writing by the purchaser of the pest control service, unless the pest control service provider has reason to believe that such written statement is fraudulent.

a. Example: An apartment complex has 200 units of which 50 units operate under a collective license as a public lodging establishment and are advertised as available for rent on a daily or weekly basis. With proper documentation, only the 50 units are considered nonresidential and the pest control services for such units are taxable.

b. Example: Pest control services are rendered to a 500 unit condominium complex. The pest control services are contracted through the residing manager for the complex. The service provider cannot determine which units are residential and which units are nonresidential. The total charges for pest control services are taxable, unless the residing manager or owner(s) of the unit(s) furnishes the service provider a written statement identifying which unit(s) are residential.

(c) The services described in this rule are not taxable when provided by employees to their employers. See Rule 12A-1.0161, F.A.C.

(2) Where a person is providing pest control services to a nonresidential building and is required to spray in and around the building, the total charge is taxable.

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

(7)(8) Pest control services provided to farmers for agricultural purposes are not taxable. See Rules 12A-1.001(5) and 12A-1.087, F.A.C.

(8)(9) Aircraft, boats, motor vehicles and other vehicles, except mobile homes, are not considered to be nonresidential buildings. Therefore, the charge for pest control services provided to such vehicles items is not taxable.

(10)(a)1. Any person providing pest control services is required to document by notations on the sales invoice the name of the purchaser, the date of the service, the type of service, the price of the service, whether the service is for a residential or nonresidential building, if the building is used for both residential and nonresidential purposes, and the price of the service for each purpose.

2. Any pest control service provider who fails to provide the notations described in subparagraph 1. above and who neglects, fails, or refuses to collect the tax herein provided upon any sales of pest control services which are subject to the tax, shall be liable for and pay the tax himself.

~~(b)1. If a building is used for both residential and nonresidential purposes and the proportional mixed use is not subject to change, when the charges for residential and nonresidential pest control services are separately described and itemized, the total charge shall be allocated based on the square footage serviced for each exclusive purpose. Common areas such as lounges, day rooms, and hallways shall be allocated on the same proportion as the exclusively residential and nonresidential areas. However, an alternate method may be allowed if the service provider documents the basis and rationale for the alternate method.~~

~~2. Example: A condominium complex has 600 units of which 200 units are used as a permanent residence by their owners. A pest control company charges the condominium complex for the treatment of all units in the complex, including the 200 owner-occupied units and the common area facilities such as the complex club house. Since all living units in the complex are approximately equal in square footage area, one third (200 permanent residential units divided by 600 total units) of the total charge made by the pest control company may be made tax exempt, provided the pest control company makes a separate line item charge for the residential units and obtains the necessary certification by the residing manager or owners of the residential units.~~

~~(e)1. If a building is used for both residential and nonresidential purposes and the proportional mixed use is subject to frequent or periodic change, such as time share resorts and other facilities or portions of facilities which are advertised or generally held out to the public as regularly rented to transients, the tax on pest control services shall be allocated to the total percentage of time which was made available for rent to the general public during the prior calendar quarter. Such time allocation shall be made on the basis of the smallest time unit denominator available for rent. So called "weekend" rentals shall be computed on and use days as the denominator. The entity managing the time share resort pursuant to s. 721.13, F.S., or other managing entity shall prepare and present to any pest control service provider, a written statement specifying the percentage of time made available for rent to transient guests during the preceding quarter as the basis for the amount of pest control services subject to tax.~~

~~2. Example: A fee time share resort consists of 100 time share units for which 5,100 time share occupancy periods would typically be sold, i.e., 51 weeks per year per time share unit. In a calendar quarter, 1,275 time share weeks (5,100 divided by 4) would be available for use by the time share unit purchasers or the developer. During the last calendar quarter, 300 time share weeks were available for sale or rent by the developer and 125 time share purchasers requested that the managing entity make their time share weeks available for rent to the traveling public. These time share occupancy weeks owned by time share purchasers and by the developer which~~

~~were available for rent to the traveling public are considered nonresidential and the pest control services sold for such units are taxable. One third (425 total weeks available for rent divided by 1,275 weeks in the quarter) of the charges for pest control services will be subject to sales tax.~~

~~3. Example: The owner of a beach cottage has an agreement with a local realtor whereby the realtor may rent the cottage to the traveling public for any length of time except for specific days or weekends reserved for use by the owner of the cottage. During the last calendar quarter, the owner of the cottage reserved the property for a total of 18 days while the remaining days were either rented or made available to the traveling public. Only 20 percent (18 owner reserved days divided by 90 days in the quarter) of the charges for pest control services will be exempt from sales tax.~~

~~(d) If the charges for residential and nonresidential pest control services are not separately described and itemized, then the entire transaction is taxable.~~

~~(9)(H) No change.~~

~~Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.05(1)(b),(j)(k), 212.07(2) FS. History-Revised 10-7-68, 6-16-72, Formerly 12A-1.09, Amended 5-13-93, 3-20-96, 4-2-00, _____.~~

~~12A-1.0091 Cleaning Services.~~

~~(1)(a) Nonresidential cleaning service are subject to tax. Nonresidential cleaning services are those services (not involving repair) rendered to maintain the clean and sanitary appearance and operating condition of a nonresidential building, but do not include cleaning services provided for tangible personal property. Examples of and include such services are:~~

- ~~1. through 18. No change.~~
- ~~(b) through (6) No change.~~

~~Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.05(1)(b),(j), 212.07(2) FS. History-New 5-13-93, Amended 3-20-96, 7-1-99, 4-2-00, _____.~~

~~12A-1.010 Receipts from Sales by Barber Shops and Beauty Shops.~~

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

~~(3)(a) As a registered dealer, the owner or operator of the barber or beauty shop may provide a copy of the dealer's Annual Resale Certificate to purchase products and other items for resale in lieu of paying tax to the selling dealer. The operator or owner is required to pay use tax on any products or other items that are used or consumed in providing services. A resale certificate as provided in Rules 12A-1.038 and 12A-1.039, F.A.C., may be presented to the supplier in lieu of paying tax on products purchased for resale.~~

~~(a) If the barber or beauty shop owner or operator gives a resale certificate and thereafter consumes some of the materials and supplies purchased in performance of his services, use tax~~

must be paid on the cost price of these materials and remitted on the sales and use tax return in addition to the sales tax due on any retail sales made by the business.

(b) ~~An owner or operator of a barber or beauty shop who has paid tax on the purchase of materials and supplies may take a credit, or obtain a refund, as provided in Rule 12A-1.014, F.A.C., for the amount of tax paid on materials and supplies that are resold. The owner or operator must collect tax on the sale of the materials and supplies. If the barber or beauty shop owner or operator purchases materials and supplies without a resale certificate and subsequently sells some of them at retail or uses or consumes the items during the performance of services rendered, he must collect the tax on the sale of such items and report and pay same to the Department of Revenue. In such cases the owner may take a credit on the sales and use tax return for the sales tax paid to the supplier on the items sold.~~

(4)(a) When the owner or operator of a barber or beauty shop provides space to beauticians, manicurists, specialists of massage, pedicures, or make-overs, or any person, the amount charged by the owner or operator to such person is a rental charge or license fee to use real property and is taxable, as provided in Rule 12A-1.070, F.A.C.

(b) When the owner or operator of the business is also a lessee or licensee, a credit may be taken on the owner's or operator's sales and use tax return for the amount of tax paid on the floor space that is subleased or assigned ~~which he subleases or assigns~~ on a pro rata basis, as provided in Rule 12A-1.070, F.A.C.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(10)(g),(14),(15),(16),(19),(20), 212.031, 212.05(1), 212.054, 212.055, 212.07(1),(2), 212.08(7)(v), 212.11(1), 212.12(2),(3),(4),(9), 212.18(2),(3) FS. History—Revised 10-7-68, 6-16-72, Formerly 12A-1.10, Amended 12-16-91, 3-20-96,_____.

12A-1.011 Food and Drink for Human Consumption; Sales of Food or Drinks Served, Cooked, Prepared, or Sold by Restaurants, ~~Vending Machines~~ or Other Like Places of Business.

(1)(a) No change.

1.a. No change.

~~b. School organizations which sell candy to raise money for their various activities may pay tax to their suppliers on the cost of the candy.~~

2. through (3) No change.

~~(4)(a) When surveys of the operations of concession stands selling food, drinks, tobacco products, etc., at arenas, auditoriums, carnivals, fairs, stadiums, theaters, and similar places of business reveal it may be impracticable to separately state Florida tax on the sales slip, invoice, or other tangible evidence of sale, the dealer shall remit tax at the rate of 6.59 percent of the total taxable sales, unless the records of the dealer clearly demonstrate without exception a lesser rate. To compute the correct amount of tax due, the dealer should~~

~~divide his total receipts by 1.0659 to compute taxable sales and then subtract taxable sales from total receipts to arrive at the amount of tax due. The 6.59 percent rate recognizes the variations resulting from multiple sales transactions.~~

~~(b) Dealers operating concession stands selling food, drinks, tobacco products, etc., at arenas, auditoriums, carnivals, fairs, stadiums, theaters, and similar places of business and who separately record the sales price of the items sold and the tax thereon, must maintain accurate records of the tax so collected and the exact amount of tax must be remitted to the state.~~

(5) through (7) renumbered (4) through (6) No change.

~~(8)(a) Food and drinks sold through vending machines are taxable; however, food and drinks sold through vending machines located in dining rooms, lunchrooms, or cafeterias of elementary, junior high schools, and high schools are exempt. Food and drinks sold through vending machines located on the premises of elementary schools, junior high schools, and high schools other than in dining rooms, lunchrooms, and cafeterias, such as in shops, gyms, corridors, and teacher lounges are taxable. See Rule 12A-1.044, F.A.C., for method of remitting tax.~~

~~(b) The sale of food and drinks for human consumption sold for 25 cents or less through a coin operated vending machine sponsored by a nonprofit organization is exempt from sales tax. To receive the exemption the sponsoring organization must be qualified as a nonprofit corporation under s. 501(c)(3) or s. 501(c)(4) of the U.S. Internal Revenue Code of 1986, as amended. The name and address of the qualified sponsoring organization must be affixed to each machine used for such exempt purpose.~~

(9) through (21) renumbered (7) through (19) No change.

~~(20)(22)(a)~~ Tax is not due on the sale of food and beverages when:

~~1. Served as part of a school lunch to students, teachers, school employees or school guests in public, parochial or nonprofit schools operated for and attended by pupils in grades K through 12;~~

2. through 4. renumbered (a) through (c) No change.

(23) through (25) renumbered (21) through (23) No change.

~~(26) If meals for members of school organizations are paid for out of school funds, the person paying for them may give a certificate to the person collecting for them stating that the meals are purchased from school funds for school purposes. This will relieve the seller of the responsibility of collecting sales tax on the meals.~~

(27) through (31) renumbered (24) through (28) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02, 212.07(2), 212.08(1),(4)(a)1.,(7), 212.18(2) FS. History—Revised 10-7-68, 6-16-72, 9-28-78, 10-29-81, Formerly 12A-1.11, Amended 12-8-87, 1-2-89, 8-10-92,_____.

12A-1.013 Credit for Taxes Paid in Error.

If a dealer pays to his supplier tax on any purchase of tangible personal property which is later resold, he may, within 36 months from the date of payment, take the amount so paid as a credit against the tax to be remitted to the Department of Revenue. If a dealer purchases tangible personal property for resale and does not pay tax thereon, but consumes the property purchased, he is required to include the cost thereof and pay tax thereon in his report to the Department of Revenue.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(14)(a), 212.05(1),(2), 212.17(1), 215.26(2) FS. History-Revised 10-7-68, 6-16-72, Formerly 12A-1.13, Repealed _____.

12A-1.014 Refunds and Credits for Sales Tax Erroneously Paid on Returned Merchandise and Exempt Sales.

(1) All dealers must maintain records until tax imposed by Chapter 212, F.S., may no longer be determined and assessed under s. 95.091, F.S., and make such records available to the Department upon request.

(1)(2) When a any sale, upon which the tax has been paid to the dealer by the purchaser, is cancelled or refunds the sales, lease, or rental price of admissions, tangible personal property, transient rentals, real property, or services upon which tax has been paid by the purchaser or lessee sold is returned to the dealer and remitted by the dealer to the state, and the sale price is refunded to the purchaser, the dealer shall also refund to the purchaser the tax paid by the purchaser. If, in lieu of a refund of the sale price, the dealer credits such amount on the purchaser's account, a corresponding credit for sales tax previously paid by the customer shall be made.

(2) A dealer who has paid tax on property acquired for use may take a credit, or obtain a refund, for the amount of tax paid on the acquired property if:

- (a) The dealer sells the property within 3 years from the date of payment of the tax; and
- (b) The dealer did not use the property prior to the date of sale.

(3) Any dealer who makes taxable sales to nontaxable persons, or refunds taxes paid to any purchaser, or pays any tax in error for which he later claims a refund or credit shall keep internal records to support such sales.

(4)(a) When any dealer refunds the tax paid by a purchaser, the Department of Revenue will refund such tax if application therefor is made in writing within 36 months from the date of payment of the tax to the state. The application for refund must state in clear and convincing terms the grounds for refund.

(b) Any dealer who is entitled to a refund of taxes paid to the Department of Revenue may, in lieu of applying to the Department for a refund, take credit for such amount on any subsequent report filed within 36 months of the date on which the dealer remitted the tax to the state. Such credits must be supported by schedules attached to the tax report and if, in the discretion of the Department, said credit is improperly taken, it

may be disallowed by the Department within thirty-six (36) months of the date on which such credit is taken by the dealer. (See subparagraphs (2) and (3) of Rule 12A-1.012 for tax credits or refunds on repossessions and tax credits on bad debts written off.)

(5) Adequate records showing the amounts of returned merchandise, cancelled sales and merchandise purchased for use or consumption and subsequently resold which form the basis for a credit or refund, must be maintained by the dealer.

(6) through (7) renumbered (3) through (4) No change.

(5)(a) Any dealer entitled to a refund of tax paid to the Department of Revenue may seek a refund by filing an Application for Refund (Form DR-26, incorporated by reference in Rule 12-26.008, F.A.C.) with the Department. Form DR-26, Application for Refund, must be filed within 3 years after the date the tax was paid in accordance with the timing provisions of s. 215.26(2), F.S., and must meet the requirements of s. 213.255, F.S., and Rule 12-26.003, F.A.C.

1. Form DR-26, Application for Refund, must be filed with the Department for tax paid on or after October 1, 1994, and prior to July 1, 1999, within 5 years after the date the tax was paid.

2. Form DR-26, Application for Refund, must be filed with the Department for tax paid on or after July 1, 1999, within 3 years after the date the tax was paid.

(b) In lieu of a refund to which the dealer is entitled, the dealer may take a credit on the dealer's sales and use tax return within 3 years after the date the tax was paid in accordance with the timing provisions of s. 215.26(2), F.S.

(6) Any dealer who takes a credit, or applies for a refund, for tax paid to the state is required to keep and preserve all information and documentation necessary to substantiate the dealer's entitlement to a refund or credit of tax paid until tax imposed under Chapter 212, F.S., may no longer be determined and assessed under s. 95.091, F.S.

Cross Reference – Rules 12A-1.007, 12A-1.034, and 12A-1.096, F.A.C., and Rule Chapter 12-26, F.A.C.

Specific Authority 212.17(6), 212.18(2), 213.06(1), 213.255(11) FS. Law Implemented 95.091, 420.55(4)(a)4., 212.095, 212.12(6), 212.13(1), 212.17(1),(2),(3),(7), 212.67, 213.255(1),(2),(3) 213.35, 215.26(2) FS. History-Revised 10-7-68, Amended 1-17-71, Revised 6-17-72, Amended 10-21-75, 9-28-78, 11-15-82, 10-13-83, Formerly 12A-1.14, Amended 6-10-87, 1-2-89, 8-10-92, 3-17-93, 1-3-96, 3-20-96, _____.

12A-1.018 Trade and Cash Discounts.

(1) through (3) No change.

(4) A dealer's discount is a reduction in selling price if taken at the moment of sale or purchase of a product as illustrated by the following examples.

(a) No change.

(b) Example B: A customer has a coupon issued by the dealer which allows \$.50 off the sale price of a box of soap powder which retails for \$1.50. The dealer collects \$1.00 from the customer along with the coupon. Tax is due on \$1.00. The

~~taxable base is \$1.00 since the redemption of the coupon reduces by the dealer does not affect the sales price of the product to that amount.~~

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(16), 212.07(2), 212.12(9) FS. History-Revised 10-7-68, 6-16-72, Amended 6-3-80, Formerly 12A-1.18, Amended _____.

12A-1.037 Occasional or Isolated Sales or Transactions Involving Tangible Personal Property or Services.

(1) through (2) No change.

(a) The isolated sales exemption does not apply to:

1. No change.

2. The distribution or sale of inventory. ~~(However, for the sale of inventory see Rule 12A-1.038, F.A.C.)~~

3. through (6) No change.

~~(7) A sale or series of sales of tangible personal property purchased or acquired by nonprofit charitable, civic, educational, neighborhood, religious (except churches or synagogues), volunteer fireman organizations, and other nonprofit organizations or institutions qualify as exempt occasional sales, provided such sales comply with the requirements set forth herein and in subsection (3), above, and provided none of the elements set forth in subsection (5), above, are present.~~

~~(a) Such organization or institution must have paid any applicable tax on that tangible personal property, or if such organization or institution acquired the tangible personal property through a gift or donation, the donor must have paid any applicable tax on the purchase of such property which was donated, unless at the time of such transfer the statute of limitations for assessment of sales and use tax on the property had expired, as provided in s. 95.091, F.S.;~~

~~(b) However, for the sake of convenience, school grades K through 12 and their respective P.T.A.'s or P.T.O.'s have been granted the option of collecting sales tax on all their taxable sales, or of paying tax to their suppliers on all school materials and supplies, without the limitations regarding the frequency and duration of such sales that they make. When the schools and their respective P.T.A.'s or P.T.O.'s make purchases for resale to students and pay the applicable tax to their vendors, the tax is passed on to the students as part of the selling price. All other persons making sales of school supplies and materials are required to register as dealers and collect the tax thereon from the purchaser.~~

~~(7)(8) The sales of second hand goods in a second hand store (including sales made by nonprofit organizations, other than churches) are not occasional sales, because second hand stores are in the business of selling such goods, and such items were purchased or acquired for resale; therefore, such sales are taxable as retail sales made in the regular course of business, and are not occasional sales.~~

(9) through (18) renumbered (8) through (17) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(1),(2),(10)(g),(12),(14),(16),(19), 212.04, 212.05(1)(c),(d),(f),(h),(j), 212.06(1)(a),(2),(3),(8),(10), 212.07(1), ~~212.08(6),(7)(e)~~, 212.11(2),(3), 212.12(9), 212.18(2), 212.21(2), 213.06(1), 213.35 FS. History-Revised 10-7-68, 6-16-72, Amended 10-18-78, 5-8-79, 12-23-80, 12-3-81, 7-20-82, Formerly 12A-1.37, Amended 1-2-89, 8-15-94, _____.

12A-1.041 Sales by Photographers, Photofinishers and Photostat Producers, Photoengravers, Wood Engravers and Public Officials of Public Records.

(1) through (5) No change.

~~(6) The sale of photographs for use in students' yearbooks is taxable if the purchase and payment are made by the student. They are exempt only if payment is made from school funds.~~

(7) through (9) renumbered (6) through (8) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 119.07(1), 119.085, 212.02(2),(14),(15),(16), 212.08(5),(6),(7)(e),(v) FS. History-Revised 10-7-68, Amended 12-8-68, 1-7-71, Revised 6-16-72, Amended 12-11-74, 5-27-75, Formerly 12A-1.41, Amended 7-30-91, 8-10-92, _____.

12A-1.044 Vending Machines.

~~(1)(a) For purposes of Definitions — The following terms and phrases when used in this rule, the terms "vending machine" and "vending machine operator" shall have the meaning ascribed to them in s. 212.0515(1), F.S., except where the context clearly indicates a different meaning:~~

~~(a) "Vending machine" means a machine, operated by coin, currency, credit card, slug, token, coupon, or similar device, which dispenses food, beverages, or other items of tangible personal property.~~

~~(b) "Vending machine operator" means any person who possesses a vending machine for the purpose of generating sales through that machine and who maintains the inventory in and removes the receipts from the machine.~~

~~(b)(e) No change.~~

~~(2) Vending machine sales; levy of tax; effective tax rates.~~

~~(2)(a) All sales made through vending machines of food, beverages, or other items are taxed in the manner and at the rates established in s. 212.0515(2), F.S., except as provided in paragraphs (a)-(c), taxable, unless specifically exempt. (See subsection (7) below.)~~

~~(a) Receipts from vending machines owned and operated by churches or synagogues are exempt. Such entities are not required to post a notice as required in subsection (4). However, the name and address of the church or synagogue should be affixed to such machines.~~

~~(b) Food and drinks sold for human consumption for 25 cents or less through a coin-operated vending machine sponsored by a nonprofit corporation under s. 501(c)(3) or (4) of the Internal Revenue Code of 1986, as amended, are exempt. The name and address of the qualified sponsoring organization must be affixed to each machine used for this exempt purpose. Operators of vending machines from which items of taxable merchandise, including soft drinks, are sold individually for 10 cents or more will be considered to be~~

remitting sales tax at the rates prescribed by law if their remittances on the gross sales of such items do not fall below the effective tax rates established by this rule. These rates recognize the variations resulting from multiple sales. It is presumed that the selling price of the item vended was adjusted to include tax; therefore, the vendor should deduct the tax from the total gross receipts to arrive at gross sales.

(c)4. Food and beverages sold or dispensed through vending machines or other dispensing devices located in the student lunchroom, student dining room, or other area designated for student dining in state-supported or parochial, church, and nonprofit private schools operated for and attended by pupils of grades K through 12 are exempt. See Rule 12A-1.0011, F.A.C. Effective January 1, 1992, sales of beverages, including, but not limited to, soft drinks, coffee, tea, natural fluid milk, homogenized milk, pasteurized milk, whole milk, chocolate milk, or similar milk products; or natural fruit or vegetable juices through a vending machine are taxable at the rate of 6.65 percent. To compute the correct amount of tax due, the operator should divide total receipts from such machines or devices by 1.0665 to compute gross taxable sales and then subtract gross taxable sales from total receipts to arrive at the amount of tax due. The milk products, natural fruit or vegetable juices are taxable at the rate of 6.65 percent until July 1, 1993.

2. Effective July 1, 1993, sales of natural fluid milk, homogenized milk, pasteurized milk, whole milk, chocolate milk, or similar milk products, natural fruit juices, or natural vegetable juices through a vending machine are taxable at the rate of 6.45 percent. To compute the correct amount of tax due, the operator should divide total receipts from such machines or devices by 1.0645 to compute gross taxable sales and then subtract gross taxable sales from total receipts to arrive at the amount of tax due.

3. Effective January 1, 1992, sales of food items through a vending machine are taxable at the rate of 6.45 percent. For the purpose of this rule, gum and breath mints are considered food items. To compute the correct amount of tax due, the operator should divide total receipts from such machines or devices by 1.0645 to compute gross taxable sales and then subtract gross taxable sales from total receipts to arrive at the amount of tax due.

4. All other sales through a vending machine are taxable at the rate of 6.59. To compute the correct amount of tax due, the operator should divide total receipts from such machines or devices by 1.0659 to compute gross taxable sales and then subtract gross taxable sales from total receipts to arrive at the amount of tax due.

5. When there is a combination of beverages, food, or other items that are sold through the same vending machine, the vending machine operator may, if the operator can identify and account for each type of items vended, remit the tax at the appropriate rate for each type of items vended. Example: A

vending machine contains various types of food and novelty items at different prices. If the operator can account for and identify the total number of food items vended times the sales price for the food items, the operator may remit the tax at the rate of 6.45 percent for the food items and 6.59 percent for the novelty items. When an operator cannot identify and account for each type of items sold through the vending machines, the highest tax rate for a product vended shall be used for all products sold through that machine.

(d) When a dealer can demonstrate to the satisfaction of the Department through its books and records that a lower rate than that which is provided in the preceding paragraphs of this rule is applicable, except for food and beverage vending machines on and after January 1, 1992, the total of the state tax and the surtax that is payable on sales through a vending machine shall be at that rate.

1.a. In order to substantiate a lower effective tax rate, a vending machine operator is required to maintain books and records which contain the total number of items sold in each machine in which similar kinds of items are vended and the sales price for each item vended.

b. Example: Company X wants to establish a lower effective tax rate for novelty items vended. The company must use the sale of all novelty items from each vending machine and the sales price of each item vended. The company should not include its food or drink sales in trying to establish a lower effective tax rate for its novelty items.

2. If an operator establishes a lower effective tax rate on a per vending basis, the operator must also establish an effective tax rate for any machine which produces a rate higher than that prescribed in this rule.

3. Operators using an effective tax rate other than the applicable rate prescribed within this rule must recompute the rate on a monthly basis.

(3) Quarterly information reports; penalties and interest.

(a)1. Effective October 1, 1991, a SALES AND USE TAX VENDING MACHINE OPERATOR QUARTERLY REPORT (Form DR 15VO), and a SALES AND USE TAX VENDING MACHINE OPERATOR QUARTERLY CONSOLIDATED REPORT (Form DR 15VOC), which are incorporated by reference in Rule 12A 1.097, F.A.C., are required to be filed by operators of food or beverage vending machines. Form DR 15VO is to be completed for each county sales tax registration, by operators who file separate sales and use tax returns. Forms DR 15VO and DR 15VOC are to be completed by operators filing a consolidated sales and use tax return. The reports provide the number of food or beverage vending machines being operated by that operator in this state, which number is coded to indicate whether the machines are food or beverage machines; separate statements for food machines and for beverage machines which indicate the total receipts from the operation of the machines during the

quarterly period; and the amount of tax remitted pursuant to this part with respect to such receipts. All information shall be broken down by county.

2. Effective October 1, 1991, a SALES AND USE TAX VENDING MACHINE WHOLESALER QUARTERLY REPORT (Form DR 15VW), which is incorporated by reference in Rule 12A 1.097, F.A.C., is required from any person who sells food or beverages for resale. Effective July 8, 1992, the report is required to be filed only by persons who sell food or beverages to an operator for resale through vending machines or by persons who sell 25 cases or more of soft drinks per transaction as a tax free sale for resale. The report identifies, by dealer registration number, each operator described in paragraph (4)(a) of this rule, who has purchased such items from said person and states the net dollar amount of purchases made by each operator from said person. In addition, the report shall also include the dealer's name, dealer registration number, and net dollar amount of any single purchase for resale of canned soft drinks of 25 cases or more for reports required to be filed after July 8, 1992.

3. Any person may file the quarterly reports, Forms DR 15VO, DR 15VOC, or DR 15VW, on magnetic media or floppy disks. Magnetic tape and floppy disk specifications and file descriptions may be obtained from Returns Reconciliation, 5050 West Tennessee Street, Building F 4, Tallahassee, Florida 32399-0100. The magnetic media shall be labeled, indicating name of company, Florida sales and use tax certificate of registration number, applied date, and type of tax information included on tape. Magnetic tapes shall be identified by reel number and disks by identification number. Submitters of magnetic media shall file the face of the report containing grand totals and the reel or disk identification number.

4. The Department has the authority to require that the quarterly reports be filed on magnetic media or floppy disks, and this method of report filing may be required in the future. The industry will be notified within a reasonable time period before it is required to file the reports on magnetic media or floppy disks.

(b) A penalty of \$250 is imposed on any person required to file the quarterly reports who fails to timely file these reports or who files false information. The \$250 penalty shall accrue interest at the rate of 1 percent per month from the date the report is due until the date the penalty is paid.

(c) Persons who sell food or beverages for 25 cents or less through a vending machine sponsored by an organization qualifying as a nonprofit corporation under s. 501(c)(3) or s. 501(c)(4) of the U.S. Internal Revenue Code of 1986, as amended, are not required to file the quarterly reports.

(4) Annual certificate required to be given by operators to food and beverage vendors; penalties and interest.

(a) Effective November 1, 1991, an ANNUAL CERTIFICATION TO FOOD OR BEVERAGE WHOLESALER is required to be provided by all operators to their food and beverage vendors when food or beverages are purchased for resale in vending machines. The certificate must affirmatively state that the purchaser is a vending machine operator. The certificate is due beginning November 1, 1991, and by November 1 of each year thereafter. If the first transaction between the parties occurs before November 1, then the certificate is due on the date of the transaction and by November 1 of each year thereafter. The following is a suggested form of the certificate to be completed by the operator purchasing food or beverages for resale in vending machines to be furnished to the selling dealer of the food and beverages.

INSTRUCTIONS

Florida law requires each sales tax dealer who purchases food or beverages for resale through vending machines to provide a completed copy of this certification to his Florida food or beverage supplier(s) by November 1, 1991, or upon first entering into a transaction with the supplier, and by November 1 of each year thereafter.

The certification need not be on a form provided by the Department of Revenue but must contain all the information listed hereon. This certification is in addition to the resale certificate required for a tax free purchase.

ANNUAL CERTIFICATION TO FOOD OR BEVERAGE WHOLESALER

Wholesaler to whom this certification is being presented:

Business Name _____

Business Address _____

City, State, Zip _____

Name and address of purchaser making this certification:

Business Name _____

Business Address _____

Florida Sales Tax Federal Employer

Registration Number Identification Number or

Social Security Number

The business or individual making this certification operates one or more food or beverage vending machines in Florida.

The undersigned signature certifies that the above information is true and correct.

Signature of Owner, Date

Partner, or Officer

(b) Effective July 8, 1992, a \$250 penalty is imposed on any vending machine operator who operates vending machines and who fails to provide the certificate to its food and beverage vendor(s) or who provides its vendor(s) with false information.

The penalty shall accrue interest at the rate of 1 percent per month from the date the certificate is due until the date the penalty is paid.

~~(c) Persons who sell food or beverages for 25 cents or less through a vending machine sponsored by an organization qualifying as a nonprofit corporation under s. 501(c)(3) or s. 501(c)(4) of the U.S. Internal Revenue Code of 1986, as amended, are not required to submit the annual certificate to their food and beverage vendors.~~

~~(3)(5) Registration. Before any person may operate a vending machine in this state, such person must register with the Department of Revenue for sales and use tax purposes unless such person is already registered as a dealer. Owners or operators Operators of vending machines must obtain a separate Sales and Use Tax Certificate of Registration (form Form DR-11) for each county in which the such machines are located. One Sales and Use Tax Certificate of Registration (Form DR-11) is sufficient for all the owner's or operator's machines within a single county. See Rule 12A-1.060, F.A.C. To receive a Certificate of Registration each person or business must file an Application for Sales and Use Tax Registration (Form DR-1). These forms are incorporated by reference in Rule 12A-1.097(7), F.A.C. A notice must be affixed to each vending machine which dispenses items of tangible personal property other than food and beverages showing the operator's name, address, and dealer's certificate of registration number. Agents of the Department of Revenue are authorized to seal vending machines upon which this information is not clearly posted.~~

~~(4)(6) Notice to be displayed on each vending machine; penalty and interest for failing to display notice; informant's fees.~~

~~(a) No change.~~

~~1. through 3. renumbered (b) through (d) No change.~~

~~(c)(b) Any vending machine operator who fails to properly obtain and display the required notice on any vending machine is subject to the penalties and interest as provided in s. 212.0515(4), F.S. Upon a determination that a violation has occurred, the Department shall pay the informant up to 10 percent of previously unpaid sales tax and fees recovered as a result of the information provided. See Rule 12-18.008, F.A.C., for additional information on informant fees.~~

~~(7) Exemptions.~~

~~(a) Receipts from vending machines owned and operated by churches or synagogues are not taxable. The church or synagogue is not required to post a notice as required above on vending machines.~~

~~(b) Foods and drinks sold to students and faculty of elementary, middle school, junior high, and high schools through vending machines or dispensing devices located in dining rooms, lunchrooms, or cafeterias operated on the premises of such institutions are exempt. Sales of food and drinks through vending machines or devices located elsewhere~~

~~on the grounds, such as in gyms, teacher's lounges, corridors, and shops, are taxable. Foods and drinks sold at junior colleges and institutions of higher learning are taxable no matter where or how sold.~~

~~(c) Food and drinks sold for human consumption for 25 cents or less through a coin-operated vending machine sponsored by a nonprofit organization are exempt from sales tax. To receive the exemption the sponsoring organization must be qualified as a nonprofit corporation under s. 501(c)(3) or s. 501(c)(4) of the U.S. Internal Revenue Code of 1986, as amended. The name and address of the qualified sponsoring organization must be affixed to each machine used for such exempt purpose.~~

~~(d) The sales through vending machines of ice cream or milk in quarts or larger containers are presumed to be for home consumption and are exempt. The sale of drinking water, including waters that contain minerals or carbonation in their natural state, is exempt. The sale of water to which carbonation or minerals have been added is taxable.~~

~~(e) The notice requirement provision in subsection (6) applies to all vending machines dispensing exempt food or beverage products, except vending machines owned and operated by churches or synagogues. This notice requirement is in addition to any other notice required to be posted on the vending machine, such as, the name and address of sponsoring organizations as required in paragraph (c) above. The penalty and interest provisions contained in subsection (6) for failing to post such notice, shall likewise apply.~~

~~Cross Reference—Rule 12A-1.011, F.A.C.~~

~~(5)(8) Purchases or leases of vending machines.~~

~~(a) No change.~~

~~(b) The purchase of machines, machine parts and repairs, and replacements thereof that which are a component part of the machine, by the machine owner or lessor for exclusive rental is exempt. The machine owner or lessor must registered with the Department and must issue a copy of the dealer's Annual Resale Certificate A resale certificate shall be presented to the selling dealer to purchase seller of these items by the purchaser in lieu of paying tax exempt for the purposes of leasing or renting the machine.~~

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

~~(6)(9) No change.~~

~~(7)(10) The following examples are intended to provide further clarification of the provisions of this section:~~

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

~~(d) Example: When a A bottler who removes from inventory a drink vending machine to be placed at a location under an agreement where the location owner is the operator, the bottler, as a registered dealer, may extend a copy of the dealer's Annual Resale Certificate (form DR-13) to a resale certificate in lieu of paying tax on the purchase of vending machines or component parts for exclusive rental. The rental of the vending machine may either be on a per case basis or a flat~~

monthly rate. In such instances, the tax must be collected by the bottler and remitted at the rate of 6 percent of the amount received as rental. Also, tax is due on all merchandise sold through the machine by the location owner (operator).

~~(8)(11)~~ If any vending machine used on a full service basis or for exclusive rental is later sold as a "used" machine, the sale it becomes fully taxable to the purchasing customer is subject to tax buying it at the time of sale.

Specific Authority 212.0515, 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(10)(g),(14),(15),(16),(19),(24), 212.031, 212.05(1)(i), 212.0515, ~~212.054, 212.055,~~ 212.07(1),(2), 212.08(1),(7),(8), 212.11(1), 212.12(2),(3),(4),(9), 212.18(2),(3) FS. History—Revised 10-7-68, 6-16-72, 1-10-78, Amended 7-20-82, Formerly 12A-1.44, Amended 12-13-88, 5-11-92, 3-17-93, 9-14-93, 12-13-94, 3-20-96, 7-1-99, _____.

~~12A-1.048 Sale of Agricultural Products, Including Poultry and Livestock.~~

~~(1)(a)~~ The sale of agricultural products, ~~poultry, and livestock~~ direct from the farm when made directly by the ~~producer producers~~ is exempt. The producer is not required to obtain an exemption certificate from the purchaser to make tax exempt sales of agricultural products. This exemption does not apply to the sale of ornamental nursery stock. ~~Agricultural products that are produced by the farmer and used by him and members of his family or employees on his farm are not subject to tax.~~

~~(b)~~ Agricultural products that are produced by the farmer and used by the farmer or the farmer's family or employees on the farm are not subject to tax.

~~(c)~~ The sale of agricultural products by persons who do not produce agricultural products to any person who does not directly consume the product, but acquires the raw product for resale to the ultimate retail customer, or for use in the process of preparing, finishing, or manufacturing agricultural products for the ultimate retail consumer trade, is exempt. No certificate is required to be issued by the purchaser or obtained by the seller.

~~(d)~~ The sale of agricultural products by any person, other than the producer, as a marketable or finished product to the ultimate consumer, except in the form of food or food products, is subject to tax. Example: Marketable products, such as nursery stock, and finished products, such as hides, bones, hooves, and feathers, are subject to tax.

~~(2)(a)~~ The sale of ornamental nursery stock by any person, including producers of agricultural products, is subject to tax. The term "ornamental nursery stock" applies to all plants, shrubs, and trees customarily sold by nurseries for landscaping purposes, regardless of the state of growth or maturity, but does not include excluding plants used to produce food for human consumption. Sod and ferns are examples of ornamental nursery stock.

~~(b)4-~~ The rental of ornamental nursery stock, such as plants, shrubs, or trees, is subject to tax, including the rental by the producer of the ornamental nursery stock. The sale of ornamental nursery stock by the producer to anyone for any

purpose other than resale is subject to the tax. All sales of ornamental nursery stock will be presumed to be retail sales and subject to the tax, unless the seller shall have obtained a resale certificate from his customer in accordance with the provisions contained in the Florida Department of Revenue Rule 12A-1.038 and Rule 12A-1.039 or, in the case of an out-of-state dealer, an affidavit in accordance with the provisions contained in Rule 12A-1.064(2)(b)1., F.A.C.

~~2.~~ For example: The sale by the producer of ornamental nursery stock (regardless of state of growth or maturity) to a broker, wholesaler or retailer will be regarded as a retail sale and taxable unless the purchaser furnishes the seller with a resale certificate or affidavit as provided in subparagraph (b)1-

(c) through (e) No change.

~~(3)~~ The sale of agricultural products to any person who purchases them for the purpose of acquiring raw products not for direct consumption but for the use or for sale in the process of preparing, finishing or manufacturing such agricultural products for the ultimate retail consumer trade is exempt.

~~(4)~~ A sale of such agricultural products or any part thereof, when sold by any person other than the producer as a marketable or finished product to the ultimate consumer (except in the form of general groceries, including food and food products) is taxable. Example: Marketable products, such as nursery stock, and finished products, such as hides, bones, hooves, and feathers, are taxable. For the sale of ornamental nursery stock by the producer, see subsection (1) of this rule.

~~(3)(5)~~ The sale of topsoil Topsoil, peat moss, sand used for rooting purposes, compost, and manure are exempt as agricultural products when sold by the producer, but are taxable when sold by anyone other than the producer. ~~The sale of sod and ferns is taxable as the sale of ornamental nursery stock.~~

~~(4)(6)~~ The sale of fill dirt is not the sale of an agricultural product and is subject to tax taxable.

~~(5)~~ The sales of certain items for agricultural use and items for agricultural purposes, as provided in s. 212.08(5)(a) and (e), F.S., are exempt. The exemption will not be allowed unless the purchaser furnishes the seller a written certificate stating that the purchased items qualify for exemption under s. 212.08(5)(a) or (e), F.S. The format of a suggested certificate is contained in Rule 12A-1.087(11), F.A.C.

~~(6)~~ The sale of ornamental nursery stock for the purposes of resale, or for the purposes of producing for resale, is exempt. The seller must obtain a copy of the purchaser's Annual Resale Certificate (form DR-13) to make tax exempt sales for the purposes of resale.

~~(7)~~ Plants used to produce food for human consumption are exempt.

~~(8)~~ Nurserymen are in the same category as farmers and are entitled to the same exemptions on their purchases of tangible personal property for use exclusively in farming.

~~(9) Materials, containers, labels, sacks, or bags to be used one time only for packaging tangible personal property for shipment for sale, including burlap used to make bags for packaging plants and used cans for potting, are exempt to the commercial nurseryman.~~

~~(10) Clay pots and plastic containers used in potting and growing foliage and other plants are exempt to the commercial nurseryman. Pots and receptacles used for this purpose are classified as containers, and when eventually sold at retail along with the plant, they become a part of the tangible personal property sold and are taxable to the retail consumer.~~

~~(11) Registered dealers may extend resale certificates in writing to their suppliers in lieu of tax on items for resale as well as items entitled to exemption because of exclusive agricultural use.~~

~~(12) Items entitled to exemption when purchased for use on a farm include cloth, plastic, and other similar materials used for shade, mulch, and protection from frost or insects.~~

~~(13) Topsoil, sand used for rooting purposes, moss, compost, and manure, but not fill dirt, are exempt to a nurseryman when bought for exclusive use in crop production or when sold directly by the producer. (See subsection (1) of this rule.) When sold by other than the producer or purchased for other than crop production, these items are taxable.~~

~~(14) Nursery stock, plants, shrubs, and trees, purchased by one nurseryman from another for stock are exempt. Nursery stock purchased for direct resale and sold at retail is required to be purchased with a resale certificate and is subject to tax when sold to the ultimate consumer.~~

~~(16) Rentals of plants, shrubs, trees, etc., by the producer are taxable.~~

~~(17) The sale of field and garden seeds, including flower seeds, is exempt.~~

Specific Authority 212.17(6), 212.18(2), 213.06 FS. Law Implemented 212.02(29), 212.07(5),(6),(7), 212.08(5)(a),(e), 212.18(2) FS. History—Revised 10-7-68, 6-16-72, 12-11-74, Amended 7-20-82, Formerly 12A-1.48, Amended 3-1-00,_____.

12A-1.056 Tax Due at Time of Sale; Tax Returns and Regulations.

(1)(a) The total amount of tax on cash sales, credit sales, installment sales, or sales made on any kind of deferred payment plan shall be due at the moment of the transaction. Except as provided in Rule Chapter 12-24, F.A.C., Rule 12A-1.005, F.A.C., Rule 12A-1.070, F.A.C., and this rule, all taxes required to be collected in any month by Chapter 212, F.S., are due the Department of Revenue on the first day of the month following the date of sale or transaction. The payment and return must either reach the office of the Department of Revenue or be postmarked on or before the 20th day of the month following the date of sale or transaction for a dealer to be entitled to the collection allowance and to avoid penalty and interest for late filing. When the 20th day falls on Saturday, Sunday, or a legal holiday, payments accompanied by returns

will be accepted as timely if postmarked or delivered to the Department of Revenue on the next succeeding day which is not a Saturday, Sunday, or legal holiday. For purposes of this rule, a legal holiday means a holiday that is observed by federal or state agencies as a legal holiday as this term is defined in Ch. 683, F.S., and Sec. 7503 of the Internal Revenue Code. A "legal holiday" pursuant to Section 7503 of the 1986 Revenue Code, as amended, means a legal holiday at a location outside the District of Columbia but within an internal revenue district.

(b) No change.

(c) When quarterly, semiannual, or annual reporting is authorized by the Department pursuant to s. 212.11(1)(c) or (d), F.S., the tax is due the first day of the month following the authorized reporting period and becomes delinquent on the 21st day of that month.

(d) Quarterly, semiannual, or annual filers that remit an excessive tax payment for the period July 1 through June 30 which represents a nonrecurring business activity can request to continue to file their returns quarterly, semiannual, or annually by submitting a written request to the Florida Department of Revenue, Central Registration, Post Office Box 6480, Tallahassee, Florida 32314-6480. When a dealer makes a written request to continue on the same filing frequency, the Executive Director or the Executive Director's designee will determine whether the dealer's request is based on a nonrecurring business activity, based upon the facts of each case, using the following guidelines:

1. The type of activity. The type of activity, as opposed to the level of activity, that makes that dealer's remittance unusual for its particular business.

2. The focus of the dealer's business. A change in the dealer's business focus will not be considered nonrecurring business activity.

3. The number of occurrences. When the dealer's remittance amount continues to exceed the maximum amount allowed for a quarterly, semi-annual, or annual filing frequency, the remittance will not be considered nonrecurring.

4. Regularity. If the events are so regular that the amounts exceeding the maximum remittance amounts allowed for a quarterly, semi-annual, or annual frequency can be predicted, the remittance will not be considered nonrecurring.

(2) through (3) No change.

(4) The following are not required to be included in computing the estimated tax liability due and payable;

(a) Any local option sales tax, such as the tourist development tax levied under authority of s. 125.0104, F.S.; the tourist impact tax levied under the authority of s. 125.0108, F.S.; the convention development tax levied under authority of s. 212.0305, F.S.; or the discretionary sales surtaxes levied under authority of s. 212.055, F.S.

(b) The rental car surcharge levied under the authority of s. 212.0606, F.S.

(c) Any solid waste fee, such as the new tire fee levied under the authority of s. 403.718, F.S., ~~or; the lead-acid battery fee levied under authority of s. 403.7185, F.S.; the waste newsprint disposal fee levied under the authority of s. 403.7195, F.S.; or the advance disposal fee levied under the authority of s. 403.7197, F.S.~~

(5)(a) No change.

(b) If the Executive Director or the Executive Director's designee in Return Reconciliation determines that the information required for the making of an accurate return cannot reasonably be compiled by a taxpayer on a calendar month basis, the Executive Director or the Executive Director's designee in the Return Reconciliation will notify the dealer in writing that the deviation from monthly filing of returns and remitting of tax is authorized. Such returns shall be due and payable on the first day succeeding the end of the reporting period and shall be delinquent on the twenty-first day succeeding the end of the reporting period. ~~However, any dealer who is subject to estimated tax filing provisions of this rule is required to remit by the 20th day of the reporting period for which the liability applies an estimated tax payment in the time and manner prescribed in 12A-1.056(2), F.A.C.~~

(6)(a) through (d) No change.

~~(e)1. The Executive Director of the Executive Director's designee is authorized to reduce the collection allowance by 10 percent when a dealer files an incomplete return as defined in subparagraph 2. of this paragraph.~~

~~2. An "incomplete return" means a return which is lacking such uniformity, completeness, and arrangement that the physical handling, verification, or review of the return may not be readily accomplished, including but not limited to, the failure to provide the amount of gross sales, exempt sales, taxable sales, tax collected or due, lawful refunds, deductions, or credits claimed, collection allowance, penalty, interest, estimated tax liability, and total amount due with the return.~~

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

(7) through (11) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 125.0104(3)(g), 125.0108(2)(a), 212.03(2), 212.0305(3)(c),(h), 212.031(3), 212.04(3),(4),(5), 212.0506(4),(10), 212.054(4), 212.055, 212.06(1)(a), 212.0606, 212.11, 212.12(1),(2),(3),(4),(5), 212.14(2), 212.15(1), 213.235, 213.29, 213.755, 215.01, 376.11, 403.718, 403.7185 FS. History-Revised 10-7-68, 6-16-72, Amended 10-21-75, 6-9-76, 11-8-76, 2-21-77, 4-2-78, 10-18-78, 12-23-80, 8-26-81, 11-23-83, 5-28-85, Formerly 12A-1.56, Amended 3-12-86, 1-2-89, 12-19-89, 12-7-92, 10-20-93, 10-17-94, 3-20-96, 4-2-00, _____.

12A-1.0565 Waiver of Electronic Data Interchange Sales and Use Tax Return Filing Requirements.

(1) Section 212.11(1)(f), Florida Statutes, authorizes the Department to require certain taxpayers to submit their sales and use tax returns using an electronic data interchange (EDI) method. Furthermore, this statute allows the Department to grant a waiver from this EDI requirement. To qualify for this waiver, the taxpayer or the owner or an officer, or the taxpayer's accountant or bookkeeper, must file an EDI Waiver

Request (form DR-654) with the Department and certify that he or she meets at least one of the criteria established in subsection (2).

(2) through (4) No change.

~~(5)(a) The Department prescribes Form DR-654 (Florida EFT Program Electronic Tax Payment System, EDI Waiver Request; R-10/97), incorporated herein by reference, as the form to be used by persons to request a waiver pursuant to this rule.~~

~~(b) A taxpayer can obtain this form by using one or more of the following methods: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at 850-922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax on Demand system at 850-922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 800-352-3671 (in Florida only) or 850-488-6800; or, 6) downloading selected forms from the Department's Internet site at the address show inside the parentheses (<http://sun6.dms.state.fl.us/dor/>). Persons with hearing or speech impairments may call the Department's TDD at 1-800-367-8331.~~

Specific Authority 212.18(2), 213.06(1) FS. Law Implemented 212.11(1)(f) FS. History-New 12-6-98, Amended _____.

12A-1.058 Trade Stamps.

(1) The amount charged by a trade stamp company to a dealer for the privilege of distributing trade stamps which are redeemable by the trade stamp company either in cash or in premiums is exempt.

(2) The trade stamp company is the final purchaser of and shall pay tax on the purchase of all trade stamps, stamp collection bonds, premium catalogs, advertising, promotional and similar materials that it uses or furnishes to its dealers at no specific charge.

~~(3) When a trade stamp company accepts trade stamps or a combination of trade stamps and cash in exchange for premiums, the transaction is taxable and the company shall collect tax from the surrenderor of the stamps computed on the total value of the stamp book and any cash paid. The trade stamp company is exempt on the purchase of such premiums, but should furnish its suppliers resale certificates as provided in Rule 12A-1.038.~~

Specific Authority 212.17(6), 212.18(2), 213.06 FS. Law Implemented 212.02(15),(19), 212.18(2) FS. History-Revised 10-7-68, 6-16-72, Amended 7-20-82, Formerly 12A-1.58, Repealed _____.

12A-1.060 Registration.

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

2. The agent, representative, or management company may collectively register properties described in subparagraph 1., above, that are located in a single county by filing an

Application for Collective Registration for Rental of Living or Sleeping Accommodations (~~form Form DR-1C, incorporated by reference in Rule 12A-1.097, F.A.C.~~) for each county.

3. through 7. No change.

(d) ~~Applications to Collect and or Report for Sales and Use Tax in Florida Registration (form Form DR-1) and Applications for Collective Registration for Rental of Living or Sleeping Accommodations (form Form DR-1C) are available, without cost, by: 1) writing the Florida upon written request to: Department of Revenue, Forms Distribution Center, 168 Blountstown Highway Bureau of Tax Information, P. O. Box 7443, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at 850-922-2208; or, 3) using a fax machine telephone handset to call 32314-7443. Persons with FAX machines may obtain selected forms immediately from the Department's FAX on Demand System at 850-922-3676; or, 4) visiting any local Department of Revenue Center to personally obtain a copy; or, by calling 904-922-3676 from a touch-tone telephone connected to a FAX machine. Applications are also available by 5) calling the Forms Request Line during regular office hours at 1-800-352-3671 (in Florida only) or 850-488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (<http://sun6.dms.state.fl.us/dor/>) (904)488-6800 or at any local taxpayer service center. Persons with hearing or speech impairments may call the Department's TDD at 1-800-367-8331.~~

(e) ~~The Department will issue a~~ The Executive Director or the Executive Director's designee in the responsible division, upon receipt of such application, will grant to the applicant a separate Sales and Use Tax Certificate of Registration (~~form Form DR-11, incorporated by reference in Rule 12A-1.097, F.A.C.~~) for each place of business for which it receives an application for registration. Engaging in a business listed in paragraph (a) of this subsection without first obtaining a Sales and Use Tax Certificate of Registration (~~Form DR-11~~) or after such certificate has been canceled by the Executive Director or the Executive Director's designee ~~in the responsible division~~ is prohibited. The failure or refusal of any person to register as a dealer is a misdemeanor of the first degree, punishable as provided in s. 775.082, F.S., or s. 775.083, F.S., or subject to injunctive proceeding as provided by law.

(f)1. No change.

2. An exhibitor is not required to register as a dealer if the agreement provides that the exhibitor shall make only wholesale sales, provided the exhibitor receives from each purchaser a copy of its Annual Resale Certificate resale certificate that meets the requirements of Rules 12A-1.038 and 12A-1.039, F.A.C. If an exhibitor fails to comply with these conditions, the exhibitor is required to register as a dealer if the exhibitor is a dealer within the definition of "dealer," as provided in s. 212.06(2) in subsection (2) of section 212.06, F.S.

3. through (2) No change.

(3)(a) ~~The Executive Director or the Executive Director's designee in the responsible division is authorized to require any person liable for any tax imposed by Chapter 212, F.S., to place with the Department, before or after a dealer's certificate of registration is issued, a cash deposit, bond or other security as the Executive Director or the Executive Director's designee in the responsible division may determine necessary to secure the payment of any tax, interest, or penalty which may become payable. In making the determination as to whether security should be required and the amount of such security, the Executive Director or the Executive Director's designee in the responsible division shall consider and be guided by:~~

1. ~~The prior history, if any, of the applicant's or dealer's compliance or noncompliance with the provisions of the law.~~
2. ~~The type of business, including the transient or nontransient nature of the business.~~
3. ~~The type of inventory, including whether the applicant or dealer has any equity in such inventory and the mobility of such inventory.~~
4. ~~The location of the business.~~
5. ~~The financial status of the applicant or dealer, including existence of money judgments against the applicant or dealer.~~
6. ~~The anticipated volume of business.~~

(b) ~~The security requested shall be an amount equal to three months' anticipated tax liability, or in the case of a registered dealer, an amount equal to three months' tax liability based on an average of the tax due for the preceding twelve months. An adjustment shall be made to the next highest \$100 when the anticipate liability is not in even \$100 amounts. In any case where a bond is required as a condition to registration or retention of a dealer's certificate of registration, the minimum amount of such bond shall be \$100.~~

(c) ~~If any taxpayer is delinquent in the payment of taxes imposed by Chapter 212, F.S., the Executive Director or the Executive Director's designee in the responsible division may, upon ten (10) days' notice, proceed against the bond to effect collection of the delinquent taxes, interest and penalties.~~

(d) ~~No interest shall be paid by the state to any person for the deposit of security.~~

(e) ~~The Department prescribes the following forms, incorporated by reference in Rule 12A-1.097, F.A.C., to be utilized in the administration of cash deposits and bonds it may determine necessary to secure the payment of any tax, interest, or penalty which may become payable.:~~

1. ~~Form DR-17, Sales and Use Tax Cash Bond;~~
2. ~~Form DR-29, Refund of Cash Bond;~~
3. ~~Form DR-76, Florida Contract Data Form;~~
4. ~~Form DR-77, Contractor's Sales or Use Tax Bond;~~
5. ~~Form DR-77A, Contractor's Sales or Use Tax Bond (Open Bond);~~
6. ~~Form DR-92-1, Surety Bond—Sales and Use Tax.~~

~~(3)(4) No change.~~

~~(5)(a) In addition to the initial registration fee referred to in paragraph (1)(a), and any other fee, any person who holds a certificate of registration shall, with returns described in paragraph (b), pay an additional annual registration fee in the amount provided in paragraph (c) for each certificate of registration granted.~~

~~(b) Each such annual registration fee shall be due and payable with the person's January return or first quarterly return for each year. The Department prescribes Form DR-7AR, Annual Registration Fee (incorporated by reference in Rule 12A-1.097, F.A.C.), as the form to be utilized by dealers filing a consolidated sales and use tax return, and Form DR-15AR, Annual Registration Fee (incorporated by reference in Rule 12A-1.097, F.A.C.), as the form to be used by other dealers.~~

~~(c) The amount of each annual registration fee shall be as follows:~~

~~1. If the certificate holder's taxable sales or purchases during the calendar year immediately preceding the filing of the return were less than \$30,000, no annual registration fee shall be payable.~~

~~2. If such taxable sales or purchases were at least \$30,000 but less than \$200,000, the fee shall be \$25.~~

~~3. If such taxable sales or purchases were \$200,000 or more, the fee shall be \$50.~~

~~a. Example: Certificate holder had a total of \$185,000 taxable sales and \$134,000 taxable purchases during 1988. Since neither total exceeded \$200,000 (although the total of the two exceeded \$200,000) but each exceeded \$30,000, the annual registration fee due in 1989 would be \$25.~~

~~b. Example: Certificate holder had a total of \$22,000 of taxable purchases and a total of \$32,000 taxable sales during 1988. Since one of these totals exceeded \$30,000, the annual registration fee due in 1989 would be \$25.~~

~~(d) The annual registration fee for any dealer who files a consolidated return pursuant to s. 212.11, F.S., shall not exceed \$10,000.~~

~~(e) The collection allowance for the keeping of required records, accounting for, and remitting tax shall not be allowed for the annual registration fee.~~

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.03(1),(2), 212.04(4), 212.06(2), 212.12(2),(5),(6), 212.16(1),(2), 212.18(3),(5) FS., s. 14, ch. 99-208, L.O.F. History-Revised 10-7-68, 1-7-70, 6-16-72, Amended 3-21-77, 5-10-77, 10-18-78, Formerly 12A-1.60, Amended 6-10-87, 1-2-89, 11-12-90, 3-17-94, 1-2-95, 3-20-96, 11-30-97, 4-2-00, _____.

12A-1.064 Sales in Interstate and Foreign Commerce; Sales to Nonresident Dealers; Sales to Diplomats.

(1) through (5)(k) No change.

~~(l) Parts used in the repair of nets are exempt when used exclusively by commercial fishermen. (Sponge fishermen qualify as commercial fishermen.) To purchase such nets and~~

~~parts thereof tax exempt, a certificate in substantial conformity with the certificate suggested in Rule 12A-1.039, F.A.C., must be executed.~~

~~(m) through (n) renumbered (l) through (m) No change.~~

~~(6) through (7) No change.~~

~~(8) A Florida dealer who prints his own catalogs and ships them free of charge to his representatives in other states is the consumer of such catalogs and is taxable on their cost as provided in Rule 12A-1.034.~~

~~(9) through (13) renumbered (8) through (12) No change.~~

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(10)(g), 212.05(1), 212.0598, 212.06(2),(5), 212.08(4)(a),(8),(9), 212.12(8), 212.13(1), 212.16, 212.21(3) FS. History-Revised 10-7-68, 1-7-70, 6-16-72, Amended 12-11-74, 5-23-77, 9-26-77, 10-18-78, 3-30-79, 4-10-79, 3-27-80, 7-20-82, 10-13-83, 8-28-84, Formerly 12A-1.64, Amended 1-2-89, 10-16-89, 7-30-91, 3-20-96, 11-30-97, 7-1-99, _____.

12A-1.069 Sales by Governmental Agencies and Instrumentalities and Exempt Institutions.

~~(1) The State of Florida, any county, municipality, political subdivision, agency, bureau or department or other state or local governmental instrumentality or any institution making sales subject to the tax imposed by Chapter 212, F.S., shall qualify as a dealer and shall collect and remit the applicable tax.~~

~~(2) Churches are not required to collect tax on sales or rental of tangible personal property and are not required to register as dealers for such transactions.~~

~~(3) When churches, nonprofit religious, nonprofit educational or nonprofit charitable institutions rent or lease to others any real property as defined in Rule 12A-1.070, or rent or lease to others any parking or docking spaces as defined in Rule 12A-1.073, such institutions shall register as dealers and collect and remit tax on such transactions.~~

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(2),(12),(15), 212.05(1), 212.06(2), 212.08(7)(o),(10), 212.21(2) FS. History-Revised 10-7-68, 1-7-70, 6-16-72, Formerly 12A-1.69, Repealed _____.

12A-1.080 Concession Prizes; The Sale of Food, Drink, and Tangible Personal Property at Concession Stands.

(1) Operators of game concessions and other concessionaires who customarily award tangible personal property as prizes are the ultimate consumers of such property. Operators may pay tax on the cost price of such property or pay tax on As a basis for determining their tax liability for such prizes, concessionaires will be charged sales tax computed at 6 percent of 25 percent of the gross receipts from all such concession activity games.

(2)(a) Concessionaires Vendors at arenas, auditoriums, carnivals, fairs, stadiums, theaters, and similar places of business events; where it is impracticable due to the nature of the business practices within that industry to separately state Florida tax on any charge ticket, sales slip, invoice, or other tangible evidence of sale, may calculate tax due by using a divisor of 1.0659 in counties that do not impose a discretionary

~~sales surtax shall be taxed at 6.59 percent of gross sales. To calculate compute the correct amount of tax due, the dealer should divide the his total gross receipts by 1.0659 to compute taxable sales. Subtract and then subtract taxable sales from the total gross receipts to compute arrive at the amount of tax due. The 6.59 percent recognizes the variation resulting from multiple sales transactions. See Rule 12A-15.010, F.A.C., for divisors in counties imposing a discretionary sales surtax.~~

(b) ~~Concessionaires Vendors at carnivals, fairs, and similar events that separately state Florida sales tax on their charge tickets, sales slips, invoices, or other tangible evidence of sale must remit to the state the amount of tax collected and due on their sales recording the sales price of the items sold and the tax thereon, must maintain accurate records of the tax so collected, and the amount of tax so collected and/or due must be remitted to the state.~~

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(19), 212.05(1)(a)1.a.,(n),(2),(3),(4), 212.06, 212.07(2), 212.12(6) FS. History—Revised 10-7-68, 6-16-72, Amended 7-20-82, Formerly 12A-1.80, Amended 12-13-88,_____.

12A-1.087 Partial Exemption for Farm Equipment; Suggested Exemption Certificate for Items Used for Agricultural Purposes.

(1)(a) The sale, rental, lease, use, consumption, or storage of self-propelled, power-drawn, or power-driven farm equipment is taxable at the rate of ~~2.5~~ 3 percent. To qualify for the partial exemption, such equipment must be used exclusively on a farm or in a forest in the agricultural production of plowing, planting, cultivating, or harvesting crops or products as produced by those agricultural industries included in s. 570.02(1), F.S., or for fire prevention and suppression work with respect to such crops or products. Self-propelled, power-drawn, or power-driven farm equipment that is not purchased, leased, or rented for exclusive use in the agricultural production of planting, plowing, cultivating, or harvesting agricultural products, or for fire prevention or suppression work with respect to such crops or products, does not qualify for this partial exemption. This partial exemption is not forfeited by moving qualifying farm equipment between farms or forests.

(b) The exemption will not be allowed unless the purchaser furnishes the seller a written certificate that the purchased items qualify for the limitation under s. 212.08(3), F.S. ~~The format of Although the Department does not furnish the printed form to be executed by farmers by purchasing or leasing qualifying equipment,~~ a suggested certificate is contained in subsection (11) Rule 12A-1.039, F.A.C.

(c) Dealers who accept in good faith the required certificate from the purchaser will not be assessed sales tax in excess of ~~2.5~~ 3 percent on sales of qualifying equipment purchased for a nonexempt use. In such instances, the Department will look solely to the purchaser for any additional sales tax due.

(2) For purposes of this rule, the following definitions will apply:

(a) No change.

(b) Agricultural production, as defined in s. 212.02(34), F.S., means the production of plants and animals useful to humans, including the preparation, planting, cultivating, or harvesting of these products or any other practices necessary to accomplish production through the harvest phase, and includes aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, and any and all forms of farm products and farm production.

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

~~(f)(e) Harvesting means the act or process of cutting, reaping, digging up, or gathering an agricultural product or crop from a place where grown. Harvesting does not include the processing of crops or products.~~

~~(g)(f) No change.~~

(3) Self-propelled farm equipment, as defined in s. 212.02(30), F.S., means equipment that contains within itself the means for its own propulsion, including, but not limited to tractors. In addition to tractors, qualifying self-propelled farm equipment also includes, but is not limited to:

(a) through (b) No change.

(c) Boats and boat motors, purchased together or separately, for use in the agricultural production of planting, cultivating, or harvesting aquaculture products on a farm. See subsection (4) of this rule regarding specific guidelines for persons engaging in aquaculture activities.

(d) through (j) No change.

(4)(a) Persons engaged in the agricultural production of planting, cultivating, and harvesting aquaculture products qualify for the partial exemption on their purchase or lease of a boat or boat motor to be used exclusively for aquacultural purposes. To qualify for exemption, such person must be registered with the Department of Agriculture and Consumer Services under s. 597.004, F.S., as a person engaged in aquaculture. For purposes of this rule, a farm includes submerged sites leased from the state under the authority of s. 253.68, F.S., by a person engaged in aquaculture activities.

(b) Example: A clam farmer leases a submerged site from the state pursuant to s. 253.68, F.S., and is certified under s. 597.004, F.S., with the Department of Agriculture and Consumer Services. The clam farmer qualifies for the partial exemption on the purchase or lease of a boat used exclusively in the agricultural production of for planting, cultivating, or harvesting clams on the leased site. The exemption is not forfeited by moving boats between farms.

(5) through (8)(a) No change.

(b)1. Generators purchased, rented, or leased for use on a poultry farm are exempt from sales tax under s. 212.08(5)(a), F.S. The exemption will not be allowed unless the purchaser or lessee issues to the seller a signed certificate stating the

generator is purchased or leased for exclusive use on a poultry farm. Although the Department does not furnish the printed form to be executed by farmers when purchasing qualifying generators, a suggested certificate is contained in subsection (11) Rule 12A-1.039, F.A.C.

2. through (9) No change.

(10)(a) The following sales and uses of liquefied petroleum gas, diesel, and kerosene are exempt when:

1. Sold for use in any tractor, vehicle, or other farm equipment that is used exclusively on a farm for farming purposes.

2. Consumed in transporting farm vehicles and farm equipment between farms.

3. Sold for use to heat a structure in which started pullets or broilers are raised.

4. Sold for use to transport bees by water and in the operation of equipment used in the apiary of a beekeeper.

(b) Liquefied petroleum gas, diesel, and kerosene sold for use in any tractor or vehicle driven or operated upon the public highways of the state is subject to tax.

(11) Suggested Exemption Certificate for Items Used for Agricultural Purposes.

(a) Any person who purchases items that qualify for the limitation under s. 212.08(3), F.S., must issue an exemption certificate to the selling dealer to purchase qualifying equipment at the rate of 2.5 percent. Any purchaser who purchases items for agricultural purposes must also issue an exemption certificate to the selling dealer in lieu of paying tax. The exemption certificate must contain the purchaser's name, address, the reason for which the use of the item qualifies for exemption based on its use, and the signature of the purchaser or an authorized representative of the purchaser.

(b) The selling dealer is only required to obtain one certificate for sales made for the purposes indicated on the certificate and is not required to obtain an exemption certificate for subsequent sales made for the exempt purpose indicated on the exemption certificate. The selling dealer must maintain the required exemption certificates in its books and records until tax imposed by Chapter 212, F.S., may no longer be determined and assessed under s. 95.091(3), F.S.

(c) Selling dealers may contact the Department at 1-800-352-3671 to verify the specific exemption specified by the purchaser. Persons with hearing or speech impairments may call the Department's TDD, at 1-800-367-8331.

(d) The following is a suggested format of an exemption certificate to be issued by any person purchasing items that qualify for the limitation under s. 212.08(3), F.S., or qualify for exemption as items for agricultural use or items for agricultural purposes. Exemption purposes listed on the suggested format that are not relevant to the purchaser may be eliminated from the certificate.

EXEMPTION CERTIFICATE
ITEMS FOR AGRICULTURAL USE OR FOR
AGRICULTURAL PURPOSES
AND CERTAIN FARM EQUIPMENT

This is to certify that the items identified below, purchased on or after _____ (date) from _____ (Selling Dealer's Business Name) are purchased, leased, licensed, or rented for the following purpose as checked in the space provided. This is not intended to be an exhaustive list:

() Cloth, plastic, or similar material used for shade, mulch, or protection from frost or insects on a farm.

() Fertilizers (including peat, topsoil, sand used for rooting purposes, peatmoss, compost, and manure, but not fill dirt), insecticides, fungicides, pesticides, and weed killers used for application on or in the cultivation of crops, groves, home vegetable gardens, and commercial nurseries.

() Generators purchased, rented, or leased for exclusive use on a poultry farm.

() Insecticides and fungicides, including disinfectants, used in dairy barns or on poultry farms for the purpose of protecting cows or poultry or used directly on animals, as provided in s. 212.08(5)(a), F.S.

() Nets, and parts used in the repair of nets, purchased by commercial fisheries.

() Nursery stock, seedlings, cuttings, or other propagative material for growing stock.

() Portable containers, or moveable receptacles in which portable containers are placed, that are used for harvesting or processing farm products.

() Seeds, including field and garden seeds and flower seeds.

() Seeds, seedlings, cuttings, and plants used to produce food for human consumption.

() Items that are used by a farmer to contain, produce, or process an agricultural commodity, such as: glue for tin and glass for use by apiarists; containers, labels, and mailing cases for honey; wax moth control with paradichlorobenzene; cellophane wrappers; shipping cases; labels, containers, clay pots and receptacles, sacks or bags, burlap, cans, nails, and other materials used in packaging plants for sale; window cartons; baling wire and twine used for bailing hay; and other packaging materials for one time use in preparing an agricultural commodity for sale.

() Liquefied petroleum gas or other fuel used to heat a structure in which started pullets or broilers are raised.

() Liquefied gas, diesel, or kerosene used to transport bees by water and in the operation of equipment used in the apiary of a beekeeper.

() Liquefied petroleum gas, diesel, or kerosene used for agricultural purposes in any tractor, vehicle, or other farm equipment that is used exclusively on a farm for farming purposes.

() Self-propelled, power-drawn, or power-driven equipment, when purchased, rented, or leased for exclusive use in the agricultural production of crops or products as produced by those agricultural industries included in s. 570.02(1), F.S., or for fire prevention and suppression work with respect to such crops or products, taxable at the rate of 2.5 percent.

() Other (include description and statutory citation): _____

I understand that if I use the item for any purpose other than the one I stated, I must pay tax on the purchase or lease price of the taxable item directly to the Department of Revenue.

I understand that if I fraudulently issue this certificate to evade the payment of sales tax I will be liable for payment of the sales tax plus a penalty of 200% of the tax and may be subject to conviction of a third degree felony.

The exemption specified by the purchaser may be verified by calling 1-800-352-3671.

Purchaser's Name _____

Purchaser's Address _____

Name and Title of Purchaser's Authorized Representative _____

Sales and Use Tax Certificate of Registration No. (if applicable) _____

By _____

(Signature of Purchaser or Authorized Representative) _____

Title _____

(Title – only if purchased by an authorized representative of a business entity) _____

Date _____

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(14)(c),(30),(31),(32),(33),(34), 212.05(1), 212.0501, 212.06(1), 212.07(5), 212.08(3),(5)(a),(e) FS. History—Revised 10-7-68, 1-7-70, 6-16-72, Amended 10-18-78, 7-20-82, 4-12-84, Formerly 12A-1.87, Amended 12-13-88, 3-1-00,_____.

12A-1.091 Use Tax.

(1) through (13) No change.

(14)(a) Any person, whether registered or unregistered, who has purchased or leased tangible personal property either in this state or from out-of-state for use, consumption, or distribution, or for storage to be used or consumed in this state without having paid sales tax on such property if subject to tax, is required to remit use tax on the cost price and on the lease of such property. If such person is registered, use tax is to be remitted with the dealer's sales and use tax return. If such person is unregistered, use tax is to be remitted on Form DR-15MO, Mail Order/Use Tax Return (incorporated by reference in Rule 12A-1.097, F.A.C.), on or before the 20th day of the first month after the end of the calendar quarter during which any such property first came to rest and became a part of the general mass of property in this state. ~~When in those cases where~~ the 20th day falls on Saturday, Sunday, or a federal or state legal holiday, payments accompanied by returns will shall be accepted as timely if postmarked or

delivered to the Department of Revenue on the next succeeding day which is not a Saturday, Sunday, or legal holiday. For purposes of this rule, a legal holiday means a holiday that is observed by federal or state agencies as a legal holiday as this term is defined in Chapter 683, F.S., and Section 7503 of the Internal Revenue Code. A "legal holiday" pursuant to Section 7503 of the 1986 Internal Revenue Code, as amended, means a legal holiday in the District of Columbia or a Statewide legal holiday at a location outside the District of Columbia but within an internal revenue district.

(b) through (d) No change.

~~(15) The use tax applies to promotional materials, as defined in s. 212.06(11)(b), F.S., including mail order sales as defined in s. 212.0596, F.S. After July 1, 1992, an exemption is provided on promotional materials which are subsequently exported outside this state through a refund of previously paid taxes or by the dealer self-accruing taxes as provided in Rule 12A-1.0911, F.A.C. While a dealer purchasing and distributing the promotional materials and the seller of the promoted subscriptions to publications are not required to be the same person, the exemption only applies when the seller of the promoted subscriptions to publications sold in this state is a registered dealer and is remitting sales tax to the Department on publications sold in this state. See Rule 12A-1.034, F.A.C., to obtain a refund of tax previously paid on promotional materials.~~

~~(15)(16) For use tax on services taxable under Part I, Chapter 212, F.S., see Rule 12A-1.0161, F.A.C.~~

~~Cross Reference: Rules 12A-1.0161, 12A-1.034, and 12A-1.0911, F.A.C.~~

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(7),(20),(21), 212.05(1), 212.0596(7), 212.06(1),(2),(4),(7),(8),(11), 212.07(8)(9), 212.183 FS. History—Revised 10-7-68, 1-7-70, 6-16-72, Amended 11-6-85, Formerly 12A-1.91, Amended 7-7-92, 6-2-93, 11-16-93, 1-4-94, 5-18-94,_____.

12A-1.0935 Authority to Issue Subpoenas and Subpoenas Duces Tecum.

(1) through (3) No change.

(4) Procedure for issuing a subpoena or subpoena duces tecum.

(a) Any employee in the Compliance Support Process or the Compliance Enforcement Process of the General Tax Administration Program may apply for the issuance of a subpoena or subpoena duces tecum. The applicant must use an Application for Subpoena and/or Subpoena Duces Tecum Issued under Section 212.14, F.S. (form DR-400100) form DR-13, APPLICATION FOR SUBPOENA and/or SUBPOENA DUCES TECUM. The application must be sworn to by the applicant, and must include:

1. through 6. No change.

(b) After approving the application for issuance of a subpoena, the executive director or other Department employee designated in subsection (3) of this rule section must sign the Subpoena and/or Subpoena Duces Tecum (form DR-400101) subpoena or subpoena duces tecum, prior to it being issued for service to the intended party. ~~Form DR-13A, SUBPOENA and/or SUBPOENA DUCES TECUM, must be used for this purposes.~~

(c) Service of the Subpoena. The subpoena or subpoena duces tecum must:

1. through 4. No change.

5. The Department must notify the affected taxpayer that a subpoena or subpoena duces tecum is being issued to a recipient. ~~This notification must occur~~ within three working days after the day the subpoena or subpoena duces tecum is served or delivered to the recipient. The Department will issue a Notice of Subpoena and/or Subpoena Duces Tecum (form DR-400102) to notify ~~must use form DR-13B, NOTICE OF SUBPOENA and/or SUBPOENA DUCES TECUM, for this notification to~~ the affected taxpayer.

(d) through (e) No change.

(f) ~~Form DR-13, APPLICATION FOR SUBPOENA and/or SUBPOENA DUCES TECUM, dated March, 1995, Form DR-13A, SUBPOENA and/or SUBPOENA DUCES TECUM, dated March, 1995, and Form DR-13B, NOTICE OF SUBPOENA and/or SUBPOENA DUCES TECUM, dated March, 1995, are hereby adopted by reference as the forms used by the Department of Revenue for the purposes of this rule. An invalid copy of any of these forms may be obtained by writing to: Florida Department of Revenue, Taxpayer Assistance, P. O. Box 7443, Tallahassee, Florida 32314-7443.~~

(5) through (8) No change.

(9) Compensation for Travel or Production of Records.

(a) through (b) No change.

(c) After the subpoena duces tecum is served, the third-party record-keeper is required to keep accurate records of personnel search time, the actual distance traveled to and from the courts as required in s. 92.142, F.S., and the number of reproductions made. To request compensation, the third-party record-keeper is required to submit an invoice to the employee of the Department who served the subpoena. The invoice should contain: the requestor's name and Federal Employer Identification Number (FEIN); the name of the Department employee who served the subpoena; the case name and number; the name of the taxpayer to whom the records pertain; and an itemized listing of the incurred costs being submitted for compensation.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 92.142(1), 212.14(7) FS. History--New 3-27-95, Amended _____.

12A-1.0955 Revocation of Sales Tax Certificates of Registration.

(1) No change.

(2) The Department may commence a revocation action through issuance of a Preliminary Notice of Revocation (~~Form DR-1PN~~) to the last known address of record furnished by the dealer. This Notice informs the dealer that:

(a) through (3) No change.

(4) To challenge a revocation as stated in an Administrative Complaint, the dealer shall submit a ~~completed Request for Hearing (Form DR-1AC) or a~~ written petition requesting a hearing, postmarked or hand-delivered no later than 21 consecutive calendar days after the issuance date on the Complaint.

(a) No change.

(b) The written petition for a hearing ~~or the Request for Hearing form~~ submitted by the dealer shall include all the following information:

1. through 7. No change.

(5) In the event a dealer fails to submit a timely written petition for a hearing ~~or a Request for Hearing (Form DR-1AC)~~, or fails to submit a written petition ~~or a Request for Hearing~~ which complies with all the requirements set forth in subsection (4) above, the Department shall, without conducting a hearing, issue a Final Order revoking the dealer's certificate of registration. Issuance of a Final Order shall constitute Final Agency Action.

(6) When a dealer submits a timely written petition ~~or Request for Hearing (Form DR-1AC)~~ which complies with all the requirements set forth in subsection (4) above:

(a) Any case involving disputed issues of material fact will proceed pursuant to the requirements of s. 120.57(1), F.S., unless waived by all parties. A written petition ~~or Request for Hearing~~ subject to this paragraph shall be filed with the Division of Administrative Hearings by the Department, within 10 consecutive calendar days of the date the Department receives the petition Request, if the Division is going to conduct the hearing. The Division of Administrative Hearings will subsequently assign a hearing officer and schedule a hearing pursuant to s. 120.57(1), F.S.

(b) All other cases will proceed pursuant to the requirements of s. 120.57(2), F.S. Such cases will be subject to the following informal hearing process within the Department:

1. Upon receipt of a timely written petition ~~or Request for Hearing~~, the Executive Director or the Executive Director's ~~his~~ designee will schedule and conduct an informal hearing, no earlier than 7 consecutive calendar days nor later than 20 consecutive calendar days after the date the Department receives the petition or request.

2. through 4. No change.

(7) through (9) No change.

(10) In addition to the forms prescribed in Chapter 12A-1, F.A.C. the following public use forms and instructions are employed by the Department in its dealings with the public when administering this rule, and are incorporated herein by reference. Copies of these forms are available by: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at 850-922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax On Demand system at 850-922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 1-800-352-3671 (in Florida only) or 850-488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (<http://sun6.dms.state.fl.us/dor/revenue.html>). Persons with hearing or speech impairments may call the Department's TDD at 1-800-367-8331.

Form Number	Title	Effective Date
(1) DR-1PN	Preliminary Notice of Revocation	12/92
(2) DR-1AG	Agreement	12/92
(3) DR-1AC	Administrative Complaint/Request for Hearing	12/92

Specific Authority 72.011, 212.17(6), 212.18(2), 213.06(1), 213.21 FS. Law Implemented 72.011, 120.57(1),(2), 120.60(5), 120.80(14), 212.18(3) FS. History--New 12-8-92, Amended _____.

12A-1.096 Industrial Machinery and Equipment for Use in a New or Expanding Business.

- (1) through (5) No change.
- (6) Temporary Tax Exemption Permit-Refund or Credit.
 - (a)1. To receive the exemption provided under subsections (2) or (3), a qualifying business entity must apply to the Florida Department of Revenue, Technical Assistance and Dispute Resolution, Post Office Box 7443, Tallahassee, Florida 32314-7443, for a temporary tax exemption permit. (See subsection (12) for registration requirements with the WAGES Program Business Registry.) The business entity seeking a temporary tax exemption must file an Application for Temporary Tax Exemption Permit (~~form Form~~ Form DR-1214), incorporated by reference in Rule 12A-1.097, F.A.C., with the Department prior to receiving a permit or refund for the new or expanded business. Upon a tentative affirmative determination of the business's qualification for exemption by the Executive Director or the Executive Director's designee, a temporary tax exemption permit shall be issued to, or a refund authorized for, the business entity.

2. through (11) No change.

(12) WAGES Program Business Registry. No machinery and equipment purchased, or leases payments made, by any new or expanding business will be eligible for the exemption without that business being registered with the WAGES Program Business Registry.

Specific Authority 212.08(5)(b)4., 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(4),(14),(21),(22), 212.05, 212.06, 212.08(5)(b), 212.0805, 212.13(2), 215.26(2) FS. History--New 5-11-92, Amended 7-1-99, 6-28-00, _____.

12A-1.097 Public Use Forms.

(1) No change.

Form Number	Title	Effective Date
(2) DR-1	Application to Collect and/or Report and Use Tax in Florida Registration (r. 08/00 04/92)	___ 08/92
(3) DR-2A	Sales Tax Brackets Effective 6% Taxable Transactions (r. 02/88)	___ 08/92
(4) through (5) renumbered (3) through (4) No change.		
(5)(6)(a) DR-7	Consolidated Sales and Use Tax Return (r. 12/99 03/92)	___ 08/92
(b) DR-7AR	Annual Registration Fee (Consolidated Registration No.) (r. 01/92)	___ 08/92
(7) *DR-11	Sales and Use Tax Certificate of Registration (r. 01/89)	___ 08/92
(8) *DR-14	Consumer's Certificate of Exemption (r. 04/90)	___ 08/92
(6)(a) DR-15	Sales and Use Tax Return (r. 01/01)	___
(9)(a) DR-15AR	Annual Registration Fee (r. 01/92)	___ 08/92
(b) DR-15CS	Sales and Use Tax Return (r. 07/00 01/92)	___ 08/92
(c) DR-15CSN	DR-15CS Sales and Use Tax Return - Line-by-Line Instructions (for Completing Form DR-15CS) (r. 07/00 06/91)	___ 08/92
(d) DR-15EZ	Sales and Use Tax Return (r. 01/01)	___
(e) DR-15EZN	Instructions for DR-15EZ Sales and Use Tax Returns (r. 01/01)	___
(d) through (e) renumbered (f) through (g) No change.		
(h)(f) DR-15MO	Mail Order/Use Tax Return (r. 09/00 N. 01/91)	___ 08/92

(i) DR-15N	<u>Instructions for 2001 DR-15 Sales and Use Tax Returns (r. 01/01)</u>	_____
(j)(g) DR-15SA	<u>Supplementary Sales and Use Tax Return [Semi-Annual] for Multi state Business (r. 01/01 04/88)</u>	_____ 08/92
(h) DR-15VO	<u>Sales and Use Tax Vending Machine Operator Quarterly Report (N. 7/91)</u>	08/92
(i) DR-15VOC	<u>Sales and Use Tax Vending Machine Operator Quarterly Consolidated Report (N. 7/91)</u>	08/92
(j) DR-15VW	<u>Sales and Use Tax Vending Machine Wholesales Quarterly Report (N. 7/91)</u>	08/92
(10) DR-17	<u>Cash Bond, Sales and Use Tax (r. 04/77)</u>	08/92
(7) DR-18	<u>Application for Amusement Machine Certificate (r. 02/00)</u>	_____
(11) DR-29	<u>Refund of Cash Bond (r. 09/87)</u>	08/92
(12) through (17)	renumbered (8) through (13)	No change.
(18) DR-76	<u>Florida Contract Data Form (r. 05/91)</u>	08/92
(19)(a) DR-77	<u>Contractor's Sales and Use Tax Bond (r. 09/90)</u>	08/92
(b) DR-77A	<u>Contractor's Sales and Use Tax Bond (Open Bond) (r. 04/91)</u>	08/92
(20) DR-92-1	<u>Surety Bond Sales and Use Tax (r. 09/83)</u>	08/92
(21)(a) DR-95	<u>Schedule of Sales Tax Credits Claimed on Bad Debts (r. 07/88)</u>	08/92
(14)(a)(b) DR-95A	<u>Schedule of Florida Sales or Use Tax Credits Claimed on Tangible Personal Property Repossessed (r. 04/95 04/88)</u>	_____ 08/92
(b)(e) DR-95B	<u>Schedule of Florida Sales or Use Tax Credits Claimed on Repossessed Motor Vehicles (r. 04/93 04/88)</u>	_____ 08/92
(22) through (23)	renumbered (15) through (16)	No change.

(24) DR-151	<u>Blind Person's Application for Certificate of Exemption</u>	08/92
(25) *DR-152	<u>Consumer's Certificate of Exemption for the Blind</u>	08/92
(17)(26) DR-1214	<u>Application for Temporary Tax Exemption Permit (r. 08/00 09/99)</u>	_____ 06/00
(27) DCAEZ-001	<u>Florida Department of Community Affairs Job Creation Annual Report (N. 01/89)</u>	08/92

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.17(6), 212.18(2),(3) FS. History--New 4-12-84, Formerly 12A-1.97, Amended 8-10-92, 11-30-97, 7-1-99, 4-2-00, 6-28-00,_____.

12A-1.105 Service Warranties.

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

(c) If the person receiving consideration from the service warranty agreement holder is not the person issuing such warranty, then the issuer of the service warranty shall take from that person, in lieu of sales tax, a copy of that person's Annual Resale Certificate (form DR-13) certificate to the effect that the service warranty was purchased for resale, consistent with the requirements stated in Rule 12A-1.038, F.A.C.

(d) through (6) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(4),(14)(a),(16), 212.0506, 212.054, 212.055, 212.06, 212.08(7)(v), 212.17, 212.18(3), 634.011, 634.131, 634.401, 634.415 FS. History--New 1-2-89, Amended 12-11-89, 8-10-92, 1-4-94, 3-20-96, 4-2-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone (850)922-9407

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 1, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed rules, proposed rule amendments, and proposed rule repeals were noticed for a Rule Development Workshop in the Florida Administrative Weekly on November 9, 2000 (Vol. 26, No. 45, pp. 5223-5250). The workshop was held on November 28, 2000. No one provided comments at the workshop; no written comments were received by the Department.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLES:	RULE NOS.:
Newspapers, Community Newspapers, Shoppers, Magazines, and Other Periodicals	12A-1.008
Printing of Tangible Personal Property	12A-1.027
Sales to Persons Engaged in Printing	12A-1.028
The Printing of Promissory Notes, Securities and Checks	12A-1.030
The Printing of Lawyers' Briefs and Accountants' Reports	12A-1.031
Promotional Materials Exported from this State	12A-1.034
Information Services; Mailing Lists	12A-1.062

PURPOSE AND EFFECT: The purpose of the proposed substantial rewording of Rule 12A-1.008, F.A.C., Newspapers, Community Newspapers, Shoppers, Magazines, and Other Periodicals, is to provide current guidelines to taxpayers who sell copies of, and subscriptions to, newspapers, magazines, and periodicals.

The purpose of the proposed substantial rewording of Rule 12A-1.027, F.A.C., Printing of Tangible Personal Property, is to provide current guidelines to taxpayers who are engaged in the printing of tangible personal property or graphic matter for sale or for use.

The purpose of the proposed repeal of Rule 12A-1.028, F.A.C., Sales to Persons Engaged in Printing; Rule 12A-1.030, F.A.C., The Printing of Promissory Notes, Securities and Checks; and Rule 12A-1.031, F.A.C., Printing of Lawyers' Briefs and Accountants' Reports, is to remove rules that are redundant of provisions regarding the printing of tangible personal property that will be provided in Rule 12A-1.027, F.A.C., as amended.

The purpose of the proposed amendments to Rule 12A-1.034, F.A.C., Promotional Materials Exported from this State, is to remove guidelines that are redundant of other administrative rules and provide when an application for refund of tax paid must be filed with the Department to obtain a refund of tax paid on promotional materials that are exported from this state.

The purpose of the proposed amendments to Rule 12A-1.062, F.A.C., Information Services; Mailing Lists, is to clarify the exemption provided for information services.

SUMMARY: The proposed substantial rewording of Rule 12A-1.008, F.A.C.: (1) changes the title to "Newspapers, Community Newspapers, Shoppers, Magazines, and Other Periodicals"; (2) removes provisions that have been rendered obsolete through statutory changes; (3) defines the term "periodicals" to include newspapers, newsletters, magazines, and other periodicals, but to exclude books, whether published

in serial form or otherwise; (4) provides guidelines for when sales of copies of periodicals, and sales of subscriptions to periodicals, are subject to tax; (5) provides guidelines for when a carrier that delivers newspapers for a publisher will be required to register as a dealer and collect tax; (6) provides guidelines for newspaper publishers that collect and remit tax on behalf of their carriers; (7) provides guidelines for the taxability of periodicals sold through rack machines; (8) provides guidelines for when inserts distributed with newspapers and magazines are exempt from tax; (9) provides that publications that are published on a regular basis, distributed free of charge, and whose content is primarily advertising, are exempt; (10) provides guidelines regarding the sale or distribution of periodicals by associations; and (11) provides guidelines for the taxability of materials, supplies, and publications that are either produced for sale by a publisher or used by the publisher.

The proposed substantial rewording of Rule 12A-1.027, F.A.C.: (1) changes the title to "Printing of Tangible Personal Property" to reflect the substantial changes to the rule provisions; (2) provides a definition of the term "printing" for purposes of this rule section; (3) provides that the sale of printed tangible personal property or graphic matter is subject to tax; (4) provides that charges for uncanceled postage that is separately stated are not subject to tax; (5) provides that any person who prints catalogs or other advertising materials that are distributed free of charge, in this state or outside this state, is required to pay tax on the cost of printing the materials; (6) incorporates the provisions of ss. 1 and 2, Chapter 2000-275, L.O.F., which provide that printers are not required to collect tax on printed materials that are shipped to persons located within and outside Florida; (7) provides guidelines for when sales to a nonresident print purchaser for printing tangible personal property are not subject to tax; (8) incorporates the provisions of s. 1, Chapter 99-368, L.O.F. (creates s. 212.08(7)(fff) [now (aaa)], F.S.), which provides an exemption for film and other printing supplies used by businesses with certain SIC Code Numbers; (9) provides guidelines for the taxability of materials and supplies that become a part of the printed product for sale or that are used by the printer; (10) provides that selling printers who accept in good faith the required exemption certificates will not be held liable for any additional tax due; and (11) provides that printers are required to maintain the required certificates in their books and records.

The proposed repeal of Rule 12A-1.028, F.A.C., Sales to Persons Engaged in Printing; Rule 12A-1.030, F.A.C., The Printing of Promissory Notes, Securities and Checks; and Rule

12A-1.031, F.A.C., Printing of Lawyers' Briefs and Accountants' Reports, removes rules that are redundant of the provisions regarding the printing of tangible personal property that will be provided in Rule 12A-1.027, F.A.C., as amended.

The proposed amendments to Rule 12A-1.034, F.A.C.: (1) change the title to "Promotional Materials Exported from this State" to reflect the changes made to the rule; (2) remove provisions regarding advertising materials and printed matter that are obsolete; (3) incorporate the amendments to s. 215.26, F.S. (s. 10, ch. 94-314, L.O.F., and s. 10, ch. 99-239, L.O.F.), and the provisions of s. 213.255, F.S., created by s. 9, ch. 99-239, L.O.F. Section 215.26, F.S., provides that an application for a refund of tax paid must be filed with the Department within 3 years after the date of payment of the tax. Section 213.255(3), F.S., provides that an application for a refund of tax paid will be considered complete when all requested information is received by the Department.

The proposed amendments to Rule 12A-1.062, F.A.C.: (1) change the title to "Information Services; Mailing Lists," to reflect the proposed changes to the rule; (2) clarify the exemption provided for information services furnished to radio and television stations; (3) incorporate the ruling rendered by the circuit court in *SOM Publishing, Inc. v. Department of Revenue*, Fla. 15th Cir. Ct. 1998 (Case No. CL 97-004482), which held that a publication deemed by the Department to be a magazine should be treated the same as a newspaper for the purposes of purchasing photo services exempt from tax; (4) clarify that information services furnished to publishers of newspapers, magazines, and similar publications are exempt; (5) remove portions of the definition of "information services" that are not consistent with the provisions of s. 212.08(7)(v), F.S.; and (6) provide that the charge for information services, such as press clipping services, is exempt.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Since these proposed rule amendments and proposed rule repeals only implement statutory provisions, no new regulatory costs are being created. Therefore, no statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 212.06(3)(b)1., 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 92.525(1)(b),(3), 95.091, 212.02(4),(14),(15),(16),(19),(20), 212.05(1), 212.0596(2)(j), 212.0598, 212.0515(1),(2), 212.06(1),(2),(3)(b),(5)(a),(9),(11),(16), 212.07(1),(2), 212.08(7)(o),(v),(w),(aaa), 212.18(3)(a), 212.183(6), 213.255(1),(2),(3), 213.37, 215.26(2) FS.

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

TIME AND DATE: 10:00 a.m., March 13, 2001

PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida 32399-0100

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-9407

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Jamie Phillips, (850)488-0717. If you are hearing or speech impaired, please contact the Department by calling 1(800)DOR-TDD1 (1(800)367-8331).

THE FULL TEXT OF THE PROPOSED RULES IS:

(Substantial Rewording of Rule 12A-1.008 follows. See Florida Administrative Code for present text.)

12A-1.008 Newspapers, Community Newspapers, Shoppers, Magazines, and Other Periodicals.

(1) NEWSPAPERS, COMMUNITY NEWSPAPERS, SHOPPERS, MAGAZINES, AND OTHER PERIODICALS.

(a) For purposes of this rule, the term "periodicals" includes newspapers, community newspapers, shoppers, newsletters, magazines, and other periodicals, but excludes books, whether published in serial form or otherwise.

(b)1. The sale of copies of periodicals is subject to tax. The sale of subscriptions to periodicals that are delivered to a subscriber in this state by a carrier or means other than by mail, such as home delivery, is subject to tax. When the designation of delivery is in this state by means other than by mail at the beginning of the subscription period, and it is later changed to outside this state or to be delivered by mail, the sale of the subscription is subject to tax.

2. The sale of subscriptions to periodicals that are delivered to the subscriber by mail are exempt whether delivered to a customer in this state or outside this state. When the destination of delivery at the beginning of the subscription period is by mail, but it is changed during the subscription period to be delivered in this state by a carrier or by means other than by mail, the sale of the subscription is exempt.

(c) When a publisher bills or invoices the consumer directly for copies of or subscriptions to periodicals for delivery other than by mail, the publisher is required to register as a dealer and collect and remit tax. (See Rule 12A-1.060, F.A.C.)

(d)1.a. When a publisher sells newspapers to its carriers and the carriers bill their customers and collect the payments, the publisher may elect to remit the applicable tax due for the carriers. The Department will authorize a publisher that uses

carriers to sell its newspapers to remit tax on the retail sales price charged to the ultimate consumer in lieu of having the carrier register as a dealer and remit the tax, if the publisher properly complies with the provisions of Rule 12A-1.0911, F.A.C., Self-Accrual Authorization.

b. A publisher that has elected to remit the tax due for its carriers may take a credit for the amount of tax paid on the uncollected charges for periodicals credited to the carrier's account. The publisher should obtain for its records a signed statement from the carrier indicating the uncollected amount of the retail sales price charged to its customers. (See Rules 12A-1.012 and 12A-1.014, F.A.C.)

c. For purposes of this rule, "carrier" means any independent contractor, agent, street news vendor, or other person distributing periodicals on their own account and not as an employee of the publisher.

2. Any person who purchases newspapers from a publisher that has not elected to remit the tax due as provided in subparagraph 1., is required to register as a dealer and collect and remit tax on the retail sales price of the newspaper. Dealers registered with the Department may extend a copy of their Annual Resale Certificate (form DR-13) to the publisher to purchase newspapers for resale tax exempt.

(2) PERIODICALS SOLD THROUGH RACK MACHINES.

(a) The sale of periodicals through rack machines is a sale of tangible personal property through vending machines, as defined in s. 212.0515(1), F.S., subject to tax at the rate established in s. 212.0515(2), F.S. A notice must be conspicuously displayed on the face of the rack machine that the purchase price of a copy includes sales tax.

1. If a rack machine is owned by a publisher and serviced by the publisher's employees, the publisher is required to remit tax on sales made through such machine.

2. If a rack machine is owned by a retail establishment and is serviced by the employees of that establishment, the retail establishment is required to remit tax on sales made through such machine.

3. If a rack machine is owned and serviced by a carrier of a publisher who has elected to remit tax for its carriers, as provided in paragraph (1)(d), the publisher is required to remit tax on sales made through such machine.

4. If a rack machine is owned and serviced by a carrier of a publisher that has not elected to remit tax for its independent carriers, the carrier is required to remit tax on sales made through such machine.

(b) Owners or operators of rack machines through which sales are made must obtain a separate Sales and Use Tax Certificate of Registration (form DR-11) for each county in which such machines are located. One Sales and Use Tax Certificate of Registration is sufficient for all the rack machines and devices within a single county. (See Rule 12A-1.060, F.A.C.)

(c) For guidelines on the purchase or repair of rack machines, see Rule 12A-1.044, F.A.C.

(d) When a rack machine is placed on location by the owner of the machine under a written agreement, the terms of the agreement will govern whether the lease is a lease or license to use tangible personal property or a lease or license to use real property. For guidelines on the purchase or lease of rack machines and the lease or license to use real property for the placement of rack machines, see Rule 12A-1.044, F.A.C.

(3) PERIODICALS EXEMPT FROM TAX.

(a) Periodicals that meet the following requirements are exempt from tax:

1. The periodical is published on a regular basis;
2. The periodical is distributed free of charge to the recipient by mail, home delivery, rack machines, newsstands, or similar method; and
3. The content of the periodical is primarily advertising.

(b) The sale of subscriptions to periodicals that are delivered to the subscriber by mail are exempt.

(c) Distributors of tax exempt periodicals may issue an exemption certificate to their vendors in lieu of paying tax on the publishing or printing costs of, or for the purchase of items, such as paper and ink, that are incorporated into and become a component part of, the publication.

(4) INSERTS DISTRIBUTED WITH PERIODICALS.

(a) Inserts, such as magazines, handbills, circulars, flyers, advertising supplements, and other printed materials distributed with a newspaper, community newspaper, shopper, or magazine are a component part of the newspaper, community newspaper, shopper, or magazine.

(b) Inserts are exempt from tax when:

1. The inserts are either printed by the publisher of the newspaper, community newspaper, shopper, or magazine delivered directly to the publisher by any other printer for inclusion in a distributed newspaper, community newspaper, shopper, or magazine;

2. The inserts are labeled as part of the designated newspaper, community newspaper, shopper, or magazine in the masthead, logo, gang logo, or supplement line of the newspaper, community newspaper, shopper, or magazine to which they are inserted; and

3. The purchaser of the inserts presents a copy of the purchaser's Annual Resale Certificate (form DR-13) or an exemption certificate, as provided in Rule 12A-1.038, F.A.C., stating that the publication is exempt from tax pursuant to s. 212.08(7)(w), F.S., to the printer.

(5) PERIODICALS SOLD OR DISTRIBUTED BY ASSOCIATIONS.

(a) Periodicals that are provided by an association to its members for a charge that is separate and apart from the payment of membership dues are considered to be sold by the association. If an association indicates on its dues invoices,

membership billing statements, dues notices, or membership applications that a specified portion of the dues payment by the member is attributed to a periodical subscription, the amount specified for the subscription constitutes a sale of a subscription to the specified periodical.

(b) The charge for copies of periodicals, and subscriptions to periodicals that are not delivered to the purchaser by mail, are subject to tax. However, charges for subscriptions to periodicals that are delivered by mail to the member are exempt, whether the charge for such subscription is separately stated or included in the members' dues.

(c) Associations that make taxable sales of copies of periodicals and of subscriptions to periodicals are required to register with the Department, and collect and remit the applicable tax on such sales. (See Rule 12A-1.060, F.A.C.) Associations may issue a copy of their Annual Resale Certificate to their vendors in lieu of paying tax on the publishing or printing costs of, or for the purchase of items, such as paper and ink, that are incorporated into and become a component part of, a periodical that is sold to its members.

(d)1. An association that publishes a periodical for distribution to its members is not selling such publications when:

a. Each member is entitled to receive the periodical in return for payment of dues; and

b. There is no charge made for the periodical separate and apart from the payment of, or designated as a component part of, membership dues.

2. The purchase of printing or the cost of producing such periodicals by the association is subject to tax. If the association prints or otherwise produces the periodical itself, it is required to pay tax on such publications, as provided in s. 212.06(16), F.S.

(6) MATERIALS, SUPPLIES, AND SERVICES USED IN PERIODICALS.

(a) The purchase of materials and supplies, which become a component part of a periodical for resale, or for distribution free of charge as provided in subsection (3), is exempt from sales and use tax. Examples of such items are: paper stock, including newsprint; printer's ink; and dry spray powder that is used to speed the drying of ink on printed matter. Publishers whose business activity is limited to the tax exempt distribution of periodicals, as provided in subsection (3), are not required to register with the Department as a dealer and may issue an exemption certificate, as provided in Rule 12A-1.038, F.A.C., to the selling dealer to purchase such supplies and materials tax exempt. Dealers registered with the Department may present a copy of the dealer's Annual Resale Certificate (form DR-13) to the selling dealer to purchase such supplies and materials tax exempt.

(b) If a newspaper company employs another company or a printer to print its newspapers, the charge for printing is exempt when the purchaser presents a copy of the purchaser's

Annual Resale Certificate (form DR-13) to the selling printer or newspaper company. Publishers whose business activity is limited to the tax exempt distribution of periodicals, as provided in subsection (3), may issue an exemption certificate, as provided in Rule 12A-1.038, F.A.C., stating that the publication is exempt from tax pursuant to s. 212.08(7)(w), F.S., to the selling printer or publishing company.

(c) The purchase of items and materials used one time only for packaging periodicals, without which the delivery of the periodical would be impractical, or for the convenience of the customer, is exempt. Examples of such packaging materials are: boxes, cans, mailing and wrapping paper, wax and plastic bags, twine, wire and steel band material, and shipping tags.

(d) The charge for information services, such as news research services, including photo and news services, furnished to newspapers is exempt. The charge for press clipping services is exempt. See Rule 12A-1.062, F.A.C.

(e) The purchase of expendable materials, supplies, and other items that do not become a component part of, or accompany, the periodical for sale is subject to tax. Examples of such items are: rosin paste, gummed paste, flash bulbs, felt packing, art supplies, photographs, engravings, cuts, mats, mat services, chemicals and additives used for processing printed materials, chemicals used as cleaning agents or detergents, blankets, rollers, matrix, wire machines, and other production and packaging equipment.

(f) The purchase, production, or creation of film, photographic paper, dyes used for embossing and engraving, artwork, typography, lithographic plates, and negatives used in producing periodicals for sale is subject to tax. When such items are manufactured, produced, compounded, processed, fabricated, or created by the publisher for his or her own use, the publisher shall pay tax on the cost price of such items. See Rule 12A-1.043, F.A.C. For the tax exemption provided for the purchase, production, or creation of these items to printers whose business is classified in the Standard Industrial Classification (SIC) Manual, 1987, as published by the Office of Management and Budget, Executive Office of the President, as SIC Industry Numbers 275, 276, 277, 278, or 279, see Rule 12A-1.027, F.A.C.

(g) The use by the publisher of copies of a periodical that does not meet the exemption requirements provided in subsection (3), through consumption of copies for use by the publisher or copies that are to be given away by the publisher, is taxable at the usual retail price thereof, if any, or at the cost price, as defined in s. 212.06(16), F.S.

Specific Authority 212.17(6), 212.18(2), 212.06(1) FS. Law Implemented 212.02(4), ~~212.031~~, 212.05(1)(a),(b),(h)(e),(d),(i), 212.054, 212.0515(1),(2), 212.06(1)(a),(b),(9),(16), 212.07(1),(2), 212.08(7)(o),(v),(w),(aaa), 212.18(3)(a) FS. History—Revised 10-7-68, 1-7-70, 6-16-72, Formerly 12A-1.08, Amended 4-22-86, 12-13-88, 1-30-91, 3-17-94, 3-20-96,_____.

(Substantial Rewording of Rule 12A-1.027 follows. See Florida Administrative Code for present text.)

12A-1.027 Sales by Persons Engaged in Printing of Tangible Personal Property.

(1) "Printing" is the transfer of an image or images by the use of ink, paint, dyes, or similar substrate from an original image to the final substrate through the process of letterpress, offset lithography, gravure, screen printing, or engraving. "Printing" includes the process of and the materials used in binding. "Printing" also includes reproducing an image or images from an original substrate through the electrophotographic, xerographic, laser, or offset process, or a combination of these processes, by which an operator can make more than one copy without handling the original, such as that used to reproduce publications.

(2)(a) The sale of printed tangible personal property or graphic matter is subject to tax. All charges to the consumer for materials, for the production or fabrication of items used, and for binding and finishing the printed property or graphic matter for distribution are subject to tax, even when such charges are separately stated on an invoice, customer bill, or other tangible evidence of sale.

(b) Charges for uncanceled postage that are separately stated on a customer's invoice, bill, or other tangible evidence of sale are not subject to tax.

(3) The charge for printing or imprinting items provided by the customer to the printer is subject to tax.

(4)(a) When a printer located in Florida delivers printed materials to the United States Postal Service for mailing, it is presumed that all materials printed at the Florida facility are mailed to persons located within Florida, and the printer must collect tax on the sale of printed materials.

(b)1. A printer is relieved of the responsibility of collecting tax on the sale of printed materials when the purchaser provides the printer a signed certificate which certifies that:

a. The printer is to deliver the printed materials to the United States Postal Service for mailing, at least in part, to an agreed list of persons, other than the purchaser, located outside Florida; and

b. The purchaser understands that, as a result of the issuance of the certificate, the purchaser must pay sales or use tax directly to the Department for all printed materials in the stated order that are mailed to persons located within Florida.

2. The purchaser is obligated to pay use tax directly to the Department of Revenue when, based on the order provided to the printer, more than an unsubstantial part of the printed matter is delivered by the printer to the United States Postal

Service to be mailed to persons located inside Florida. If the purchaser is a registered dealer, the tax due may be reported and paid on the dealer's sales and use tax return. If the purchaser is not required to register as a dealer under the provisions of Rule 12A-1.060, F.A.C., the use tax may be reported and paid on a Mail Order/Use Tax Return (form DR-15MO, incorporated by reference in Rule 12A-1.097, F.A.C.).

(c) The following is a suggested format of an exemption certificate to be completed by the purchaser and presented to the selling printer (dealer) at the time of sale:

EXEMPTION CERTIFICATE
PRINTED MATERIALS TO BE MAILED PARTLY
OUTSIDE FLORIDA

_____ (Name of Purchaser of Printed Materials) certifies that he or she has placed an order, dated or numbered or otherwise described as follows:

_____ with _____ (Name of Printing Facility) for the printing of certain materials, and as a part of that order the Printing Facility has agreed to deliver the printed materials to the United States Postal Service for mailing to an agreed list of persons.

The above-named Purchaser further certifies that, based on the mailing list, more than an unsubstantial part of the printed materials will be mailed to persons located outside Florida.

The Purchaser understands that, as a result of this certification, the Printing Facility has no obligation to collect any sales or use tax for the printed materials from the Purchaser, and that the Purchaser must pay sales or use tax directly to the Department of Revenue for all printed materials in the above order that are mailed to persons located within Florida. Such tax is due on the first day of the month following the sale of the materials and is delinquent on the 21st day of that month.

Under the penalties of perjury, I declare that I have read the foregoing Exemption Certificate for Printed Material to be Mailed Partly Outside Florida, and the facts stated in it are true.

_____ Purchaser's Name (Print or Type)	_____ Florida Sales Tax Number (if registered)
_____ Signature and Title	_____ Date
_____ Federal Employer Identification Number (F.E.I.) or Social Security Number	_____ Telephone Number

(Form to be retained in Printing Facility's records)

(5)(a) Sales to a nonresident print purchaser for printing of tangible personal property are not subject to tax. A "nonresident print purchaser" is an out-of-state purchaser who is not required to be registered with the Department as a dealer under the provisions of s. 212.0596(2), F.S., and is purchasing printing of tangible personal property in this state. The nonresident print purchaser is required to furnish to the selling printer (dealer), at the time of sale, a certificate stating that the printed material purchased will be resold by the nonresident print purchaser and that the nonresident print purchaser is not required to register as a dealer with the Department under the provisions of s. 212.0596(2), F.S.

(b) The following is a suggested format of an exemption certificate to be completed by the nonresident print purchaser and presented to the selling printer (dealer) at the time of sale:

EXEMPTION CERTIFICATE
PRINTED MATERIAL PURCHASED BY A
NONRESIDENT PURCHASER

Name of Printer: _____
Address of Printer: _____ (Street)
_____ (City) _____ (State)

This is to certify that all tangible personal property purchased after _____ (date) by the undersigned purchaser of printed material, who is not a dealer required to obtain a certificate of registration with the Florida Department of Revenue under the provisions of s. 212.0596(2), F.S., from the above named Florida printer, is printed material purchased for resale by the undersigned print purchaser and for no other purpose.

Under the penalties of perjury, I declare that I have read the foregoing Printed Material Exemption Certificate, and the facts stated in it are true.

Name of Nonresident Print Purchaser: _____
Address of Purchaser: _____ (Street)
_____ (City) _____ (State)
Federal Identification Number: _____

(Signature of Authorized Representative) Date

This certificate shall be considered a part of each order the Print Purchaser gives to the printer named above.

(6)(a) The purchase of materials and supplies that become a component part of printed matter for resale is exempt from the tax. Examples of such items are: paper stock, including newsprint; printer's ink; and dry spray powder that is used to speed the drying of ink on printed matter.

(b)1. The purchase, production, or creation of film, photographic paper, dyes used for embossing and engraving, artwork, typography, lithographic plates, and negatives used in producing graphic matter for sale by printers is exempt if the printer's business is classified in the Standard Industrial

Classification (SIC) Manual, 1987, as published by the Office of Management and Budget, Executive Office of the President, by one of the following classifications:

- a. SIC Industry Number 275, Commercial Printing;
- b. SIC Industry Number 276, Manifold Business Forms;
- c. SIC Industry Number 277, Greeting Cards;
- d. SIC Industry Number 278, Blankbooks, Looseleaf Binders, and Bookbinding and Related Work;
- e. SIC Industry Number 279, Service Industries for the Printing Trade.

2. The purchaser must extend an exemption certificate to the selling dealer to purchase tax exempt the items provided in paragraph (a). The following is a suggested exemption certificate:

EXEMPTION CERTIFICATE
PURCHASES OF FILM AND OTHER PRINTING
SUPPLIES

(Purchaser's Name) certifies that the film, photographic paper, dyes used for embossing and engraving, artwork, typography, lithographic plates, and/or negatives purchased on or after _____ (date) will be used to produce graphic matter for sale.

(Purchaser's Name) further certifies that its four-digit SIC Industry Number is classified under SIC Industry Group Number 275, 276, 277, 278, or 279, as contained in the Standard Industrial Classification Manual, 1987, as published by the Office of Management and Budget, Executive Office of the President.

The undersigned understands that if such film, photographic paper, dyes used for embossing and engraving, artwork, typography, lithographic plates, and/or negatives do not qualify for exemption, the undersigned will be subject to sales and use tax, interest, and penalties. The undersigned further understands that when any person fraudulently, for the purpose of evading tax, issues to a vendor or to any agent of the state a certificate or statement in writing in which he or she claims exemption from the sales tax, such person, in addition to being liable for payment of the tax plus a mandatory penalty of 200% of the tax, shall be liable for fine and punishment provided by law for conviction of a felony of the third degree, as provided in s. 775.082, s. 775.083, or s. 775.084.

_____ Purchaser's Name (Print or Type)	_____ Florida Sales Tax Number
_____ Signature and Title	_____ Date
_____ Federal Employer Identification Number (F.E.I.) or Social Security Number	_____ Telephone Number

3. Any person who prints or publishes tangible personal property that does not meet the requirements of this paragraph must pay tax on such items.

(c) The purchase of items and materials used one time only for packaging printed matter, without which the delivery of the matter would be impractical, or for the convenience of the customer, is exempt. Examples of such packaging materials are: boxes, cans, mailing and wrapping paper, wax and plastic bags, twine, wire and steel band material, and shipping tags.

(d) The purchase of expendable materials, supplies, and other items that do not become a component part of, or accompany, the printed matter for sale is subject to tax. Examples of such items are: rosin paste, gummed paste, flash bulbs, felt packing, art supplies, photographs, engravings, cuts, mats, mat services, chemicals and additives used for processing printed materials, chemicals used as cleaning agents or detergents, blankets, rollers, matrix, wire machines, and other production and packaging equipment.

(7)(a) Selling printers (dealers) who accept in good faith the certificates required to be obtained from the purchaser will not be assessed tax on their sales of printed materials to that purchaser. The Department will look solely to the purchaser for any additional tax due.

(b) The selling printer (dealer) is required to maintain the certificates required to be obtained by the seller from the purchaser until tax imposed under Chapter 212, F.S., may no longer be determined and assessed under s. 95.091, F.S.

Specific Authority 212.17(6), 212.18(2), 213.06(1), 212.06(3)(b) FS. Law Implemented 92.525(1)(b),(3), 212.02(14),(15)(c),(19), 212.0596(2)(j), 212.06(2),(3)(b),(5)(a), 212.08(7)(aaa), 213.37 FS. History-Revised 10-7-68, 6-16-72, Amended 5-18-74, Formerly 12A-1.27, Amended 5-18-94, _____.

12A-1.028 Sales to Persons Engaged in Printing.

~~(1) The purchase by a printer, including publishers of newspapers, magazines, periodicals, etc., of materials and supplies which become a component of the printed matter for resale, are exempt from the tax. Examples of such items are: paper stock, including newsprint; printer's ink; and dry spray powder, which is used by printers in speeding up the drying process of ink on printed matter.~~

~~(2) Photo and news services are exempt.~~

~~(3) Items for packaging tangible personal property for sale, which actually accompany the product sold to the customer without which the delivery of the product is impractical on account of the character of the contents and for which there is no separate charge are exempt. Examples of such items are: Boxes, cans, mailing and wrapping paper, wax and plastic bags, twine, wire and steel band material, and shipping tags.~~

~~(4) The following items are taxable: Rosin paste, gummed paste, paste labels (except address labels), flash bulbs, felt packing, film, zinc, photographic paper, art supplies, photographs, engravings, cuts, mats, mat services, art works, typography, chemicals used in processing printing and also chemicals used as cleaning agents or detergents, metals,~~

~~including additives, blankets, rollers, wire machines and other packaging equipment, matrix and other printing plant production equipment.~~

~~(5) A printer who purchases, fabricates or produces expendable items of tangible personal property such as engravings, cuts, mats, art work, typography, photographs, perforating tape, printing plates, etc., for use in producing newspapers, magazines, or periodicals for sale or in processing a customer's engraving or printing order but which items themselves do not become an ingredient or component part of the finished product, is construed to be the consumer of such items and shall pay the tax on his cost thereof. When the printer purchases such expendable items, the entire purchase price is subject to the tax. When he produces or fabricates such expendable items himself, his fabrication labor is not taxable but he shall pay the tax on the cost of the materials and supplies that he uses in the production or fabrication thereof. However, if by terms of the sales agreement, the printer agrees to sell such expendable items to his customer for an amount equal to or greater than his cost of the items and the printer separately bills his customer therefore and collects the tax thereon, in addition to the charge that he makes to the customer for the printing order, the printer is not the consumer of such items and is not liable for tax on his cost of the items sold.~~

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(14)(c) FS. History-Revised 10-7-68, 6-16-72, Amended 1-19-74, Formerly 12A-1.28, Repealed _____.

12A-1.030 The Printing of Promissory Notes, Securities and Checks.

~~The printing of promissory notes, securities, evidences of debts, evidence of intangible rights, checks, bills of exchange and drafts is deemed the printing of tangible personal property and is taxable.~~

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(14),(15), 212.08(7)(v) FS. History-Revised 10-7-68, 6-16-72, Formerly 12A-1.30, Repealed _____.

12A-1.031 The Printing of Lawyers' Briefs and Accountants' Reports.

~~The printing of lawyers' briefs, accountants' reports or other representations of professional services is deemed the printing of tangible personal property and is taxable.~~

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(15) FS. History-Revised 10-7-68, 6-16-72, Formerly 12A-1.31, Repealed _____.

12A-1.034 ~~Direct Mail Advertising Matter, Handouts, Throw-Aways, Circulars, and Promotional Materials~~ Exported from this State.

~~(1) Upon final sales to ultimate consumers of direct mail advertising pieces, circulars, hand outs, throw aways and similar advertising matter, the dealer shall collect the sales tax upon the selling price thereof from his purchaser.~~

~~(2) Advertising pieces, circulars, hand-outs and similar advertising matter are taxable.~~

~~(3) A printer (dealer) who operates a printing plant in which printed matter is manufactured for his own consumption, or for use in connection with fulfilling contracts, is taxable upon all materials going into the manufactured product. Costs of labor, power and other plant expenses incurred with respect to such items of tangible personal property are taxable.~~

~~(4) Although a publication may contain matters of general interest and reports of current events, it does not necessarily constitute a newspaper.~~

~~(1)(5)(a) Promotional materials as defined in s. 212.06(11)(b), F.S., which are sold, purchased, imported, used, manufactured, fabricated, processed, printed, imprinted, assembled, distributed, or stored in this state after July 1, 1987, and are subsequently exported outside this state are exempt from sales tax.~~

~~(2)(b) Any dealer who has on or after July 1, 1992, incurred use tax on the use in this state of promotional materials, as defined in s. 212.06(11)(b), F.S., may apply for a refund of tax paid on the promotional materials which are subsequently exported outside this state only when the seller of the promoted subscriptions to publications sold in this state is a registered dealer and is remitting sales tax to the Department on publications sold in this state. The dealer purchasing and distributing the promotional materials for promoted subscriptions and the seller of the promoted subscriptions to publications are not required to be the same person.~~

~~(3)(e) Any dealer who is unable to determine at the time of purchase of promotional materials whether the promotional materials will be used in this state or exported from this state may also make a request in writing to the Department to obtain written consent from the Department to assume the obligation of self-accruing and remitting directly to the state the tax due on taxable purchases of promotional materials, as defined in s. 212.06(11)(b), F.S., only when the seller of the promoted subscriptions to publications sold in this state is a registered dealer and is remitting sales tax to the Department on publications sold in this state. (See Rule 12A-1.0911, F.A.C.)~~

~~(4)(d) For purposes of this rule subsection, "promotional materials," as defined in s. 212.06(11)(b), F.S., includes tangible personal property that is given away or otherwise distributed to promote the sale of a subscription; written or printed advertising material, direct-mail literature, correspondence, written solicitations, renewal notices, and billings for sales connected with or to promote the sale of a subscription to a publication; and the component parts of each of these types of promotional materials.~~

~~(5)(e) A claim for exemption as provided in this rule subsection shall not be denied on the basis that the exportation process was not continuous and unbroken, that a separate consideration was not charged for the promotional materials so exported, or that the taxpayer kept, retained, or exercised any~~

right, power, dominion, or control over the promotional materials before transporting them from the state or for the purpose of subsequently doing so.

~~(6)(f) To receive a refund of tax paid to the Department for promotional materials, the dealer must file an Application for Refund from the State of Florida (form Form DR-26, incorporated by reference in Rule 12-26.008, F.A.C.) within 3 years after the date the tax was paid in accordance with the timing provisions of s. 215.26(2), F.S. Applications for Refund from the State of Florida (Form DR-26) are available by: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at 850 922 2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax-On-Demand system at 850 922 3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 800 352 3671 (in Florida only) or 850 488 6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (<http://sun6.dms.state.fl.us/dor/revenue.html>). Persons with hearing or speech impairments may call the Department's TDD at 1 800 367 8331. However, an application for refund shall not be considered complete pursuant to s. 213.255(3), F.S., and a refund shall not be approved, before the date the promotional materials are exported from this state.~~

~~2. The right to a refund of taxes paid pursuant to this subsection shall accrue when both the tax has been paid and the promotional materials are exported from this state.~~

~~3. Applications for refunds shall be filed within 3 years after the right to refund accrues or else such right shall be barred.~~

~~(a)4. When the dealer's claim for refund under this subsection has been approved, the amount refunded will be the amount of use tax paid by the dealer on promotional materials that were subsequently exported from this state.~~

~~(b)5. Such use tax shall be refunded whether or not the dealer who paid the tax has been granted self-accrual authorization. See Rule 12A-1.0911, F.A.C.~~

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 95.091, 212.02(4),(14),(16),(20), 212.06(1)(b),(11), 212.183(6), 213.255(1),(2),(3), 215.26(2) FS. History—Revised 10-7-68, 6-16-72, Formerly 12A-1.34, Amended 5-19-93, 11-16-93, _____.

12A-1.062 Information Services; Mailing Lists.

(1) No change.

(2) The charge for information information services furnished to newspapers, such as news research services, including photo and news services, and; radio and television stations is exempt.

(3) "Information services Services" means and includes the services of collecting, compiling or analyzing information of any kind of nature, or furnishing reports thereof to other

persons. The charge for furnishing information services, such as newsletters, tax guides, research publications, and other written reports of compiled information, ~~which are not produced for and provided exclusively to a single customer,~~ is taxable.

(4) The charge for news research and information services, such as press clipping services, is exempt, even though the charge may be based on the number of clippings provided and the per clipping charge may be separately stated from the charge for providing the research and information service.

(5) The sale of mailing lists provided to the purchaser in printed form or on tape cartridges or diskettes is subject to tax.

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

~~Cross Reference Rule 12A-1.001(17), F.A.C.~~

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.05(1), 212.06(1), 212.08(7)(v) FS. History—Revised 10-7-68, 6-16-72, Formerly 12A-1.62, Amended 9-14-93,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-9407

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, Post Office Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 1, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed rule amendments and proposed rule repeals were noticed for a Rule Development Workshop in the *Florida Administrative Weekly* on November 9, 2000 (Vol. 26, No. 45, pp. 5250-5258). The workshop was held on November 28, 2000. In addition to comments received at the rule development workshop, written comments were received by the Department. In response to these comments, changes were made to the proposed substantial rewording of Rule 12A-1.008, F.A.C., to clarify the exemption provided for shoppers and community newspapers, to correct the exemption requirements for inserts distributed with publications, and to clarify that news information and photo services are not subject to tax. Changes were also made to Rule 12A-1.062, F.A.C., to clarify that news information and photo services are not subject to tax. These changes are incorporated into the Notice of Proposed Rulemaking.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLE: RULE NO.:

Equipment Used to Deploy Internet Related
Broadband Technologies in a Florida
Network Access Point; Refund Procedures 12A-1.0141

PURPOSE AND EFFECT: The purpose of the proposed creation of Rule 12A-1.0141, F.A.C., is to implement the provisions of s. 37, Ch. 2000-164, L.O.F. These provisions create s. 212.08(5)(p), F.S., which provides a refund of Florida tax that is paid on equipment used to deploy broadband technologies in a Florida network access point. When adopted, these proposed amendments will provide guidelines on how taxpayers may obtain a refund of Florida tax paid on equipment used to deploy broadband technologies in a Florida network access point.

SUMMARY: The proposed creation of Rule 12A-1.0141, F.A.C.: 1) provides refund procedures for Florida tax paid on eligible equipment; 2) establishes criteria to determine when an Application for Refund is complete pursuant to s. 213.255, F.S.; and 3) provides a suggested certificate to be provided with the required refund application.

SPECIFIC AUTHORITY: 212.08(5)(p), 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 212.08(5)(p), 213.255 FS.

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

TIME AND DATE: 10:00 a.m., March 13, 2001

PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jennifer Silvey, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4727

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Jamie Phillips, (850)488-0717. If you are hearing or speech impaired, please contact the Department by calling 1(800)DOR-TDD1 (1(800)367-8331).

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-1.0141 Equipment Used to Deploy Internet Related Broadband Technologies in a Florida Network Access Point; Refund Procedures.

(1) Equipment used to deploy internet related broadband technologies in a Florida network access point purchased by a communications service provider on or after July 1, 2000, is exempt. The exemption is only available through a refund of tax imposed by Chapter 212, F.S., paid on the purchase of such equipment. Refunds are available only to the extent of the amount appropriated annually by the Legislature for this purpose.

(2) For purposes of this rule:

(a) The term "broadband technology," as defined in s. 212.08(5)(p), F.S., means packaged technology that has the capability of supporting transmission speeds of at least 1.544 megabits per second in both directions.

(b) The term "communications service provider," as defined in s. 212.08(5)(p), F.S., means a company that supports or provides individuals and other companies with access to the Internet and other related services.

(c) The term "equipment," as defined in s. 212.08(5)(p), F.S., includes asynchronous transfer mode switches, digital subscriber line access multiplexers, routers, servers, multiplexers, fiber optic connector equipment, database equipment, and other network equipment used to provide broadband technology and information services.

(d) The term "network access point" means a carrier-neutral, public-private Internet traffic exchange point established in this state.

(3) To obtain a refund of tax imposed and paid pursuant to Chapter 212, F.S., on eligible equipment, an Application for Refund (form DR-26, incorporated by reference in Rule 12-26.008, F.A.C.) must be filed with the Department within 6 months after the eligible property is purchased. An Application for Refund shall not be considered complete pursuant to s. 213.255(3), F.S., and a refund shall not be approved until the applicant provides the following information and documentation to the Department and certifies that the provided information and documentation are true and correct:

(a) The name, address, Federal Employer Identification (FEI) number, and Sales Tax Registration Number (if registered) of the applicant;

(b) A copy of the sales invoices, or other documentation, evidencing payment for the eligible equipment;

(c) A schedule of sales invoices, or other documentation, evidencing payment for eligible equipment containing the following information: the invoice date; the invoice number; the name of the selling dealer; a specific description of each item of equipment and its location, including the serial number or other permanent identification number of the equipment; the amount of tax to be refunded that was paid to the selling dealer;

the amount of tax to be refunded that was self-accrued and paid directly to the Department; copies of ledgers and journals, as necessary, to evidence the self-accrual and payment of tax for each purchase of equipment; and the total amount of the refund claimed; and

(d) a statement that the equipment is necessary for use in the deployment of internet related broadband technologies in Florida as part of the direct participation by the communications service provider in a project to create and develop a Florida network access point, as provided in s. 212.08(5)(p), F.S., and that the equipment has been purchased for use as a component part of a Florida network access point.

(4) The following is a suggested format for a certificate to be provided to the Department when applying for a refund of tax paid on the purchase of eligible equipment:

CERTIFICATE

INTERNET RELATED BROADBAND TECHNOLOGY
EQUIPMENT PURCHASED
BY A COMMUNICATIONS SERVICE PROVIDER

(Name of Communications Service Provider), located at _____, incorporated in the State of _____, with the following federal/state (circle one) identification number _____, certifies that:

1. the purchaser is a communications service provider, as defined in s. 212.08(5)(p), F.S.;

2. the equipment is necessary for use in deployment of internet related broadband technologies in Florida as part of the direct participation by the communications service provider in a project creating and developing a Florida network access point, as provided in s. 212.08(5)(p), F.S., and the equipment has been purchased for use as a component part of a Florida network access point;

3. the attached schedule of sales invoices, or other documentation, evidencing payment for eligible equipment, containing the information necessary to substantiate this claim for refunds, is incorporated and becomes a part of this certification; and

4. the attached copies of the sales invoices, or other documentation, evidencing payment for eligible equipment, are true and correct.

The undersigned understands that, if such equipment does not qualify for exemption, the undersigned will be subject to sales and use tax, interest, and penalties. The undersigned further understands that when any person fraudulently, for the purpose of evading tax, issues to the State of Florida a certificate or statement in writing in which an exemption from sales tax is claimed, such person, in addition to being liable for payment of the tax plus a mandatory penalty of 200% of the tax, shall be liable for fine and punishment provided by law for conviction of a felony of the third degree, as provided in s. 775.082, s. 775.083, or s. 775.084.

Under the penalties of perjury, I declare that I have read the foregoing Certificate and the attached schedules and the facts stated herein are true and correct to best of my knowledge and belief.

Purchaser's Name (Print or Type) Address

Signature and Title Date

Federal Employer Identification Number (FEI) or Social Security Number Telephone Number

[Certificate to be attached to the provider's application for refund (form DR-26).]

(5) Any communications service provider who applies for a refund of tax paid to the seller of eligible equipment or self-accrued and paid directly to the Department must maintain adequate records and documentation necessary to substantiate the provider's right to a refund of tax paid until the tax imposed pursuant to Chapter 212, F.S., may no longer be determined and assessed under s. 95.091(3), F.S.

Specific Authority 212.08(5)(p), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.08(5)(p), 213.255 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jennifer Silvey, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4727

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 1, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed rule was noticed for the first Rule Development Workshop in the Florida Administrative Weekly on October 20, 2000 (Vol. 26, No. 42, pp. 4802-4804). A rule development workshop was held on November 9, 2000, in Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida, regarding the proposed creation of Rule 12A-1.0141, F.A.C. Changes were made to the proposed rule text to: (1) change the phrase "equipment used to deploy broadband technologies" to "equipment used to deploy Internet related broadband technologies" in the title of the rule and throughout the text of the rule; (2) clarify that the exemption applies to equipment that has been purchased for use as a component part of a Florida network access point; and (3) provide that the issuer of the suggested exemption certificate states that the facts contained therein are true and correct to the best of that person's knowledge. These changes are included in the Notice of Proposed Rulemaking.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLES:	RULE NOS.:
Monuments and Tombstones	12A-1.026
Funerals; Related Merchandise and Services	12A-1.035
Cemetery Organizations	12A-1.052

PURPOSE AND EFFECT: The purpose of the proposed repeal of Rule 12A-1.026, F.A.C., is to remove obsolete guidelines for the taxability of tombstones and mausoleums. Current guidelines for the sale of monuments and related monument services will be provided in the proposed substantial rewording of Rule 12A-1.035, F.A.C., Funerals; Related Merchandise and Services.

The purpose of the proposed substantial rewording of Rule 12A-1.035, F.A.C., is to: 1) change the title of the rule section to "Funerals; Related Merchandise and Services"; 2) consolidate the administration of funerals and related items and services under one administrative rule; 3) provide current guidelines regarding the application of sales tax to sales of funeral or burial services and funeral or burial merchandise; and 4) remove the exclusion from tax for ambulance service, as it is unrelated to funerals and funeral services and is an unnecessary rule provision.

The purpose of the proposed repeal of Rule 12A-1.052, F.A.C., is to remove: 1) unnecessary provisions regarding the requirement to register as a dealer and collect tax on the sale of tangible personal property that are provided in Rule 12A-1.060, F.A.C.; and 2) provisions regarding the bricking of graves and the construction of foundations for monuments that will be provided in the proposed substantial rewording of Rule 12A-1.035, F.A.C., Funerals; Related Merchandise and Services.

SUMMARY: The proposed repeal of Rule 12A-1.026, F.A.C., removes obsolete guidelines for the taxability of tombstones and mausoleums.

The proposed substantial rewording of Rule 12A-1.035, F.A.C.: 1) changes the title of the rule to "Funerals; Related Merchandise and Services"; 2) consolidates the administration of funerals and related items and services under one administrative rule; 3) removes unnecessary provision that charges for ambulance service are not subject to sales tax; 4) defines, for the purposes of the rule, the terms "consumer," "funeral service or burial service," and "funeral or burial merchandise"; 5) provides guidelines for when at-need sales to consumers by any person licensed or registered under the provisions of Chapter 470 or 497, F.S., are not subject to tax; 6) provides when the sale of funeral or burial merchandise will be presumed to be sold in conjunction with the sale of a funeral or burial service; 7) provides that tax is due at the time of purchase of funeral or burial merchandise used in providing funeral or burial services; 8) provides that tax is due at the time of purchase of funeral or burial merchandise for installation at the consumer's designated location; 9) provides that charges to

a consumer for funeral or burial merchandise sold under a pre-need contract are not subject to tax; 10) provides when monuments and related services are not subject to tax when sold for the memorialization of humans and for the memorialization of animal remains; 11) provides examples of monuments and related services that are not subject to tax; 12) provides guidelines for when dealers are required to register and collect tax due on the sale of funeral or burial merchandise to consumers; 13) provides that any sales tax separately stated in any contract and collected from the consumer is required to be remitted to the Department at the time of execution of the contract; 14) provides when dealers may extend a copy of their Annual Resale Certificate to purchase funeral or burial merchandise tax exempt for the purposes of resale; 15) provides that the purchase of tools, supplies, and other tangible personal property used in providing funeral or burial services, or for installation, is subject to tax; and 16) provides that cemeteries that hold a Consumer's Certificate of Exempt may issue a copy of their certificate to the selling dealer to make tax exempt purchases of items for their own use tax exempt.

The proposed repeal of Rule 12A-1.052, F.A.C., removes: 1) unnecessary provisions regarding the requirement to register as a dealer and collect tax on the sale of tangible personal property that are provided in Rule 12A-1.060, F.A.C.; and 2) provisions regarding the bricking of graves and the construction of foundations for monuments that will be provided in the proposed substantial rewording of Rule 12A-1.035, F.A.C., Funerals; Related Merchandise and Services.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Since these proposed rule repeals and proposed substantial rewording of Rule 12A-1.035, F.A.C., only implement statutory provisions, no new regulatory costs are being created. Therefore, no statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1) FS.
LAW IMPLEMENTED: 212.05(1)(a),(c), 212.06(1), 212.08(2),(7)(o),(v) FS.

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

TIME AND DATE: 10:00 a.m., March 13, 2001

PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Jamie Phillips at (850)488-0717. If you are hearing or speech impaired, please contact the Department by calling 1(800)DOR-TDD1 (1(800)367-8331).

THE FULL TEXT OF THE PROPOSED RULES IS:

12A-1.026 Monuments and Tombstones.

~~(1) Tombstones are items of tangible personal property and the labor used in cutting and marking them may not be excluded in computing the tax thereon. The installation and erection of a tombstone is taxable.~~

~~(2) The building of a mausoleum is the construction of real property, and the builder is the consumer of and taxable on the material and supplies he uses.~~

~~Cross Reference — Rules 12A-1.016, 12A-1.052.~~

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.05(1)(a), 212.06(1) FS. History—Revised 10-7-68, 6-16-72, Formerly 12A-1.26, Repealed _____.

(Substantial Rewording of Rule 12A-1.035 follows. See Florida Administrative Code for present text.)

12A-1.035 Funerals; Related Merchandise and Services.

(1) As used in this rule:

(a) "Consumer" means any person legally authorized to make financial arrangements for the purchase of a funeral or burial service or funeral or burial merchandise.

(b) "Funeral service" or "burial service" means any observance, ceremony, or service in connection with the final disposition, memorialization, interment, entombment, or inurnment of human remains.

(c) "Funeral merchandise" or "burial merchandise" means any tangible personal property commonly sold or used in connection with the final disposition, memorialization, interment, entombment, or inurnment of human remains. Examples of such items are caskets, burial containers, vaults, alternative containers, cremation containers, urns, monuments, private mausoleums, clothing, flowers, shrubs, benches, vases, memory folders, acknowledgment cards, prayer cards, and register books. This list is not intended to be an exhaustive list.

(2)(a)1. The following at-need sales to consumers by any person licensed or registered under the provisions of Chapter 470 or 497, F.S., are not subject to tax:

a. The sale of funeral or burial services;

b. The sale of funeral or burial merchandise sold in conjunction with the sale of a funeral or burial service; and

c. The sale of funeral or burial merchandise that is installed at the consumer's designated location.

2. The sale of funeral or burial merchandise is presumed to be made in conjunction with the sale of funeral or burial services when the seller of the merchandise is required to deliver the merchandise to any person licensed to provide funeral or burial services.

3. The purchase of funeral or burial merchandise by any person licensed or registered under the provisions of Chapter 470 or 497, F.S., for use in providing funeral or burial services or for installation at the consumer's designated location is subject to tax at the time of purchase.

(b) Charges to a consumer for funeral or burial merchandise sold under the provisions of a pre-need contract authorized by Chapter 497, F.S., are not subject to tax. When merchandise is purchased by any person licensed under Chapter 470, F.S., or by a holder of a Certificate of Authority issued pursuant to Chapter 497, F.S., to be provided at the time of death of the individual for whom the contract was purchased, tax is due at the time of purchase.

(3)(a) Monuments, monument services, and related monument products for the purposes of memorializing human remains are not subject to tax when:

- 1. The merchandise is sold in conjunction with the sale of a funeral or burial service; or
- 2. The merchandise is installed at the consumer's designated location.

(b) The following sales of monuments, monument services, and related monument products sold for the memorialization of animal remains are not subject to tax:

- 1. The sale of services for the final disposition of animal remains;
- 2. The sale of merchandise sold in conjunction with services for the final disposition of animal remains; and
- 3. The sale of monuments, monument services, and related monument products sold for the memorialization of animal remains that are installed at the purchaser's designated location.

(c) The following are examples of sales of monuments, monument services, and related monument products to consumers for the memorialization of human remains, or for the memorialization of animal remains, that are not subject to sales tax. This list is not intended to be an exhaustive list.

- 1. The sale of monuments, copings, or bases that are installed with or without a foundation or base;
- 2. The sale of a marker installed at the grave site or affixed to real property improvements, such as niches, crypts, benches, mausoleums, and other cemetery improvements;
- 3. The building of a mausoleum, columbarium, or below ground crypt;
- 4. The construction of foundations for monuments;
- 5. The sale of lettering installed or affixed to real property improvements, such as niches, crypts, benches, mausoleums, and other cemetery improvements;

6. Charges for the inscription of a monument, marker, crypt, or niche;

7. Charges for the repair of monuments when the repair is made at the site of installation;

8. Charges for cleaning monuments.

(4) The sale of funeral or burial merchandise that does not meet the requirements of subsection (2) or (3) is subject to tax. Any person who makes such sales is required to register with the Department as a dealer and collect the tax from the consumer. (See Rule 12A-1.060, F.A.C.) Tax previously paid by the dealer on the purchase of merchandise may be taken as a credit against the sales tax collected at the time of sale. The dealer should remit to the Department the difference between the amount of tax collected and the amount of tax paid on the purchase of the merchandise.

(5) Any person who separately itemizes and collects sales tax on any contract for the sale of funeral or burial merchandise must remit the tax to the Department at the time of execution of the contract. (See Rule 12A-1.056, F.A.C.)

(6) An Annual Resale Certificate (form DR-13) may be extended to the selling dealer to purchase funeral or burial merchandise tax exempt for the purposes of resale when:

- (a) The applicable tax is collected from the consumer at the time of sale;
- (b) The merchandise is not purchased for use by any person licensed under Chapter 470 or 497, F.S., to provide funeral or burial services to a consumer; and
- (c) The merchandise is not installed at the consumer's designated location.

(7) The purchase of tools, supplies, and other tangible personal property used in providing funeral or burial services, or in preparing funeral or burial merchandise for sale or for installation, is subject to tax.

(8) Any cemetery that holds a Consumer's Certificate of Exemption (form DR-14) issued by the Department may extend a copy of its certificate to the selling dealer to purchase funeral or burial merchandise, tools, supplies, and other tangible personal property for its own use tax exempt.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.05(1)(a),(c), 212.06(1), 212.08(2),(7)(v) FS. History--Revised 10-7-68, 6-16-72, Formerly 12A-1.35, Amended _____.

12A-1.052 Cemetery Organizations.

~~Cemetery organizations are dealers and must procure dealers' certificates of registration and collect the sales tax on sales of tangible personal property to the ultimate consumer. When such organizations brick up graves or construct foundations for monuments, etc., the provisions of Rule 12A-1.051 will apply. Church cemeteries are exempt on their purchases. Cross Reference Rule 12A-1.026.~~

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.06(1), 212.08(7)(o) FS. History--Revised 10-7-68, 6-16-72, Formerly 12A-1.52, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-9407

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-9407

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 1, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed rule amendment and proposed rule repeals were noticed for the first Rule Development Workshop in the Florida Administrative Weekly on December 24, 1998 (Vol. 24, No. 52, pp. 6911-6913). A rule development workshop was held on January 27, 1999, in Room B-12, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida, regarding these proposed rule repeals and proposed substantial rewording of Rule 12A-1.035, F.A.C. Changes were made to the proposed substantial rewording of Rule 12A-1.035, F.A.C., and a revised proposed rule was noticed for workshop in the Florida Administrative Weekly on June 30, 2000 (Vol. 26, No. 26, pp. 3061-3063). A second rule development workshop was held on July 19, 2000, in Room B-12, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida. Changes were made to the proposed substantial rewording of Rule 12A-1.035, F.A.C., and presented at the second rule development workshop and a revised proposed rule was noticed for workshop in the Florida Administrative Weekly on September 8, 2000 (Vol. 26, No. 36, pp. 4157-4159). A third rule development workshop was held on September 26, 2000, in Room B-12, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida. Changes were also made to the proposed substantial rewording of Rule 12A-1.035, F.A.C., and included in the proposed substantial rewording of Rule 12A-1.035, F.A.C., as contained in the Notice of Proposed Rulemaking.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLES: PUBLIC USE FORMS
 Enterprise Zone and Florida Neighborhood Revitalization Programs

RULE NOS.: 12A-1.097
 12A-1.107

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.097, F.A.C., is to incorporate the creation of new forms and amendments to forms utilized by the Department in the administration of the Enterprise Zone and Florida Neighborhood Revitalization Programs.

The purpose of the proposed substantial rewording of Rule 12A-1.107, F.A.C., is to provide current guidelines on: (1) how to obtain an enterprise zone jobs credit; (2) how to obtain a refund of tax paid on building materials used in the rehabilitation of real property located in an enterprise zone, business property used in an enterprise zone, building materials for construction of single-family homes in an enterprise zone, empowerment zone, or Front Porch Florida Community, or building materials used in redevelopment projects; (3) how to claim an exemption for electrical energy used in an enterprise zone; and (4) the Florida neighborhood revitalization programs provided in s. 212.08(5)(n) and (o), F.S.

SUMMARY: The proposed amendments to Rule 12A-1.097, F.A.C., incorporate amendments to form DR-15JZ, Florida Enterprise Zone Jobs Credit Certificate of Eligibility, and form DR-15JEZ, Application for the Exemption of Electric Energy Used in an Enterprise Zone, and incorporate the creation of form DR-26RP, Florida Neighborhood Revitalization Program.

The proposed substantial rewording of Rule 12A-1.107, F.A.C.: (1) changes the title to "Enterprise Zone and Florida Neighborhood Revitalization Programs" to reflect the changes made to the rule; (2) provides guidelines on how to obtain an enterprise zone jobs credit and when the required form must be filed with the Department; (3) provides guidelines for when an Application for Refund must be filed with the Department to obtain a refund of tax paid on building materials used in the rehabilitation of real property located in an enterprise zone, business property used in an enterprise zone, building materials for construction of single-family homes in an enterprise zone, empowerment zone, or Front Porch Florida Community, or building materials used in redevelopment projects; (4) provides guidelines on how to claim an exemption for electrical energy used in an enterprise zone; (5) provides guidelines for the Florida neighborhood revitalization programs provided in s. 212.08(5)(n) and (o), F.S.; and (6) provides guidelines on how to obtain forms, who is required to certify or sign the required forms, and when such forms must be submitted to the Department to be eligible for an exemption from tax or a refund of tax paid.

SPECIFIC AUTHORITY: 212.08(5)(g)6., (h)6., (n)4., (o)4., (15)(e), 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 212.08(5)(g),(h),(n),(o),(15), 212.096, 212.15(2), 212.17(6), 212.18(2),(3) FS.

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

TIME AND DATE: 10:00 a.m, March 13, 2001

PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Suzanne Paul, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4733

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Jamie Phillips at (850)488-0717. If you are hearing or speech impaired, please contact the Department by calling 1(800)DOR-TDD1 (1(800)367-8331)

THE FULL TEXT OF THE PROPOSED RULES IS:

12A-1.097 Public Use Forms.

(1) No change.

Form Number	Title	Effective Date
	(2) through (9)(c) No change.	
(d) DR-15JZ	<u>Florida Enterprise Zone Jobs Credit Certificate of Eligibility Application for the Credit Against Sales Tax Effective July 1, 1996 For Job Creation (r. 01/00 4/88)</u>	08/92
(e) DR-15JEZ	<u>Application for the Exemption of Electric Energy Used in an Enterprise Zone Effective July 1, 1995 (r. 10/97 6/87)</u>	08/92
	(f) through (10) No change.	
(11) DR-26RP	<u>Florida Neighborhood Revitalization Program (r. 06/00)</u>	
	(11) through (27) renumbered (12) through (28) No change.	

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.17(6), 212.18(2),(3) FS. History—New 4-12-84, Formerly 12A-1.97, Amended 8-10-92, 11-30-97, 7-1-99, 4-2-00, 6-28-00,_____.

(Substantial Rewording of Rule 12A-1.107 follows. See Florida Administrative Code for present text.)

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

(1) ENTERPRISE ZONE JOBS CREDIT.

(a) How to Claim the Credit. An application that includes the information required by s. 212.096(3)(a)-(f), F.S., must be filed with the Enterprise Zone Development Agency for the enterprise zone where the business is located to claim the enterprise zone jobs credit. The Department of Revenue prescribes form DR-15JZ, Florida Enterprise Zone Jobs Credit Certificate of Eligibility for Sales Tax-Effective July 1, 1996 (incorporated by reference in Rule 12A-1.097, F.A.C.) for this purpose.

(b) Forms Required. Taxpayers claiming the enterprise zone jobs credit against sales and use tax, must use form DR-15JZ to apply for, calculate, and claim the credit with the Department of Revenue. Form DR-15JZ must be certified by the Enterprise Zone Development Agency, attached to a sales and use tax return, and delivered directly to the Department, or post-marked, within four months after the new employee is hired.

(2) BUILDING MATERIALS USED IN THE REHABILITATION OF REAL PROPERTY LOCATED IN AN ENTERPRISE ZONE.

(a) How to Claim the Refund. An application that includes the information required by s. 212.08(5)(g)1., F.S., must be filed with the Enterprise Zone Development Agency for the enterprise zone where the building materials are used, to claim a refund of tax paid on building materials used in the rehabilitation of real property located in an enterprise zone. The Office of Tourism, Trade, and Economic Development prescribes form EZ-M, Florida Enterprise Zone Program-Building Materials Sales Tax Refund Application for Eligibility (hereby incorporated by reference), for this purpose. For the applicant to be eligible to receive a refund, the Enterprise Zone Coordinator for the enterprise zone where the building materials are used must certify, using form EZ-M, that the applicant meets the criteria provided in s. 212.08(5)(g), F.S. The Enterprise Zone Coordinator will certify form EZ-M, including the required attachments, and return the form and attachments to the applicant. The applicant is responsible for attaching the certified form EZ-M and the required attachments to form DR-26 and forwarding the package to the Department of Revenue.

(b) Forms Required. Taxpayers claiming the refund must file an Application for Refund (form DR-26, incorporated by reference in Rule 12-26.008, F.A.C.) and form EZ-M with the Department of Revenue. Form DR-26 must be attached to form EZ-M and its attachments, and the package must be delivered directly to the Department, or postmarked, within 6 months after the rehabilitation of the property is deemed substantially completed by the local building inspector. The completed form DR-26, the certified form EZ-M, and the required attachment, should be mailed to:

Florida Department of Revenue
Refund Subprocess
P. O. Box 6490
Tallahassee, Florida 32314-6490.

(3) BUSINESS EQUIPMENT USED IN AN ENTERPRISE ZONE.

(a) How to Claim the Refund. An application that includes the information required by s. 212.08(5)(h)2., F.S., must be filed with the Enterprise Zone Development Agency for the enterprise zone where the business is located to obtain a refund of tax paid on business property used in an enterprise zone. The Office of Tourism, Trade, and Economic Development

prescribes form EZ-E, Florida Enterprise Zone Program-Business Equipment Sales Tax Refund Application for Eligibility (hereby incorporated by reference), for this purpose. For an applicant to be eligible to receive a refund, the Enterprise Zone Coordinator for the enterprise zone where the business property is used, must certify, using form EZ-E, that the applicant meets the criteria set forth in s. 212.08(5)(h), F.S. The Enterprise Zone Coordinator will certify form EZ-E, including the required attachments, and return the form and attachments to the applicant. The applicant is responsible for attaching the certified form EZ-E, and the required attachments, to form DR-26 and forwarding the package to the Department of Revenue.

(b) Forms Required. Taxpayers claiming the refund must file an Application for Refund (form DR-26) and form EZ-E with the Department of Revenue. The applicant is responsible for submitting an Application for Refund (form DR-26), the completed and certified form EZ-E, and the required attachments to the Department of Revenue. Form DR-26 must be attached to form EZ-E and attachments and delivered directly to the Department, or postmarked, within 6 months after the business property is purchased. The completed form DR-26, the certified form EZ-E, and the required supporting documentation should be mailed to:

Florida Department of Revenue
Refund Subprocess
P. O. Box 6490
Tallahassee, Florida 32314-6490.

(4) ELECTRICAL ENERGY USED IN AN ENTERPRISE ZONE.

(a) How to Claim the Exemption. An application that includes the information stated in s. 212.08(15)(b), F.S., must be filed with the Enterprise Zone Development Agency for the enterprise zone where the business is located to claim an exemption from sales tax imposed on electrical energy. The Department of Revenue prescribes form DR-15JEZ, Application for the Exemption of Electrical Energy Used in an Enterprise Zone Effective July 1, 1995 (incorporated by reference in Rule 12A-1.097, F.A.C.), for this purpose. For an applicant to be eligible to receive an exemption from tax on electrical energy purchased in an enterprise zone, the Enterprise Zone Coordinator for the enterprise zone where the business is located must certify that the applicant meets the criteria set forth in s. 212.08(15)(b), F.S. The Enterprise Zone Coordinator for the enterprise zone where the property is located will sign form DR-15JEZ and return it to the applicant. The applicant is responsible for forwarding the certified form DR-15JEZ to the Department of Revenue.

(b) Forms Required. Taxpayers claiming the exemption must file form DR-15JEZ with the Department of Revenue. Form DR-15JEZ, must be certified by the Enterprise Zone Coordinator of the enterprise zone where the business is

located. Form DR-15JEZ must be delivered directly to the Department, or postmarked, within 6 months after qualifying for the exemption. Form DR-15JEZ should be mailed to:

Florida Department of Revenue
Sales Tax Registration
5050 W. Tennessee Street
Tallahassee, Florida 32399-0100.

(5) BUILDING MATERIALS AND LABOR FOR CONSTRUCTION OF SINGLE-FAMILY HOMES IN AN ENTERPRISE ZONE, EMPOWERMENT ZONE, OR FRONT PORCH FLORIDA COMMUNITY.

(a) How to Claim the Refund. An application that includes the information required by s. 212.08(5)(n)2., F.S., must be filed with the Department of Revenue to obtain a refund of tax paid on building materials and labor used in construction of single-family homes. The Department of Revenue prescribes form DR-26RP, Florida Neighborhood Revitalization Program (incorporated by reference in Rule 12A-1.097, F.A.C.), for this purpose. When the building materials and labor are used for construction of single-family homes located within an enterprise zone or empowerment zone, or Front Porch Florida Community, the Enterprise Zone Coordinator or the Chair of the Front Porch Community where the single-family home is located must sign form DR-26RP. The Enterprise Zone Coordinator or the Chair of the Front Porch Community will sign the application and return it to the applicant. The applicant is responsible for forwarding the completed form DR-26RP, and the required documentation, to the Department of Revenue.

(b) Forms Required. Taxpayers claiming the refund must file an Application for Refund (form DR-26) with the Department of Revenue. Form DR-26RP, signed by the Enterprise Zone Coordinator or the Chair of the Front Porch Community, and all the documentation listed on form DR-26RP, must be attached and forwarded to the Department. Form DR-26, form DR-26RP, and the required documentation must be delivered directly to the Department, or postmarked, within 6 months after the date the single-family home is deemed to be substantially completed by the local building inspector. Form DR-26, form DR-26RP, and the required documentation should be mailed to:

Florida Department of Revenue
Refund Subprocess
P. O. Box 6490
Tallahassee, Florida 32314-6490.

(6) BUILDING MATERIALS USED IN REDEVELOPMENT PROJECTS.

(a) How to Claim the Refund. An application that includes the information required by s. 212.08(5)(o)2., F.S., must be filed with the Department of Revenue to obtain a refund of tax paid on building materials used in redevelopment projects. The Department prescribes form DR-26RP, Florida Neighborhood Revitalization Program, for this purpose. The contact person of

the enterprise zone, empowerment zone, Front Porch Florida Community, Urban High Crime Area, Brownfield Area, or Urban Infill and Redevelopment Area where the building materials are used must sign form DR-26RP. The contact person will sign the completed form DR-26RP and return it to the applicant. The applicant is responsible for forwarding the completed form DR-26RP and the required documentation to the Department of Revenue.

(b) Forms Required. Taxpayers claiming the refund must file an Application for Refund (form DR-26) with the Department of Revenue. Form DR-26RP, signed by the contact person, and all the documentation listed on form DR-26RP, must be submitted to the Department. Form DR-26, form DR-26RP, and required documentation must be delivered directly to the Department, or postmarked, within 6 months after the date the housing project or mixed-use project is deemed to be substantially completed by the local building inspector. Form DR-26, form DR-26RP, and the required documentation should be mailed to:

Florida Department of Revenue
Refund Subprocess
P. O. Box 6490
Tallahassee, Florida 32314-6490.

(7) OBTAINING FORMS.

(a) The forms referenced in this rule are available, by: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at 850-922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax on Demand system at 850-922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 800-352-3671 (in Florida only) or 850-488-6800; or, 6) downloading selected forms from the Department's Internet site at the address show inside the parentheses (<http://sun6.dms.state.fl.us/dor/>). Persons with hearing or speech impairments may call the Department's TDD at 1-800-367-8331.

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

(8) Questions relating to enterprise zones created on July 1, 1995, should be directed to:

Executive Office of the Governor
Tourism, Trade, and Economic Development
The Capitol
Tallahassee, Florida 32399-0001.

NAME OF PERSON ORIGINATING PROPOSED RULE: Suzanne Paul, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4733

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rodney Felix, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4111

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 1, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed rules were noticed for the first Rule Development Workshop in the Florida Administrative Weekly on December 22, 2000 (Vol. 26, No. 51, pp. 5845-5849). A rule development workshop was held on January 9, 2001, in Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida, regarding these proposed rule changes. No one appeared at the workshop to provide comments; no written comments were received by the Department.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLES:	RULE NOS.:
New Tire Fee	12A-12.001
Battery Fee	12A-12.0011
Reporting and Remitting Fees	12A-12.004

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rules 12A-12.001, 12A-12.0011, and 12A-12.004, F.A.C., is to: (1) provide that the terms "resale certificate," "sales tax resale certificate," or "certificate," mean "an Annual Resale Certificate (form DR-13) issued by a dealer to make tax exempt purchases for the purposes of resale"; (2) provide that form DR-15SW is incorporated by reference in Rule 12A-16.008, F.A.C.; and (3) make necessary technical changes.

SUMMARY: The proposed amendments to Rules 12A-12.001, F.A.C. (New Tire Fee), and 12A-12.0011, F.A.C. (Battery Fee), provide that the terms "resale certificate," "sales tax resale certificate," or "certificate," mean "an Annual Resale Certificate (form DR-13) issued by a dealer to make tax exempt purchases for the purposes of resale."

The proposed amendments to Rule 12A-12.004, F.A.C. (Reporting and Remitting Fees): (1) provide that a Solid Waste and Surcharge Return (form DR-15SW) and payment accompanying the return are due to the Department, as provided in Rule 12A-1.056, F.A.C.; (2) provide that form DR-15SW is incorporated by reference in Rule 12A-16.008, F.A.C.; and (3) make a technical change to an address where a form may be obtained and to correctly reference subsection (8) of Rule 12A-1.056, F.A.C., effective April 2, 2000.

Specific Authority 212.08(5)(g)6.,(h)6.,(n)4.,(o)4.,(15)(e), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 166.231, 212.08(5)(g),(h),(n),(o),(15), 212.096, 212.15(2), 212.17(6), 212.18(2); 290.0055, 290.0065 FS. History—New 1-3-96, Amended _____.

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1) 403.718(3)(b), 403.7185(3)(b) FS.

LAW IMPLEMENTED: 403.717, 403.718, 403.7185 FS.

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

TIME AND DATE: 10:00 a.m., March 13, 2001

PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-9407

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Jamie Phillips at (850)488-0717. If you are hearing or speech impaired, please contact the Department by calling 1(800)DOR-TDD1 (1(800)367-8331).

THE FULL TEXT OF THE PROPOSED RULES IS:

12A-12.001 New Tire Fee.

(1) through (4) No change.

(5) For purposes of this rule:

(a) through (d) No change.

(e) The term "sales tax resale certificate" or "certificate" means an Annual Resale Certificate (form DR-13) issued by a dealer to make tax exempt purchases for the purposes of resale.

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

(6) through (8) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1), 403.718(3)(b) FS. Law Implemented 403.717, 403.718 FS. History—New 1-2-89, Amended 10-16-89, 12-16-91, 3-20-96, _____.

12A-12.0011 Battery Fee.

(1) through (5) No change.

(6) For purposes of this rule:

(a) through (b) No change.

(c) The term "resale certificate" or "sales tax resale certificate" means an Annual Resale Certificate (form DR-13) issued by a dealer to make tax exempt purchases for the purposes of resale.

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

(7) through (8) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1), 403.7185(3)(b) FS. Law Implemented 403.717(1)(b),(h), 403.7185 FS., ss. 1-2, ch. 99-281, L.O.F. History—New 10-16-89, Amended 12-16-91, 3-20-96, 4-2-00, _____.

12A-12.004 Reporting and Remitting Fees.

(1) No change.

(2)(a) A Solid Waste and Surcharge Return, ~~form Form~~ DR-15SW, reporting new tires and lead-acid batteries sold at retail shall be filed with the Department. The payment and the return must either reach the office of the Department of Revenue or be postmarked on or before the 20th day of the month fees shown by the return to be due shall be paid therewith on or before the twentieth day of the month following the date of month in which the retail sale, as provided in Rule 12A-1.056(1), F.A.C., occurred.

(b) The Solid Waste and Surcharge Return, form Form DR-15SW, ~~dated October 1994,~~ is hereby incorporated by reference in Rule 12A-16.008, F.A.C., this rule. Copies of this form are available, without cost, by: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at 850-922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax on Demand system at 850-922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 800-352-3671 (in Florida only) or 850-488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (<http://sun6.dms.state.fl.us/dor/revenue.html>). Persons with hearing or speech impairments may call the Department's TDD at 1-800-367-8331.

~~(b) A Solid Waste and Surcharge Return, Form DR-15SW, reporting new tires and lead-acid batteries sold at retail shall be filed with the Department for each month during which the person owing a new tire fee or a battery fee was registered. The new tire and battery fees shown by the return to be due shall be paid therewith on or before the twentieth day of the month following the calendar month in which the retail sales of a new tire or a lead-acid battery occurred.~~

~~(b)(e)~~ No change.

~~(3) Requirements of Rule 12A-1.056(1), F.A.C., for timely filing and payment are applicable to such fees.~~

(4) through (5) renumbered (3) through (4) No change.

~~(5)(6)~~ As stated in Rule 12A-1.056(8)(9), F.A.C., with reference to taxes, the department is not authorized to extend the time to make any return or to pay the fees; and the consequences described in that subsection are applicable to the fees.

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

Specific Authority 212.17(6), 212.18(2), 213.06(1), 403.718(3)(b), 403.7185(3)(b) FS. Law Implemented 403.718, 403.7185 FS. History—New 1-2-89, Amended 10-16-89, 12-16-91, 4-12-94, 3-21-95, 3-20-96, 4-2-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-9407

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 1, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed rules were noticed for a Rule Development Workshop in the Florida Administrative Weekly on November 9, 2000 (Vol. 26, No. 45, pp. 5258-5259). The workshop was held on November 28, 2000. No one provided comment at the workshop and no written comments were received by the Department.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLES:	RULE NOS.:
Surtax Sales Brackets	12A-15.002
Imposition and Payment of Tax	12A-15.003
The Sale of Food, Drink, and Tangible Personal Property at Concession Stands	12A-15.010
Coin-Operated Amusement and Vending Machines, and Other Devices	12A-15.011
Alcoholic and Malt Beverages	12A-15.012
Public Use Forms	12A-15.015

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule Chapter 12A-15, F.A.C., Discretionary Sales Surtax, is to: (1) provide the effective sales tax brackets for transactions taxable at the rates of 2.5%, 6%, and 7% for counties that impose discretionary sales surtaxes at the rates of 1/2%, 3/4%, 1%, and 1 1/2% that are required by s. 212.12(11), F.S., as amended by s. 1, Chapter 2000-276, L.O.F.; (2) provide current guidelines and incorporate statutory changes regarding the sale of newspapers, magazines, and other periodicals; (3) simplify the guidelines provided for sales made by concessionaires; (4) simplify the guidelines for reporting discretionary sales surtax due on charges for amusement machines; (5) simplify guidelines to taxpayers who sell alcoholic and malt beverages as package goods, mixed drinks, or a combination thereof; (6) provide the applicable surtax reporting divisors for sales of items through vending machines or other devices for counties imposing no surtax and counties imposing surtax at the rates of 1/2%, 3/4%, 1%, and 1 1/2%; and (7) remove forms that do not meet the definition of a "rule," as defined by s. 120.52(15), F.S., and are not required to be incorporated by reference.

SUMMARY: The proposed substantial rewording of Rule 12A-15.002, F.A.C.: (1) changes the title to "Surtax Sales Brackets" to reflect the substantial rewording of the rule text; (2) provides the effective sales tax brackets for transactions taxable at the rates of 2.5%, 6%, and 7% for counties that impose discretionary sales surtaxes at the rates of 1/2%, 3/4%,

1%, and 1 1/2% that are required by s. 212.12(11), F.S., as amended by s. 1, Chapter 2000-276, L.O.F.; (3) provides for easier reading of the sales tax brackets; and (4) removes the requirement to certify forms containing the sales tax brackets.

The proposed amendments to Rule 12A-15.003, F.A.C., Imposition and Payment of Tax: (1) provide current guidelines and incorporate statutory changes regarding the sale of newspapers, magazines, and other periodicals; and (2) remove the itemization of services that are subject to sales tax and to discretionary sales surtax.

The proposed amendments to Rule 12A-15.010, F.A.C.: (1) change the title to "The Sale of Food, Drink, and Tangible Personal Property at Concession Stands"; (2) simplify the guidelines provided for sales made by concessionaires; (3) clarify the method used to calculate tax and surtax due on sales made at concession stands; and (4) provide the applicable divisor rates for counties imposing no surtax and counties imposing discretionary sales surtax at the rates of 1/2%, 3/4%, 1%, and 1 1/2%.

The proposed amendments to Rule 12A-15.011, F.A.C., Coin-Operated Amusement and Vending Machines, and Other Devices: (1) simplify the guidelines for reporting discretionary sales surtax due on charges for amusement machines; (2) provide the applicable surtax reporting divisors for sales of items through vending machines or other devices for counties imposing no surtax and counties imposing surtax at the rates of 1/2%, 3/4%, 1%, and 1 1/2%; and (3) provide that the statutory tax reporting divisors for sales of food, beverages, and tangible personal property made through vending machines or other dispensing devices located in counties imposing a discretionary sales surtax are provided in s. 212.0515(2), F.S.

The proposed amendments to Rule 12A-15.012, F.A.C., Alcoholic and Malt Beverages: (1) simplify guidelines to taxpayers who sell alcoholic and malt beverages as package goods, mixed drinks, or a combination thereof; and (2) provide current tax reporting rates and divisors for counties imposing no discretionary surtax and counties imposing surtax at the rates of 1/2%, 3/4%, 1%, and 1 1/2%.

The proposed amendments to Rule 12A-15.015, F.A.C.: (1) change the title to "Public Use Forms"; (2) remove forms that do not meet the definition of a "rule," as defined by s. 120.52(15), F.S., and are not required to be incorporated by reference; (3) provide a technical change to the Department's Internet address.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Since these proposed rules amendments only implement statutory provisions, no new regulatory costs are being created. Therefore, no statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 212.05(1)(i), 212.0515, 212.07(2), 212.12(11), 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 212.02(16),(24), 212.05(1), 212.0506, 212.0515, 212.054, 212.055, 212.06(1),(4),(7),(8),(10), 212.07(2),(4),(8), 212.08(4), 212.12(9),(10),(11), 212.15(1),(4), 212.18(3) FS.

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

TIME AND DATE: 10:00 a.m., March 13, 2001
 PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida 32399-0100

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone (850)922-9407

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Jamie Phillips, (850)488-0717. If you are hearing or speech impaired, please contact the Department by calling 1(800)DOR-TDD1 (1(800)367-8331)

THE FULL TEXT OF THE PROPOSED RULES IS:

(Substantial Rewording of Rule 12A-15.002 follows. See Florida Administrative Code for present text.)

12A-15.002 ~~Rate of Surtax~~ Sales Brackets.

(1) SALES GREATER THAN \$5,000. On taxable transactions in which the sales price for any item of tangible personal property exceeds \$5,000, the first \$5,000 of sales price is subject to the appropriate bracket charges as provided in this rule section. The amount of sales price in excess of \$5,000 for any item of tangible personal property is taxed at 6%.

(2) 1/2% DISCRETIONARY SALES SURTAX.

(a) When the rate of the surtax is 1/2%, the following effective tax brackets are applicable to all taxable transactions occurring in a taxing county that otherwise would have been taxable at the rate of 6%. For taxable sales in the amounts of more than \$2.09, 13¢ is to be charged on each \$2 of price, plus the tax amount due on any fractional part of \$2.

Amount of Sale	Tax	Amount of Sale	Tax
<u>.10 – .15</u>	<u>.01</u>	<u>1.08 – 1.23</u>	<u>.08</u>
<u>.16 – .30</u>	<u>.02</u>	<u>1.24 – 1.38</u>	<u>.09</u>
<u>.31 – .46</u>	<u>.03</u>	<u>1.39 – 1.53</u>	<u>.10</u>
<u>.47 – .61</u>	<u>.04</u>	<u>1.54 – 1.69</u>	<u>.11</u>
<u>.62 – .76</u>	<u>.05</u>	<u>1.70 – 1.84</u>	<u>.12</u>
<u>.77 – .92</u>	<u>.06</u>	<u>1.85 – 2.09</u>	<u>.13</u>
<u>.93 – 1.07</u>	<u>.07</u>		

(b) When the rate of the surtax is 1/2%, the following effective tax brackets are applicable to all taxable transactions occurring in a taxing county that otherwise would have been taxable at the rate of 7%. For taxable sales in the amounts of more than \$2.09, 15¢ is to be charged on each \$2 dollar of price, plus the tax amount due on any fractional part of \$2.

Amount of Sale	Tax	Amount of Sale	Tax
<u>.10 – .13</u>	<u>.01</u>	<u>1.07 – 1.20</u>	<u>.09</u>
<u>.14 – .26</u>	<u>.02</u>	<u>1.21 – 1.33</u>	<u>.10</u>
<u>.27 – .40</u>	<u>.03</u>	<u>1.34 – 1.46</u>	<u>.11</u>
<u>.41 – .53</u>	<u>.04</u>	<u>1.47 – 1.60</u>	<u>.12</u>
<u>.54 – .66</u>	<u>.05</u>	<u>1.61 – 1.73</u>	<u>.13</u>
<u>.67 – .80</u>	<u>.06</u>	<u>1.74 – 1.86</u>	<u>.14</u>
<u>.81 – .93</u>	<u>.07</u>	<u>1.87 – 2.09</u>	<u>.15</u>
<u>.94 – 1.06</u>	<u>.08</u>		

(c) When the rate of the surtax is 1/2%, the following effective tax brackets are applicable to all taxable transactions occurring in a taxing county that otherwise would have been taxable at the rate of 2.5%. For taxable sales in the amounts of more than \$1, 3% percent is to be charged on each \$1 of price, plus the tax amount due on any fractional part of \$1.

Amount of Sale	Tax
<u>.10 – .35</u>	<u>.01</u>
<u>.36 – .65</u>	<u>.02</u>
<u>.66 – 1.00</u>	<u>.03</u>

(3) 3/4% DISCRETIONARY SALES SURTAX.

(a) When the rate of the surtax is 3/4%, the following effective tax brackets are applicable to all taxable transactions occurring in a taxing county that otherwise would have been taxable at the rate of 6%. For taxable sales in the amounts of more than \$1.03, 7¢ is to be charged on each \$1 of price, plus the tax amount due on any fractional part of \$1.

Amount of Sale	Tax	Amount of Sale	Tax
<u>.10 – .14</u>	<u>.01</u>	<u>.60 – .74</u>	<u>.05</u>
<u>.15 – .29</u>	<u>.02</u>	<u>.75 – .88</u>	<u>.06</u>
<u>.30 – .44</u>	<u>.03</u>	<u>.89 – 1.03</u>	<u>.07</u>
<u>.45 – .59</u>	<u>.04</u>		

(b) When the rate of the surtax is 3/4%, the following effective tax brackets are applicable to all taxable transactions occurring in a taxing county that otherwise would have been taxable at the rate of 7%. For taxable sales in the amounts of more than \$1.03, 8¢ is to be charged on each \$1 of price, plus the tax amount due on any fractional part of \$1.

Amount of Sale	Tax	Amount of Sale	Tax
<u>.10 – .12</u>	<u>.01</u>	<u>.52 – .64</u>	<u>.05</u>
<u>.13 – .25</u>	<u>.02</u>	<u>.65 – .77</u>	<u>.06</u>
<u>.26 – .38</u>	<u>.03</u>	<u>.78 – .90</u>	<u>.07</u>
<u>.39 – .51</u>	<u>.04</u>	<u>.91 – 1.03</u>	<u>.08</u>

(c) When the rate of the surtax is 3/4%, the following effective tax brackets are applicable to all taxable transactions occurring in a taxing county that otherwise would have been

taxable at the rate of 2½%. For taxable sales in the amounts of more than \$4.09, 13¢ is to be charged on each \$4 of price, plus the tax amount due on any fractional part of \$4.

<u>Amount of Sale</u>	<u>Tax</u>	<u>Amount of Sale</u>	<u>Tax</u>
<u>.10 – .30</u>	<u>.01</u>	<u>2.16 – 2.46</u>	<u>.08</u>
<u>.31 – .61</u>	<u>.02</u>	<u>2.47 – 2.76</u>	<u>.09</u>
<u>.62 – .92</u>	<u>.03</u>	<u>2.77 – 3.07</u>	<u>.10</u>
<u>.93 – 1.23</u>	<u>.04</u>	<u>3.08 – 3.38</u>	<u>.11</u>
<u>1.24 – 1.53</u>	<u>.05</u>	<u>3.39 – 3.69</u>	<u>.12</u>
<u>1.54 – 1.84</u>	<u>.06</u>	<u>3.70 – 4.09</u>	<u>.13</u>
<u>1.85 – 2.15</u>	<u>.07</u>		

(4) 1% DISCRETIONARY SALES SURTAX.

(a) When the rate of the surtax is 1%, the following effective tax brackets are applicable to all taxable transactions occurring in a taxing county that otherwise would have been taxable at the rate of 6%. For taxable sales in the amounts of more than \$1.09, 7¢ is to be charged on each \$1 of price, plus the tax amount due on any fractional part of \$1.

<u>Amount of Sale</u>	<u>Tax</u>	<u>Amount of Sale</u>	<u>Tax</u>
<u>.10 – .14</u>	<u>.01</u>	<u>.58 – .71</u>	<u>.05</u>
<u>.15 – .28</u>	<u>.02</u>	<u>.72 – .85</u>	<u>.06</u>
<u>.29 – .42</u>	<u>.03</u>	<u>.86 – 1.09</u>	<u>.07</u>
<u>.43 – .57</u>	<u>.04</u>		

(b) When the rate of the surtax is 1%, the following effective tax brackets are applicable to all taxable transactions occurring in a taxing county that otherwise would have been taxable at the rate of 7%. For taxable sales in the amounts of more than \$1.09, 8¢ is to be charged on each \$1 of price, plus the tax amount due on any fractional part of \$1.

<u>Amount of Sale</u>	<u>Tax</u>	<u>Amount of Sale</u>	<u>Tax</u>
<u>.10 – .12</u>	<u>.01</u>	<u>.51 – .62</u>	<u>.05</u>
<u>.13 – .25</u>	<u>.02</u>	<u>.63 – .75</u>	<u>.06</u>
<u>.26 – .37</u>	<u>.03</u>	<u>.76 – .87</u>	<u>.07</u>
<u>.38 – .50</u>	<u>.04</u>	<u>.88 – 1.09</u>	<u>.08</u>

(c) When the rate of the surtax is 1%, the following effective tax brackets are applicable to all taxable transactions occurring in a taxing county that otherwise would have been taxable at the rate of 2½%. For taxable sales in the amounts of more than \$2.09, 7¢ is to be charged on each \$2 of price, plus the tax amount due on any fractional part of \$2.

<u>Amount of Sale</u>	<u>Tax</u>	<u>Amount of Sale</u>	<u>Tax</u>
<u>.10 – .28</u>	<u>.01</u>	<u>1.15 – 1.42</u>	<u>.05</u>
<u>.29 – .57</u>	<u>.02</u>	<u>1.43 – 1.71</u>	<u>.06</u>
<u>.58 – .85</u>	<u>.03</u>	<u>1.72 – 2.09</u>	<u>.07</u>
<u>.86 – 1.14</u>	<u>.04</u>		

(5) 1 1/2% DISCRETIONARY SALES SURTAX.

(a) When the rate of the surtax is 1½%, the following effective tax brackets are applicable to all taxable transactions occurring in a taxing county that otherwise would have been

taxable at the rate of 6%. For taxable sales in the amounts of more than \$2.09, 15¢ is to be charged on each \$2 of price, plus the tax amount due on any fractional part of \$2.

<u>Amount of Sale</u>	<u>Tax</u>	<u>Amount of Sale</u>	<u>Tax</u>
<u>.10 – .13</u>	<u>.01</u>	<u>1.07 – 1.20</u>	<u>.09</u>
<u>.14 – .26</u>	<u>.02</u>	<u>1.21 – 1.33</u>	<u>.10</u>
<u>.27 – .40</u>	<u>.03</u>	<u>1.34 – 1.46</u>	<u>.11</u>
<u>.41 – .53</u>	<u>.04</u>	<u>1.47 – 1.60</u>	<u>.12</u>
<u>.54 – .66</u>	<u>.05</u>	<u>1.61 – 1.73</u>	<u>.13</u>
<u>.67 – .80</u>	<u>.06</u>	<u>1.74 – 1.86</u>	<u>.14</u>
<u>.81 – .93</u>	<u>.07</u>	<u>1.87 – 2.09</u>	<u>.15</u>
<u>.94 – 1.06</u>	<u>.08</u>		

(b) When the rate of the surtax is 1 1/2%, the following effective tax brackets are applicable to all taxable transactions occurring in a taxing county that otherwise would have been taxable at the rate of 7%. For taxable sales in the amounts of more than \$2.09, 17¢ is to be charged on each \$2 of price, plus the tax amount due on any fractional part of \$2.

<u>Amount of Sale</u>	<u>Tax</u>	<u>Amount of Sale</u>	<u>Tax</u>
<u>.10 – .11</u>	<u>.01</u>	<u>1.10 – 1.17</u>	<u>.10</u>
<u>.12 – .23</u>	<u>.02</u>	<u>1.18 – 1.29</u>	<u>.11</u>
<u>.24 – .35</u>	<u>.03</u>	<u>1.30 – 1.41</u>	<u>.12</u>
<u>.36 – .47</u>	<u>.04</u>	<u>1.42 – 1.52</u>	<u>.13</u>
<u>.48 – .58</u>	<u>.05</u>	<u>1.53 – 1.64</u>	<u>.14</u>
<u>.59 – .70</u>	<u>.06</u>	<u>1.65 – 1.76</u>	<u>.15</u>
<u>.71 – .82</u>	<u>.07</u>	<u>1.77 – 1.88</u>	<u>.16</u>
<u>.83 – .94</u>	<u>.08</u>	<u>1.89 – 2.09</u>	<u>.17</u>
<u>.95 – 1.09</u>	<u>.09</u>		

(c) When the rate of the surtax is 1 1/2%, the following effective tax brackets are applicable to all taxable transactions occurring in a taxing county that otherwise would have been taxable at the rate of 2.5%. For taxable sales in the amounts of more than \$1, 4¢ is to be charged on each \$1 of price, plus the tax amount due on any fractional part of \$1.

<u>Amount of Sale</u>	<u>Tax</u>
<u>.10 – .25</u>	<u>.01</u>
<u>.26 – .50</u>	<u>.02</u>
<u>.51 – .75</u>	<u>.03</u>
<u>.76 – 1.09</u>	<u>.04</u>

(6) The Department has prepared, for public use, schedules and rate cards to provide the sales tax effective brackets for counties imposing a discretionary sales surtax. Copies are available, without cost, by: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at 850-922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax on Demand system at 850-922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 1-800-352-3671 (in Florida only)

or 850-488-6800; or, 6) downloading the appropriate Sales Tax Bracket Cards from the Department's Internet site at <http://sun6.dms.state.fl.us/dor/taxes>. Persons with hearing or speech impairments may call the Department's TDD at 1-800-367-8331.

Specific Authority 212.12(11), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.054, 212.055, 212.12(9),(10),(11) FS. History--New 12-11-89, Amended 8-10-92, 3-17-93, 12-13-94, 3-20-96,_____.

12A-15.003 Imposition and Payment of Tax.

(1) All transactions occurring in a county imposing the surtax which are subject to the state tax imposed on sales, use, rentals, admissions, services, and other transactions by Chapter 212, F.S., are subject to the surtax. ~~Effective January 1, 1994, services which are subject to the state tax imposed by Chapter 212, F.S., are subject to the surtax. These services include detective, burglar protection, and other protection services, nonresidential cleaning and nonresidential pest control services.~~

(2) through (4) No change.

(5)(a) The sale of subscriptions to a newspaper, magazine, or newsletter that is delivered to the purchaser by a carrier or means other than by mail, such as home delivery, a subscription or copy of a newspaper, magazine, or other publication is subject to a county's surtax if the publication is delivered to a purchaser is located in a county imposing a surtax, regardless of the physical location of the carrier or publication company. The sale of subscriptions to a newspaper, magazine, or newsletter that is delivered to a customer by mail is not subject to the surtax.

1. Example: A carrier or retailer that is registered to collect tax on the sale of newspapers is located in a county that does not impose the surtax and a newspaper it sells is delivered by a carrier into another county imposing the 1% surtax. Tax is due at the rate of 7% (6% state sales tax and 1% surtax).

2. Example: A carrier or retailer that is registered to collect tax on the sale of newspapers is located in a county that imposes a 1/2% surtax and a newspaper it sells is delivered by a carrier into another county imposing the 1% surtax. Tax is due at the rate of 7% (6% state sales tax and 1% surtax).

3. Example: A retailer that is registered to collect tax on the sale of magazines is located in a county that imposes a 1% surtax and a magazine it sells is delivered by means other than by mail into a county not imposing the surtax. Tax is due at the rate of 6% (6% state sales tax; no surtax is due).

(b) ~~A dealer who purchases a newspaper, magazine, or other publication, and did not pay sales tax, either because the vendor was located outside this state or for any other reason, but uses the publication in a county imposing the surtax, the purchasing dealer is required to accrue and remit not only the state use tax but also the county's surtax as a use tax. Likewise, a dealer who owes use tax on newspapers, magazines, or other publications it produces for its own use or~~

purchases without paying the applicable sales tax due, is required to accrue and remit not only the state use tax and but also the surtax of the county in which it uses the publications.

(6) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.05(1), 212.0506, 212.054, 212.055, 212.06(1),(4),(7),(8),(10), 212.07(8)(9), 212.18(3) FS. History--New 12-11-89, Amended 1-30-91, 5-12-92, 8-10-92, 11-16-93, 3-20-96,_____.

12A-15.010 The Sale of Food, Drink, and Tangible Personal Property at by Concession Stands.

(1)(a) ~~Concessionaires Concession stands in a county levying the surtax at the rate of 1 1/2% selling food, drinks, tobacco products, and other items of tangible personal property at arenas, auditoriums, carnivals, fairs, stadiums, theaters, and similar places of business where it is impracticable due to the nature of the business practices within that industry to separately state Florida sales tax on any charge ticket, sales slip, invoice, or other tangible evidence of sale, may calculate tax due for counties imposing a surtax as follows: shall remit tax at the rate of 7.95% of their taxable sales. To compute the correct amount of tax due, the dealer should divide the dealer's total receipts by 1.0795 to compute taxable sales and then subtract taxable sales from total receipts to arrive at the amount of tax due. The 7.95% rate recognizes the variations resulting from multiple sales transactions.~~

1. Divide the total gross receipts by the divisors provided in paragraph (b) to compute taxable sales;

2. Subtract taxable sales from the total gross receipts to compute the amount of tax, plus surtax, due.

(b) Divisors for counties imposing surtax at the following rates are:

<u>Surtax Rate</u>	<u>Divisor</u>
<u>No Surtax</u>	<u>1.0659</u>
<u>1/2%</u>	<u>1.0697</u>
<u>3/4%</u>	<u>1.0724</u>
<u>1%</u>	<u>1.0751</u>
<u>1 1/2%</u>	<u>1.0795</u>

~~(2) Concession stands in a county levying the surtax at the rate of 1% selling food, drinks, tobacco products, and other items of tangible personal property at arenas, auditoriums, carnivals, fairs, stadiums, theaters, and similar places of business where it is impracticable due to the nature of the business practices within that industry to separately state Florida sales tax on any charge ticket, sales slip, invoice, or other tangible evidence of sale, shall remit tax at the rate of 7.51% of their taxable sales. To compute the correct amount of tax due, the dealer should divide the dealer's total receipts by 1.0751 to compute taxable sales and then subtract taxable sales from total receipts to arrive at the amount of tax due. The 7.51% rate recognizes the variations resulting from multiple sales transactions.~~

~~(3) Concession stands in a county levying the surtax at the rate of 1/2% selling food, drinks, tobacco products, and other items of tangible personal property at arenas, auditoriums, carnivals, fairs, stadiums, theaters, and similar places of business, where it is impracticable due to the nature of the business practices within that industry to separately state Florida sales tax on any charge ticket, sales slip, invoice, or other tangible evidence of sale, shall remit tax at the rate of 6.97% of their taxable sales. To compute the correct amount of tax due, the dealer should divide the dealer's total receipts by 1.0697 to compute taxable sales and then subtract taxable sales from total receipts to arrive at the amount of tax due. The 6.97% rate recognizes the variations resulting from multiple sales transactions.~~

~~(2)(4) Concessionaires Dealers operating concession stands selling food, drinks, tobacco products, and other items of tangible personal property at arenas, auditoriums, carnivals, fairs, stadiums, theaters, and similar places of business that, separately state Florida sales tax on their charge tickets, sales slips, invoices, or other tangible evidence of sales recording the sales price of the items sold and the tax thereon, must maintain accurate records of the tax so collected and remit to the State the actual amount of the tax collected and due on their sales to the state.~~

Specific Authority 212.07(2), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.054, 212.055, 212.15(1),(4) FS. History—New 12-11-89, Amended 3-20-96,_____.

12A-15.011 Coin-Operated Amusement and Vending Machines, and Other Devices.

(1) Amusement machines sales; levy of tax; effective tax rates.

(a) Charges Effective July 1, 1991, charges for the use of amusement machines, as defined in s. 212.02(24), F.S., are subject to the surtax at the rate imposed by the county where the machine is located ~~taxable~~. To calculate the tax due in an applicable reporting period for amusement machines located in counties imposing a surtax:

1. Divide the total gross receipts from charges for the use of amusement machines by the divisors provided in paragraph (b) to compute taxable sales;

2. Subtract taxable sales from the total gross receipts to compute the amount of tax, plus surtax, due.

(b) Divisors for counties imposing surtax at the following rates are:

<u>Surtax Rate</u>	<u>Divisor</u>
<u>No Surtax</u>	<u>1.040</u>
<u>1/2%</u>	<u>1.045</u>
<u>3/4%</u>	<u>1.0475</u>
<u>1%</u>	<u>1.050</u>
<u>1 1/2%</u>	<u>1.055</u>

~~(c)(b) The sale of tokens, slugs, coupons, and other items over-the-counter by individuals for the use of entertainment or amusement devices is taxable. Surtax is to be collected by the seller from the customer on the sales price at the rate of tax imposed by the county where the business is located. The surtax rate of 1 percent or 1/2 percent shall be collected by the seller from the customer on the total selling price if the business is located in a county levying a surtax.~~

~~(c) Operators of amusement machines into which money is inserted will be considered to be remitting sales tax at the rate prescribed by law if their remittances on the charges for the use of the machines do not fall below the effective tax rate established by this rule. This rate recognizes the variations resulting from multiple charges. It is presumed that the charge for use of the machine was adjusted to include tax.~~

~~1. The tax rate for amusement machines located in a county imposing a 1 1/2 percent surtax is 5.5 percent. To compute the correct amount of tax due, the operators of amusement machines should divide their total receipts from these machines by 1.055 to compute their gross sales and subtract their gross sales from the total receipts to arrive at the amount of sales tax due.~~

~~2. The tax rate for amusement machines located in a county imposing a 1 percent surtax is 5 percent. To compute the correct amount of tax due, the operators of amusement machines should divide their total receipts from these machines by 1.050 to compute their gross sales and subtract their gross sales from the total receipts to arrive at the amount of sales tax due.~~

~~3. The tax rate for amusement machines located in a county imposing a 1/2 percent surtax is 4.5 percent. To compute the correct amount of tax due, the operators of amusement machines should divide their total receipts from these machines by 1.045 to compute their gross sales and subtract their gross sales from the total receipts to arrive at the amount of sales tax due.~~

~~4. Money inserted into a machine which dispenses tokens, slugs, coupons, or any other item for use of entertainment or amusement devices will also be taxable at 1.055 percent of the gross sales in a 1 1/2 percent surtax county, at 1.050 percent of the gross sales in a 1 percent surtax county, and at 1.045 percent of gross sales in a 1/2 percent surtax county. Again, the total receipts from the machines providing the tokens, slugs, coupons, etc., should be divided by 1.055 if the machines are located in county levying a 1 1/2 percent surtax; 1.050 if the machines are located in a county levying a 1 percent surtax; or 1.045 if the machines are located in a county levying the 1/2 percent surtax; by operators, to compute their gross sales, and they should subtract the gross sales amount from total receipts to arrive at the amount of sales tax due.~~

(2) Vending machine sales; levy of tax; effective tax rates. Section 212.0515, F.S., provides the amount of tax to be paid on food, beverages, or other items of tangible personal property that are sold through vending machines.

(a) All sales made through vending machines of food, beverages, or other devices dispensing taxable items having a sales price of ten cents or more are taxable, unless specifically exempt. See Rule 12A 1.044(7), F.A.C., for exemptions.

(b)1. Effective January 1, 1992, sales of beverages, including, but not limited to, soft drinks, coffee, tea, natural fluid milk, homogenized milk, pasteurized milk, whole milk, chocolate milk, or similar milk products; or natural fruit or vegetable juices through a vending machine are taxable at the rate of 8.31 percent in a county levying a 1 1/2 percent surtax, 7.76 percent in a county levying a 1 percent surtax, and 7.20 percent in a county levying the 1/2 percent surtax. To compute the correct amount of tax due, the operator should divide total receipts from such machines or devices by 1.0831 in a 1 1/2 percent surtax county, 1.0776 in a 1 percent surtax county, or 1.0720 in a 1/2 percent surtax county to compute gross taxable sales and then subtract gross taxable sales from total receipts to arrive at the amount of tax due. The milk products, natural fruit or vegetable juices were taxable at the rate of 7.76 percent in a county levying a 1 percent surtax and 7.20 percent in a county levying the 1/2 percent surtax until July 1, 1993.

2. Effective July 1, 1993, sales of natural fluid milk, homogenized milk, pasteurized milk, whole milk, chocolate milk, or similar milk products, natural fruit juices, or natural vegetable juices through a vending machine are taxable at the rate of 8.06 percent in a county levying the 1 1/2 percent surtax, 7.53 percent in a county levying the 1 percent surtax and 6.99 percent in a county levying the 1/2 percent surtax. To compute the correct amount of tax due, the operator should divide total receipts from such machines or devices by 1.0806 in a 1 1/2 percent surtax county, 1.0753 in a 1 percent surtax county, and 1.0699 in a 1/2 percent surtax county, to compute gross taxable sales and then subtract gross taxable sales from total receipts to arrive at the amount of tax due.

3. Effective January 1, 1992, sales of food items through a vending machine are taxable at the rate of 8.06 percent in a county levying the 1 1/2 percent surtax, 7.53 percent in a county levying the 1 percent surtax, and 6.99 percent in a county levying the 1/2 percent surtax. For the purpose of this rule, gum and breath mints are considered food items. To compute the correct amount of tax due, the operator should divide total receipts from such machines or devices by 1.0806 in a 1 1/2 percent surtax county, 1.0753 in a 1 percent surtax county, or 1.0699 in a 1/2 percent surtax county to compute gross taxable sales and then subtract gross taxable sales from total receipts to arrive at the amount of tax due.

4. All other sales through a vending machine are taxable at the rate of 7.95 percent in a county levying the 1 1/2 percent surtax, 7.51 percent in a county levying the 1 percent surtax,

and 6.97 percent in a county levying the 1/2 percent surtax. To compute the correct amount of tax due, the operator should divide total receipts from such machines or devices by 1.0795 in a 1 1/2 percent surtax, 1.0751 in a 1 percent surtax county, or 1.0697 in a 1/2 percent surtax county to compute gross taxable sales and then subtract gross taxable sales from total receipts to arrive at the amount of tax due.

5. When there is a combination of beverages, food, or other items that are sold through the same vending machine, the vending machine operator may, if the operator can identify and account for each type of item vended, remit the tax at the appropriate rate for each type of item vended. Example: A vending machine contains various types of food and novelty items at different prices. If the operator can account for and identify the total number of food items vended times the sales price for these food items, the operator may remit the tax at the rate of 8.06 percent in a county imposing the 1 1/2 percent surtax, 7.53 percent in a county imposing the 1 percent surtax, and 6.99 percent in a county imposing the 1/2 percent surtax on the food items and 7.95 percent in a county imposing the 1 1/2 percent surtax, 7.51 percent in a county imposing the 1 percent surtax and 6.97 percent in a county imposing the 1/2 percent surtax on the novelty items. When an operator cannot identify and account for each type of item sold through the vending machine, the highest tax rate for a product vended shall be used for all products sold through that machine.

(c) Operators of vending machines or devices equipped with tax collecting devices are required to maintain accurate records and remit the actual tax collected.

(d)1. When a dealer can demonstrate to the satisfaction of the Department through its books and records that a lower rate than that which is provided in the preceding paragraphs of this subsection is applicable, except for food and beverage vending machines on and after January 1, 1992, or sales through an amusement machine on or after January 1, 1995, the total of the state tax and the surtax that is payable on sales through a vending machine or rack for selling newspapers, magazines, other publications, shall be at that rate. Effective January 1, 1992, operators of food and beverage vending machines must report the tax at the rate prescribed in s. 212.0515(2), F.S. Effective January 1, 1995, operators of amusement machines must report the tax at the rate prescribed in paragraph (1)(c) above.

2. In order to substantiate a lower effective tax rate, a vending machine operator is required to maintain books and records which contain the total number of items sold in each machine in which similar kinds of items are vended and the sales price for each item vended. Example: Company X wants to establish a lower effective tax rate for novelty items vended. The company must use the sale of all novelty items from each vending machine and the sales price of each item vended. The company should not include its food or drink sales in trying to establish a lower effective tax rate for its novelty items.

3. If an operator establishes a lower effective tax rate on a per vending basis, the operator must also establish an effective tax rate for any machine which produces a rate higher than that prescribed in this rule.

4. Operators using an effective tax rate other than the applicable rate prescribed within this rule must recompute the rate on a monthly basis.

~~(3) Owners or operators of coin-operated amusement and vending machines or devices dispensing taxable tangible personal property must obtain a separate sales and use tax Certificate of Registration (Form DR-11), incorporated in Rule 12A-1.097, F.A.C., for each county in which the coin-operated amusement and vending machines or devices dispensing taxable tangible personal property are located. Refer to Rule 12A-1.044(5), F.A.C., for further information on registration requirements.~~

~~(3)(4) No change.~~

Specific Authority 212.05(1)(i)(f), 212.0515, 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(24), 212.05(1)(i)(f), 212.0515, 212.054, 212.055, 212.07(2), 212.18(3) FS. History—New 12-11-89, Amended 1-30-91, 5-12-92, 9-14-93, 11-16-93, 12-13-94, 3-20-96, _____.

12A-15.012 Alcoholic and Malt Beverages.

(1)(a) Alcoholic beverages, including beer, ale, and wine, are subject to surtax at the rate imposed by the county where the business is located taxable. The dealer shall add the sales tax, plus the applicable surtax, to the sales price (~~including any other state and federal taxes~~) of each sale. The dealer is not permitted to advertise or hold out to the public in any manner that the dealer will absorb any part of the sales tax or surtax due or that the dealer will relieve the purchaser from the payment of sales tax or surtax.

(b) In some instances, it may be impractical for dealers who sell package goods, mixed drinks, or a combination of package goods and mixed drinks a dealer to separately itemize record the sales price of the beverage and the tax ~~thereon~~. In such cases, a dealer is required to shall remit tax in accordance with one of the methods outlined below, and the dealer's records must substantiate the method chosen.

(2) DEALERS WHO DO NOT SELL MIXED DRINKS.

(a)1. When a dealer, located in a county imposing a surtax, who sells package goods but does not sell mixed drinks, does not put the public on notice that tax is included in the total charge, the dealer is required to remit tax at the following rates. The dealer should multiply the total gross receipts derived from the sale of package goods by the following effective tax rates to compute the amount of sales tax, plus surtax, due.

<u>County Surtax Rate</u>	<u>Effective Tax Rate</u>
<u>No Surtax</u>	<u>.0635</u>
<u>1/2%</u>	<u>.0677</u>
<u>3/4%</u>	<u>.07035</u>
<u>1%</u>	<u>.0730</u>
<u>1 1/2%</u>	<u>.0776</u>

1. When the business location is in a county levying the surtax at 1 1/2% and the public has not been put on notice through the posting of price lists or signs prominently throughout the establishment that tax is included in the total charge, package stores which sell no mixed drinks shall remit tax at the rate of 7.76% of their total receipts, and dealers who sell mixed drinks or combination of mixed drinks and package goods shall remit the tax at the rate of 7.95% of their total receipts.

2.a. Example: A package store located in a county imposing surtax at the rate of 1 1/2% that does not sell which sells no mixed drinks and whose total gross receipts are \$2,000 would multiply \$2,000 by .0776 7.76% to compute tax due of \$155.20. This is the amount of sales tax, plus surtax, due.

~~b. Example: A dealer who sells drinks or a combination of mixed drinks and package goods and whose total receipts are \$2,000 would multiply \$2,000 by 7.95% to compute tax due of \$159.00.~~

(b)1. When a dealer, located in a county imposing a surtax, who sells package goods but does not sell mixed drinks, puts the public on notice through the posting of price lists or signs prominently throughout the business establishment that tax is included in the total charge, the dealer is required to remit tax in the following manner:

a. Divide the total gross receipts by the following divisors to compute taxable sales:

<u>County Surtax Rate</u>	<u>Divisor</u>
<u>No Surtax</u>	<u>1.0635</u>
<u>1/2%</u>	<u>1.0677</u>
<u>3/4%</u>	<u>1.07035</u>
<u>1%</u>	<u>1.0730</u>
<u>1 1/2%</u>	<u>1.0776</u>

b. Subtract taxable sales from the total gross receipts to compute the amount of sales tax, plus surtax, due.

2. When the business location is in a county levying the surtax at 1 1/2% and the public has been put on notice by means of price lists or signs posted prominently throughout the establishment that the total charge includes tax, the dealer shall report the tax collected by deducting the tax from the total receipts using the methods shown below:

2.a. Example: A package store located in a county imposing a surtax at 1 1/2% that does not sell which sells no mixed drinks and whose total gross receipts are \$2,000 would divide \$2,000 by 1.0776 to compute taxable sales of \$1,855.98, and tax collected of \$144.02. The store would subtract \$1,855.98 from \$2,000 to compute \$144.02 tax due. This is the amount of sales tax, plus surtax, due.

(3) DEALERS WHO SELL MIXED DRINKS.

(a)1. When a dealer, located in a county imposing a surtax, sells mixed drinks or both mixed drinks and package goods and does NOT put the public on notice that tax is included in the total charge, the dealer is required to remit tax at the following

rates. The dealer should multiply the total gross receipts derived from the sale of mixed drinks and package goods by the following effective tax rates to compute the amount of sales tax, plus surtax, due.

<u>County Surtax Rate</u>	<u>Effective Tax Rate</u>
<u>No Surtax</u>	<u>.0659</u>
<u>1/2%</u>	<u>.0697</u>
<u>3/4%</u>	<u>.0724</u>
<u>1%</u>	<u>.0751</u>
<u>1 1/2%</u>	<u>.0795</u>

b. Example: A dealer who sells drinks or a combination of mixed drinks and package goods and whose total receipts are \$2,000 would divide \$2,000 by 1.0795 to compute taxable sales of \$1,852.71, and tax collected of \$147.29.

3. When the business location is in a county levying the surtax at 1% and the public has not been put on notice through the posting of price lists or signs prominently throughout the establishment that tax is included in the total charge, package stores which sell no mixed drinks shall remit tax at the rate of 7.30% of their total receipts, and dealers who sell mixed drinks or combination of mixed drinks and package goods shall remit the tax at the rate of 7.51% of their total receipts.

a. Example: A package store which sells no mixed drinks and whose total receipts are \$2,000 would multiply \$2,000 by 7.30% to compute tax due of \$146.

2.b. Example: A dealer located in a county imposing a 1% surtax who sells mixed drinks or both a combination of mixed drinks and package goods and whose total gross receipts are \$2,000 would multiply \$2,000 by .0751 7.51% to compute tax due of \$150.20. This is the amount of sales tax, plus surtax, due.

(b)1. When a dealer, located in a county imposing a surtax, sells mixed drinks or both mixed drinks and package goods and puts the public on notice through the posting of price lists or signs prominently throughout the business establishment that tax is included in the total charge, the dealer is required to remit tax in the following manner:

a. Divide total gross receipts by the following divisors to compute taxable sales:

<u>County Surtax Rate</u>	<u>Divisor</u>
<u>No Surtax</u>	<u>1.0659</u>
<u>1/2%</u>	<u>1.0697</u>
<u>3/4%</u>	<u>1.0724</u>
<u>1%</u>	<u>1.0751</u>
<u>1 1/2%</u>	<u>1.0795</u>

b. Subtract taxable sales from the total gross receipts to compute the amount of sales tax, plus surtax, due.

4. When the business location is in a county levying the surtax at 1% and the public has been put on notice by means of price lists or signs posted prominently throughout the

establishment that the total charge includes tax, the dealer shall report the tax collected by deducting the tax from the total receipts using the methods shown below:

a. Example: A package store which sells no mixed drinks and whose total receipts are \$2,000 would divide \$2,000 by 1.0730 to compute taxable sales of \$1,863.93, and tax collected of \$136.07.

2.b. Example: A dealer located in a county imposing a 1% surtax who sells mixed drinks or both a combination of mixed drinks and package goods and whose total gross receipts are \$2,000 would divide \$2,000 by 1.0751 to compute taxable sales of \$1,860.29, and tax collected of \$139.71. The dealer would subtract \$1,860.29 from \$2,000 to compute \$139.71 tax due. This is the amount of sales tax, plus surtax, due.

5. When the business location is in a county levying the surtax at 1/2% and the public has not been put on notice through the posting of price lists or signs prominently throughout the establishment that tax is included in the total charge, package stores which sell no mixed drinks shall remit tax at the rate of 6.77% of their total receipts, and dealers who sell mixed drinks or a combination of mixed drinks and package goods shall remit the tax at the rate of 6.97% of their total receipts.

a. Example: A package store which sells no mixed drinks and whose total receipts are \$2,000 would multiply \$2,000 by 6.77% to compute tax due of \$135.40.

b. Example: A dealer who sells mixed drinks or a combination of mixed drinks and package goods and whose total receipts are \$2,000 would multiply \$2,000 by 6.97% to compute tax due of \$139.40.

6. When the business location is in a county levying the surtax at 1/2% and the public has been put on notice by means of price lists or signs posted prominently throughout the establishment that the total charge includes tax, the dealer shall report the tax collected by deducting the tax from the total receipts using the methods shown below:

a. Example: A package store which sells no mixed drinks and whose total receipts are \$2,000 would divide \$2,000 by 1.0677 to compute taxable sales of \$1,873.19, and tax collected of \$126.81.

b. Example: A dealer who sells mixed drinks or a combination of mixed drinks and package goods and whose total receipts are \$2,000 would divide \$2,000 by 1.0697 to compute taxable sales of \$1,869.68, and tax collected of \$130.32.

(2) Notwithstanding other provisions of this section, dealers engaged in the business of making retail sales of alcoholic and malt beverages, who separately record the sales price of items sold and the tax thereon, must maintain accurate records of the tax collected, and the exact amount of tax must be remitted to the state.

Specific Authority 212.07(2), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(16), 212.054, 212.055, 212.07(2),(4), 212.08(4), 212.15(1),(4) FS. History--New 12-11-89, Amended 3-20-96,_____.

12A-15.015 Public Use Forms Used by Public.

In addition to the forms prescribed in Chapter 12A-1, F.A.C. the following public use public-use forms and instructions are employed by the Department of Revenue in its dealings with the public in administering the surtax. These forms are hereby incorporated by reference in this rule. Copies of these forms are available by: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at 850-922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax On Demand system at 850-922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 800-352-3671 (in Florida only) or 850-488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (<http://sun6.dms.state.fl.us/dor/revenue.html>). Persons with hearing or speech impairments may call the Department's TDD at 1-800-367-8331.

FORM NUMBER	TITLE	EFFECTIVE DATE
(1) DR-2B	Sales Tax Brackets on all 6½% Taxable Transactions (r. 07/95)	02/96
(2) DR-2C	Sales Tax Brackets Effective on all 7% Taxable Transactions (r. 02/95)	02/96
(3) DR-2D	Sales Tax Brackets Effective on all 7.5% Taxable Transactions (r. 01/96)	02/96
(4) DR-2E	Sales Tax Brackets Effective on all 8% Taxable Transactions (r. 02/95)	02/96
(5) DR-2F	Sales Tax Brackets Effective on all 3.5% Taxable Transactions (r. 02/96)	02/96
(6) DR-2G	Sales Tax Brackets Effective on all 4% Taxable Transactions (N. 02/96)	02/96
(7) DR-2H	Sales Tax Brackets Effective on all 4.5% Taxable Transactions (N. 02/96)	02/96
(8) DR-2I	Sales Tax Brackets Effective on all 5% Taxable Transactions (N. 02/96)	02/96
(9) DR-2J	Sales Tax Brackets Effective on all 5.5% Taxable Transactions (N. 02/96)	02/96
(10) DR-2K	Sales Tax Brackets Effective on all 8.5% Taxable Transactions (N. 02/96)	02/96
(11) through (12)	renumbered (1) through (2) No change.	

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.054, 212.055 FS. History--New 12-11-89, Amended 8-10-92, 9-14-93, 3-20-96,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone (850)922-9407

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone number (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 1, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed rule was noticed for a Rule Development Workshop in the Florida Administrative Weekly on November 9, 2000 (Vol. 26, No. 45, pp. 5259-5267). The workshop was held on November 28, 2000. No one provided comments at the workshop and no one submitted written comments. The Department announced at the workshop that the charts provided in the proposed rule amendments to paragraphs (2)(b), (3)(c), (4)(c), and (5)(a) of Rule 12A-15.002, F.A.C., Surtax Sales Brackets, were incorrectly published in the Florida Administrative Weekly. The Notice of Proposed Rulemaking will contain the necessary corrections.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLES:	RULE NOS.:
Exemptions	12A-16.003
Registration	12A-16.004
Exemption Permits, Certificates, and Affidavits	12A-16.005
Public Use Forms	12A-16.008

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rules 12A-16.004, 12A-16.005, and 12A-16.008, F.A.C., and the proposed repeal of Rule 12A-16.003, F.A.C., is to: (1) provide that entities holding a valid Consumer's Certificate of Exemption (form DR-14) issued by the Department may lease or rent a vehicle for hire exempt from the rental car surcharge; (2) remove the repetition of provisions for exemptions; (3) remove the repetition of information on how to obtain forms and update that information; and (4) incorporate the May 1999 revisions to form DR-15SW.

SUMMARY: The proposed repeal of Rule 12A-16.003, F.A.C., Exemptions, removes provisions for exemptions from the rental car surcharge that are provided in Rule 12A-16.005, F.A.C., as amended.

The proposed amendments to Rule 12A-16.004, F.A.C., Registration: (1) correct the title of form DR-1, Application to Collect and/or Report Tax in Florida; and (2) remove the repetition of where to obtain forms that is currently provided in Rule 12A-16.008, F.A.C.

The proposed amendments to Rule 12A-16.005, F.A.C.: (1) change the title to "Exemption Permits, Certificates, and Affidavits"; and (2) provide that entities holding a valid Consumer's Certificate of Exemption (form DR-14) issued by the Department may lease or rent a vehicle for hire exempt from the rental car surcharge.

The proposed amendments to Rule 12A-16.008, F.A.C.: (1) change the title to "Public Use Forms"; (2) incorporate the revisions to form DR-15SW and the instructions to the form; and (3) make a technical change to an address where a form may be obtained.

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1) FS. LAW IMPLEMENTED: 212.05(1), 212.06(1), 212.0606, 212.08(6),(7), 212.18(3), 212.183 FS.

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

TIME AND DATE: 10:00 a.m., March 13, 2001

PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-9407

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Jamie Phillips at (850)488-0717. If you are hearing or speech impaired, please contact the Department by calling 1(800)DOR-TDD1 (1(800)367-8331).

THE FULL TEXT OF THE PROPOSED RULES IS:

12A-16.003 Exemptions.

~~If the lease or rental of a for hire passenger motor vehicle is directly to an organization which is exempt from sales and use tax, such as a church or governmental entity, the lease or rental is likewise exempt from the surcharge. The exemption certificate required for sales and use tax shall satisfy the requirements of the surcharge.~~

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.0606, 212.08(6),(7) FS. History—New 11-14-89, Repealed.

12A-16.004 Registration.

(1)(a) Before any person may engage in or conduct business in this state of leasing or renting any for hire passenger motor vehicle, that person must first file an Application to Collect and/or Report for Sales and Use Tax in Florida Registration (form Form DR-1). Registration as a sales tax dealer is sufficient registration for purposes of the surcharge. See Rule 12A-16.008, F.A.C., for information on how to obtain forms.

~~(b) Applications for Sales and Use Tax Registration (Form DR-1), incorporated by reference in Rule 12A-1.097, F.A.C., are available, without cost, by: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at 850-922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax on Demand system at 850-922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 800-352-3671 (in Florida only) or 850-488-6800; or, 6) downloading selected forms from the Department's Internet site at the address show inside the parentheses—(http://sun6.dms.state.fl.us/dor/revenue.html). Persons with hearing or speech impairments may call the Department's TDD at 1-800-367-8331.~~

(2) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.0606, 212.18(3) FS. History—New 11-14-89, Amended 8-10-92, 3-21-95, _____.

12A-16.005 Exemption Permits, Certificates, and Affidavits.

(1) The lease or rental of a for hire passenger motor vehicle directly to an entity that holds a valid Consumer's Certificate of Exemption (form DR-14) issued by the Department is exempt. Direct pay permits, exemption Permits, certificates, and exemption affidavits required to be issued to lease or rent a vehicle exempt from ~~for~~ sales and use tax shall satisfy the requirements of the exemption from the surcharge. However, if a permit, certificate, or affidavit is issued by the lessee or renter at the time of the lease or rental in lieu of surcharge, and the lessee makes a taxable use of the motor vehicle, the lessee or renter is required to remit the surcharge directly to the Department.

(2) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.0606, 212.05(1), 212.06(1), 212.0606, 212.18(3), 212.183 FS. History—New 11-14-89, Amended _____.

12A-16.008 Public Use Forms Used by Public.

In addition to the forms prescribed in Chapter 12A-1, F.A.C., the following public use ~~public use~~ forms and instructions are employed by the Department of Revenue in its dealings with the public in administering the surcharge. Copies of these forms are available, without cost, by: 1) writing the Florida

Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at 850-922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax on Demand system at 850-922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 800-352-3671 (in Florida only) or 850-488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (<http://sun6.dms.state.fl.us/dor/revenue.html>). Persons with hearing or speech impairments may call the Department's TDD at 1-800-367-8331.

FORM NUMBER	TITLE	EFFECTIVE DATE
(1) DR-15SW	Solid Waste and Surcharge Return (r. 05/99 10/94)	_____ <u>03/95</u>
(2) DR-15SWN	<u>Instructions for Completing the DR-15SW Solid Waste and Surcharge Return</u> (r. 09/00)	_____

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented ~~120.53(1)(b)~~; 212.0606, ~~212.17(4)~~, ~~212.18(2)~~ FS. History--New 11-14-89, Amended 7-7-91, 8-10-92, 3-21-95, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-9407

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 1, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed rules were noticed for a Rule Development Workshop in the Florida Administrative Weekly on November 9, 2000 (Vol. 26, No. 45, pp. 5267-5268). The workshop was held on November 28, 2000. No one provided comment at the workshop and no written comments were received by the Department.

DEPARTMENT OF REVENUE

Corporate Income Tax

RULE TITLE: Forms
RULE NO.: 12C-1.051

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12C-1.051, F.A.C., Forms, is to incorporate by reference amendments to forms used by the Department in the administration of corporate income tax.

SUMMARY: The proposed amendments to Rule 12C-1.051, F.A.C. (Forms), incorporate amendments to corporate income tax forms F-1120A, F-1120, F-1120N, F-1120ES, F-1120P, F-1120X, F-1157Z, and F-7004 that will be used for taxable years beginning on or after January 1, 2001.

SPECIFIC AUTHORITY: 213.06(1), 220.51 FS.

LAW IMPLEMENTED: 120.55(1)(a)4., 220.19, 220.21, 220.22, 220.221(3), 220.34, 220.51, 221.04 FS.

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

TIME AND DATE: 10:00 a.m., March 13, 2001

PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Suzanne Paul, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-4733.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Jamie Phillips at (850)488-0717. If you are hearing or speech impaired, please contact the Department by calling 1(800)DOR-TDD1 (1(800)367-8331).

THE FULL TEXT OF THE PROPOSED RULE IS:

12C-1.051 Forms.

The Department of Revenue adopts, and hereby incorporates by reference in this rule, the following forms and instructions:

FORM NUMBER	TITLE	EFFECTIVE DATE
(1) through (4)	No change.	
(5) F-1120A (Flats)	Florida Corporate Short Form Income Tax Return (r. <u>01/01</u> N-01/99)	_____ <u>03/00</u>
(6)	No change.	
(7) F-1120	Florida Corporate Income/Franchise and Emergency Excise Tax Return (r. <u>01/01</u> 01/99)	_____ <u>03/00</u>

- (8) F-1120N F-1120 Instructions - for filing Form F-1120 Corporate Income/Franchise and Emergency Excise Tax Return for taxable years beginning on or after January 1, 2000 (r. 01/01 04/99) _____ 03/00
- (9) F-1120ES Declaration/Installment of Florida Estimated Income/Franchise and/or Emergency Excise Tax For Taxable Years Beginning on or After January 1, 2001 (Installment 1, 2, 3, 4) (r. 01/01 04/99) _____ 03/00
- (10) No change.
- (11) F-1120P Payment Coupon (r. 01/01 04/99) _____ 03/00
- (12) F-1120X Amended Florida Corporate Income/Franchise and Emergency Excise Tax Return (r. 01/01 04/99) _____ 03/00
- (13) through (16) No change.
- (17) F-1157Z Florida Enterprise Zone Jobs Credit Certificate of Eligibility for Corporate Income Tax (r. 01/01 07/98) _____ 03/00
- (18) through (21) No change.
- (22) F-7004 Florida Tentative Income/Franchise and Emergency Excise Tax Return and Application for Extension of Time to File Return (r. 01/01 04/99) _____ 03/00

Copies of these forms are available by: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at 850-922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax On Demand system at 850-922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 800-352-3671 (in Florida only) or 850-488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (<http://sun6.dms.state.fl.us/dor/>). Persons with hearing or speech impairments may call the Department's TDD at 1-800-367-8331.

Specific Authority 213.06(1), 220.51 FS. Law Implemented 120.55(1)(a)4., 220.19, 220.21, 220.22, 220.221(3), 220.34, 220.51, 221.04 FS. History—New 9-26-77, Amended 12-18-83, Formerly 12C-1.51, Amended 12-21-88, 12-31-89, 1-31-91, 4-8-92, 12-7-92, 1-3-96, 3-18-96, 3-13-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Suzanne Paul, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-4733

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 1, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed rules were noticed for a Rule Development Workshop in the Florida Administrative Weekly on November 9, 2000 (Vol. 26, No. 45, p. 5269). The workshop was held on November 28, 2000. No one provided comment at the workshop and no written comments were received by the Department.

STATE BOARD OF ADMINISTRATION

RULE TITLES: RULE NOS.:
 Reimbursement Contract 19-8.010
 Insurer Reporting Requirements 19-8.029

PURPOSE AND EFFECT: These rules are promulgated to implement Section 215.555, Florida Statutes, regarding the Florida Hurricane Catastrophe Fund, for the 2001-2002 contract year.

SUMMARY: Proposed amended Rule 19-8.010, F.A.C. adopts the 2001 reimbursement contract. Proposed amended Rule 19-8.029, F.A.C., adopts forms for insurer reporting to the Florida Hurricane Catastrophe Fund for the 2001-2002 contract year.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The Board has prepared a statement and found the cost to be minimal.

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

SPECIFIC AUTHORITY: 215.555(3) FS.

LAW IMPLEMENTED: 215.555(2),(3),(4),(5),(6),(7) FS.

REGARDLESS OF WHETHER OR NOT REQUESTED, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. – 12:00 Noon, Wednesday, March 14, 2001

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, FL 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jack E. Nicholson, Chief Operating Officer of the Florida Hurricane Catastrophe Fund, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300, telephone (850)413-1340

Any person requiring special accommodations to participate in this proceeding is asked to advise Patti Elsbernd at least five (5) calendar days before such proceeding. Patti Elsbernd may be reached by telephone at (850)413-1346 or by mail at P. O. Box 13300, Tallahassee, FL 32317-3300

THE FULL TEXT OF THE PROPOSED RULES IS:

19-8.010 Reimbursement Contract.

(1) through (6) No change.

(7) The reimbursement contract for the 2001-2002 contract year required by Section 215.555(4), Florida Statutes, which is called Form FHCF-2001K-“Reimbursement Contract” or “Contract” between (name of insurer) (the “Company”)/NAIC #() and The State Board of Administration of the State of Florida (“SBA”) which Administers the Florida Hurricane Catastrophe Fund (“FHCF”), is hereby adopted and incorporated by reference into this Rule.

~~(8)(7)~~ Copies of the reimbursement contract may be obtained from the State Board of Administration. The mailing address is P. O. Box 13300, Tallahassee, FL 32317-3300. The street address is 1801 Hermitage Blvd., Tallahassee, Florida 32308, (850)488-4406.

Specific Authority 215.555(3) FS. Law Implemented 215.555 FS. History—New 5-31-94, Amended 8-29-95, 5-19-96, 6-19-97, 5-28-98, 5-17-99, 9-13-99, 6-19-00,_____.

19-8.029 Insurer Reporting Requirements ~~for the 1999-2000 Contract Year.~~

(1) Data Reporting of Insurer Exposure.

(a) No later than September 1 of each contract year, insurers and Joint Underwriting Associations shall report insured values reflecting wind exposure under Covered Policies by zip code and other relevant factors required to reflect each insurer's relative exposure to hurricane loss, valued as of June 30 of the current contract year. Such other relevant factors shall be determined by the Independent Consultant consistent with principles of actuarial science and in conjunction with the development of the Premium Formula.

(b) Confidentiality of exposure reports. Pursuant to the provisions of Section 215.557, Florida Statutes, Reports of insured values, the reports of insured values under covered policies by zip code submitted to the State Board of Administration pursuant to Section 215.555, Florida Statutes, as created by s. 1., ch. 93-409, Laws of Florida, or similar legislation, are confidential and exempt from the provisions of Section 119.07(1), Florida Statutes, and section 24(a), Art. I of

the State Constitution. This exemption is subject to the Open Government Sunset Review Act in accordance with Section 119.04, Florida Statutes.

(c) Reporting Regarding Entities Not Required to Hold a Certificate of Authority. Existing Voluntary Pools, Voluntary Syndicates and Voluntary Joint Underwriting Associations are not participants in the FHCF since such entities are not considered to issue Covered Policies as defined in Section 215.555(2)(c), Florida Statutes, and such entities are not required to hold a certificate of authority. All existing voluntary pools, voluntary syndicates and voluntary joint underwriting associations which are not required to hold a certificate of authority shall execute a written statement on Form FHCF-M01, “Florida Hurricane Catastrophe Fund Statement regarding Voluntary Pools, Voluntary Syndicates and Voluntary Joint Underwriting Associations pertaining to Florida Statute 215.555,” rev. 5/99, which is hereby adopted and incorporated by reference, on behalf of itself and its members acknowledging that it and they have no rights to any recovery from the FHCF. Insurer losses associated with business written in Voluntary Pools, Voluntary Syndicates and Voluntary Joint Underwriting Associations shall not be reimbursed by the FHCF since exposures on Covered Policies are not required to be reported and premiums are not required to be paid on these exposures. Any newly created Voluntary Pool, Voluntary Syndicate or Voluntary Joint Underwriting Association shall be treated as specified under this subsection only if its formation is determined by the Board to be for business purposes benefiting Florida policyholders, not for purposes of creating an unfair marketing advantage over other insurers required to participate in the Fund, and not for the purpose of avoiding participation in the Fund provided such treatment is approved by the Department of Insurance as evidenced by a letter from the Department received by the Board prior to September 1 of any contract year.

(d) Reporting Regarding Insurers Withdrawing from the State or Discontinuing the Writing of All Kinds of Insurance Prior to June 30 + of Each Year. Insurers which discontinue writing insurance in Florida and have no remaining covered policy exposure as of June 30 of each Contract Year may petition for exemption from the Fund pursuant to Rule 19-8.012, F.A.C. Insurers which withdraw from the Florida insurance market prior to June 30 + and have no remaining covered policy exposure as of that date shall not participate in the Fund. The affected insurer shall provide written evidence obtained from the Department of Insurance that it has surrendered its certificate of authority and currently has no outstanding Covered Policies in force. Nothing in this rule shall be construed to conflict with the requirements of Section 624.430(1), Florida Statutes.

(2)(a) For the 1999-2000 contract year, the reporting shall be in accordance with the following: Form FHCF-D1A, “Florida Hurricane Catastrophe Fund 1999 Data Call,” rev.

5/99; Form FHCF-MOD, "CLASIC DATA FORMAT (tm) for Excess Insurance, Version 1.1," rev. 12/22/94; and the FHCF computer validation software provided on diskette and called "FHCF Preliminary Validation Software Version 5.0," with its instructions. The two forms and the software with its instructions identified in the immediately preceding sentence are hereby adopted and incorporated by reference.

(b) For the 2000/2001 contract year, the reporting shall be in accordance with the following: Form FHCF-D1A, "Florida Hurricane Catastrophe Fund 2000 Data Call," rev. 5/00; Form FHCF-MOD, "CLASIC DATA FORMAT (tm) for Excess Insurance, Version 1.1," rev. 12/22/94; and the FHCF computer validation software provided on diskette and called "FHCF Preliminary Validation Software Version 6.0," with its instructions. The two forms and the software with its instructions identified in the immediately preceding sentence are hereby adopted and incorporated by reference. For new companies, the company shall report its actual exposure as of December 31 of the contract year on or before March 1 of the contract year, to the Administrator on Form FHCF-D1B, "Florida Hurricane Catastrophe Fund 2000 Data Call for Newly Licensed Companies," rev. 5/00; Form FHCF-MOD, "CLASIC DATA FORMAT (tm) for Excess Insurance, Version 1.1," rev. 12/22/94; and the FHCF computer validation software provided on diskette and called "FHCF Preliminary Validation Software Version 6.0," with its instructions. The two forms and the software with its instructions identified in the immediately preceding sentence are hereby adopted and incorporated by reference.

(c) For the 2001/2002 contract year, the reporting shall be in accordance with the following: Form FHCF-D1A, "Florida Hurricane Catastrophe Fund 2001 Data Call," rev. 5/01; Form FHCF-MOD, "CLASIC DATA FORMAT (tm) for Excess Insurance, Version 1.1," rev. 12/22/94; and the FHCF computer validation software provided on diskette and called "FHCF Preliminary Validation Software Version 7.0," with its instructions. The two forms and the software with its instructions identified in the immediately preceding sentence are hereby adopted and incorporated by reference. For new companies, the company shall report its actual exposure as of December 31 of the contract year on or before March 1 of the contract year, to the Administrator on Form FHCF-D1B, "Florida Hurricane Catastrophe Fund 2001 Data Call for Newly Licensed Companies," rev. 5/01; Form FHCF-MOD, "CLASIC DATA FORMAT (tm) for Excess Insurance, Version 1.1," rev. 12/22/94; and the FHCF computer validation software provided on diskette and called "FHCF Preliminary Validation Software Version 7.0," with its instructions. The two forms and the software with its instructions identified in the immediately preceding sentence are hereby adopted and incorporated by reference.

(3) through (4) No change.

Specific Authority 215.555(3) FS. Law Implemented 215.555(2),(3),(4),(5),(6),(7),(15) FS. History—New 5-17-99, Amended 6-19-00.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jack E. Nicholson, Chief Operating Officer, Florida Hurricane Catastrophe Fund, State Board of Administration

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: The Trustees of the State Board of Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 6, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2000

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Manifests for Processed Products	20-71
RULE TITLES:	RULE NOS.:
Manifest Requirements	20-71.001
Required Manifest Statement	20-71.002
Failure to Furnish Manifests	20-71.003
Purpose	20-71.004
Manifest Requirements and Statements for Inter-company Transports	20-71.005
Manifest Requirements and Statements for Transports of Processed Citrus Products	20-71.006

PURPOSE AND EFFECT: Would repeal rule sections 20-71.001, 20-71.002, and 20-71.003 and bring rule up-to-date with the way business is currently being conducted by re-writing rule to eliminate inspection for inter-company transport of processed citrus products.

SUMMARY: Eliminating inspection for inter-company transport of processed citrus products.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Regulatory Cost has been prepared.

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

SPECIFIC AUTHORITY: 601.10(1),(7), 601.11, 601.49 FS.

LAW IMPLEMENTED: 601.10(7), 601.11, 601.49, 601.52 FS.

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

TIME AND DATE: 9:00 a.m., March 21, 2001

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULE IS:

20-71.001 Manifest Requirements.

Every shipper of processed citrus products shall deliver to the inspector a copy of the loading manifest for each shipment, which shall include:

- (1) Name of Shipper;
(2) Date of shipment;
(3) An itemized list of products for each grade, showing number, size and kind of immediate containers, together with respective code numbers.

Specific Authority 601.10(1),(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.49, 601.52 FS. History-Formerly 105-1.24(1), Revised 1-1-75, Formerly 20-71.01, Repealed.

20-71.002 Required Manifest Statement.

Each manifest shall include a statement, by the shipper, that all processed citrus products regulated by Chapter 601, Florida Statutes, included in such shipment, have been inspected and certified, that official certificates of inspection are on file and available upon request, and that payment of all excise taxes and inspection fees has been made or guaranteed as provided in applicable rules of the Department of Citrus.

Specific Authority 601.10(1),(7), 601.11, 601.49 FS. Law Implemented 601.10(7), 601.11, 601.49, 601.52 FS. History-Formerly 105-1.24(2), Revised 1-1-75, Formerly 20-71.02, Repealed.

20-71.003 Failure to Furnish Manifests.

Loading manifests shall accompany original inspection certificates. The inspector shall not furnish certificates of inspection until such manifests have been delivered to him.

Specific Authority 601.10(1),(7), 601.11, 601.49 FS. Law Implemented 601.10(7), 601.11, 601.49, 601.52 FS. History-Formerly 105-1.24(3), Revised 1-1-75, Formerly 20-71.03, Repealed.

20-71.004 Purpose.

The purpose of this rule is to outline information that is to be included on all manifests regarding processed citrus products transports within the state of Florida.

Specific Authority 601.10(1),(7), 601.11, 601.49 FS. Law Implemented 601.10(7), 601.11, 601.49, 601.52 FS. History-New.

20-71.005 Manifest Requirements and Statements for Inter-company Transports.

Any time a shipper is transporting processed citrus products inter-company within the state of Florida, the shipper shall deliver to the inspector a copy of the loading manifest for each shipment. An inter-company transport occurs when processed citrus product is transported between facilities that are one hundred percent (100%) owned by the shipper. These manifests shall indicate:

- (1) Name of Shipper;
(2) Date of shipment;
(3) A certified statement that the processed citrus products are being transported inter-company.

(4) Each manifest shall include a statement, by the shipper, that all processed citrus products regulated by Chapter 601, Florida Statutes, included in such shipment, have been inspected and that payment of all excise taxes and inspection fees has been made or guaranteed as provided in applicable rules of the Department of Citrus.

Specific Authority 601.10(1),(7), 601.11, 601.49 FS. Law Implemented 601.10(7), 601.11, 601.49, 601.52 FS. History-New.

20-71.006 Manifest Requirements and Statements for Transports of Processed Citrus Products.

With the exception of inter-company transports, every shipper of processed citrus products shall deliver to the inspector a copy of the loading manifest for each shipment, which shall indicate:

- (1) Name of shipper;
(2) Date of shipment;
(3) An itemized list of products for each grade, showing number, size and kind of immediate containers, together with respective code numbers.

(4) Each manifest shall include a statement, by the shipper, that all processed citrus products regulated by Chapter 601, Florida Statutes, included in such shipment, have been inspected and certified, that official certificates of inspection are on file and available upon request, and that payment of all excise taxes and inspection fees has been made or guaranteed as provided in applicable rules of the Department of Citrus.

(5) Loading manifests shall accompany original inspection certificates. The inspector shall not furnish certificates of inspection until such manifests have been delivered to him.

Specific Authority 601.10(1),(7), 601.11, 601.49 FS. Law Implemented 601.10(7), 601.11, 601.49, 601.52 FS. History-New.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mia L. McKown, General Counsel
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mia L. McKown, General Counsel
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 19, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 5, 2001

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Certificate of Grade Inspection - Processed Products
RULE CHAPTER NO.: 20-72
RULE TITLE: Alternate Proof of Inspection
RULE NO.: 20-72.009
PURPOSE AND EFFECT: Would eliminate inspection of inter-company transport of processed citrus products.
SUMMARY: Elimination of inspection for inter-company transport of processed citrus products.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Regulatory Cost has been prepared.

SPECIFIC AUTHORITY: 601.49 FS.

LAW IMPLEMENTED: 601.49 FS.

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

TIME AND DATE: 9:00 a.m., March 21, 2001

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULE IS:

20-72.009 Alternate Proof of Inspection.

Subject to limitations prescribed by the Department of Agriculture or its authorized agents, the fact of inspection for each shipment of processed citrus products may be shown by appropriate means on the manifest or bill of lading in lieu of the certification of grade inspection required to accompany each shipment. This rule section does not apply when processed citrus products are transferred between facilities that are one hundred percent (100%) owned by the shipper.

Specific Authority 601.49 FS. Law Implemented 601.49 FS. History—Formerly 105-1.22(5), Revised 1-1-75, Formerly 20-72.09, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mia L. McKown, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mia L. McKown, General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 19, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 5, 2001

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Medicaid

RULE TITLE: Dental Services
 RULE NO.: 59G-4.060

PURPOSE AND EFFECT: The 2000 Florida Legislature passed CS/SB 2034, Section 71, which amended §409.912, Florida Statutes, to require the Agency for Health Care Administration to develop and implement a program that requires Medicaid practitioners who prescribe drugs to use a counterfeit-proof prescription pad for Medicaid prescriptions. The purpose of this rule amendment is to incorporate by reference the revised Florida Medicaid Reimbursement Handbook, Dental 111, February 2001, which contains the policy that Medicaid practitioners who prescribe drugs must use a counterfeit-proof prescription pad for Medicaid

prescriptions. The effect will be to incorporate by reference in the rule the revised Florida Medicaid Provider Reimbursement Handbook, Dental 111, updated February 2001.

SUMMARY: This rule amendment incorporates by reference the revised Florida Medicaid Provider Reimbursement Handbooks, Dental 111, February 2001, which requires Medicaid practitioners who prescribe drugs to use a counterfeit-proof prescription pad for Medicaid prescriptions.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.912 FS.

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

TIME AND DATE: 10:00 a.m., March 12, 2001

PLACE: Building 3, Room number will be available at the desk

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gary Marsh, Medicaid Program Integrity, 2002 Old St. Augustine Road, Building B, Suite 10B, Tallahassee, Florida 32301, (850)922-4374

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.060 Dental Services.

(1) No change.

(2) All dental services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Dental Coverage and Limitations Handbooks, January 2000, and the Florida Medicaid Provider Reimbursement Handbook, Dental 111, February 2001 ~~October 1999~~, which are incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, which is incorporated in 59G-5.020. All three handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.912 FS. History—New 7-10-80, Amended 2-19-81, 10-27-81, 7-21-83, Formerly 10C-7.523, Amended 9-11-90, 11-3-92, Formerly 10C-7.0523, Amended 6-29-93, Formerly 10P-4.060, Amended 7-19-94, 7-16-96, 3-11-98, 10-13-98, 12-28-98, 6-10-99, 4-23-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gary Marsh

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ruben J. King-Shaw, Jr., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 7, 2001
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2000

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Medicaid

RULE TITLE: Prescribed Drug Services
 RULE NO.: 59G-4.250

PURPOSE AND EFFECT: The 2000 Florida Legislature passed CS/SB 2034, Section 71, which amended §409.912, Florida Statutes, to require the Agency for Health Care Administration to develop and implement a program that requires Medicaid practitioners who prescribe drugs to use a counterfeit-proof prescription pad for Medicaid prescriptions. The purpose of this rule amendment is to incorporate by reference the revised Florida Medicaid Prescribed Drug Services, Coverage, Limitations and Reimbursement Handbook, February 2001, which contains the policy that Medicaid practitioners who prescribe drugs must use a counterfeit-proof prescription pad for Medicaid. The effect will be to incorporate by reference in the rule the revised Florida Medicaid Prescribed Drug Coverage, Limitations, and Reimbursement Handbook, February 2001.

SUMMARY: This rule amendment incorporates by reference the revised Florida Medicaid Prescribed Drug Coverage, Limitations, and Reimbursement Handbook, February 2001, which requires Medicaid practitioners who prescribe drugs to use a counterfeit-proof prescription pad for Medicaid prescriptions.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906(20), 409.908, 409.912 FS.

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

TIME AND DATE: 10:00 a.m., March 12, 2001

PLACE: Building 3, Room number will be available at the desk

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gary Marsh, Medicaid Program Integrity, 2002 Old St. Augustine Road, Building B, Suite 10B, Tallahassee, Florida 32301, (850)922-4374

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.250 Prescribed Drug Services.

(1) No change.

(2) All participating prescribed drug services providers enrolled in the Medicaid program must comply with the Florida Medicaid Prescribed Drug Services Coverage, Limitations and Reimbursement Handbook, February 2001 ~~November 2000~~, which is incorporated by reference, and available from the fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906(20), 409.908, 409.912 FS. History—New 1-1-77, Amended 6-30-77, 10-1-77, 2-1-78, 4-1-78, 9-28-78, 6-1-79, 2-28-80, 11-11-81, 7-3-84, Formerly 10C-7.42, Amended 3-11-86, 12-5-88, 6-4-90, 10-29-90, 5-20-92, 4-11-93, Formerly 10C-7.042, Amended 12-28-95, 8-3-97, 2-11-98, 9-13-99, 7-14-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gary Marsh

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ruben J. King-Shaw, Jr., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 7, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2000

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Medicaid

RULE TITLE: Provider Requirements
 RULE NO.: 59G-5.020

PURPOSE AND EFFECT: The 2000 Florida Legislature passed CS/SB 2034, Section 71, which amended §409.912, Florida Statutes, to require the Agency for Health Care Administration to develop and implement a program that requires Medicaid practitioners who prescribe drugs to use a counterfeit-proof prescription pad for Medicaid prescriptions. The purpose of this rule amendment is to incorporate by reference the revised Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, February 2001, which contains the policy that Medicaid practitioners who prescribe drugs must use a counterfeit-proof prescription pad for Medicaid. The effect will be to incorporate by reference in the rule the revised Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, February 2001.

SUMMARY: This rule amendment incorporates by reference the revised Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, February 2001, which requires Medicaid practitioners who prescribe drugs to use a counterfeit-proof prescription pad for Medicaid prescriptions.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.906, 409.907, 409.908, 409.912 FS.

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

TIME AND DATE: 10:00 a.m., March 12, 2001

PLACE: Building 3, Room number will be available at the desk

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gary Marsh, Medicaid Program Integrity, 2002 Old St. Augustine Road, Building B, Suite 10B, Tallahassee, Florida 32301, (850)922-4374

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-5.020 Provider Requirements.

All advanced registered nurse practitioners; ambulatory surgery centers; audiologists; birthing centers; child health check-up providers; chiropractors; community mental health services providers; county health departments; county health department certified match providers; dentists (when submitting claims on the HFCA-1500 claim form); durable medical equipment and medical supply providers; early intervention service providers; federally qualified health centers; freestanding dialysis centers; hearing aid specialists; home health agencies; independent laboratories; licensed midwives; Medicaid certified school match providers; medical foster care providers; opticians; optometrists; physicians; physician assistants; podiatrists; portable x-ray providers; prescribed pediatric extended care centers; registered nurse first assistants; rural health clinics; therapists; and visual services providers enrolled in the Medicaid program and their billing agents must comply with the provisions of the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, updated February 2001 July 1999, which is incorporated by reference and available from the fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.906, 409.907, 409.908, 409.912 FS. History—New 9-22-93, Formerly 10P-5.020, Amended 7-8-97, 1-9-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gary Marsh

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ruben J. King-Shaw, Jr., Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 7, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Auctioneers

RULE TITLE: Advertising
 RULE NO.: 61G2-5.004

PURPOSE AND EFFECT: The Board proposes to strike certain text from this rule as it lacks specific authority.

SUMMARY: The Board has determined that this rule should be amended to delete rule text that lacks specific authority.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 468.384(2) FS.

LAW IMPLEMENTED: 468.388(6), 468.389(1)(d),(j) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julie Baker, Executive Director, Board of Auctioneers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G2-5.004 Advertising.

(1) through (2) No change.

~~(3) The provisions of this rule apply to media exposure of any nature, regardless of whether it is in the form of paid advertising.~~

~~(4) The auction business shall be responsible for the content of all advertising disseminated in preparation for the auction.~~

~~(5) Failure to comply with this rule is a violation of Sections 468.389(1)(d) and (j) and Sections 455.227(1)(a) and (b), Florida Statutes.~~

Specific Authority 468.384(2) FS. Law Implemented 468.388(6), 468.389(1)(d),(j) FS. History—New 10-19-87, Formerly 21BB-5.004, Amended 10-12-93, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Auctioneers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Auctioneers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 10, 2000

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 00-48R

RULE CHAPTER TITLE: PERMITS RULE CHAPTER NO.: 62-4

RULE TITLES: RULE NOS.: Transfer of Permits 62-4.120 Scope of Part III 62-4.510

PURPOSE AND EFFECT: The Department is proposing amendments to Florida Administrative Code Chapter 62-4 to introduce a new Application for Transfer of Air Permit Form (DEP Form 62-210.900(7)) and cross-reference Florida Administrative Code Chapters 62-210 and 62-213 for air general permit procedures.

SUMMARY: The proposed amendments would affect air general permits and air facilities undergoing change of ownership.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 403.061 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087, 403.814 FS.

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

TIME AND DATE: 2:30 p.m., Friday, March 23, 2001

PLACE: Douglas Building, Conference Room A, 3900 Commonwealth Boulevard, Tallahassee, Florida

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel, (850)488-2996 or 1(800)955-8771 (TDD), at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ms. Wendy Alexander, Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Mail Station 5500, Tallahassee, Florida 32399-2400, (850)921-9559

THE FULL TEXT OF THE PROPOSED RULE IS:

62-4.120 Transfer of Permits.

(1) Within 30 days after the sale or legal transfer of a permitted facility, an "Application for Transfer of Permit" (DEP Form 62-1.201(1)) must be submitted to the Department. This form must be completed with the notarized signatures of both the permittee and the proposed new permittee. For air permits, an "Application for Transfer of Air Permit" (DEP Form 62-210.900(7)) shall be submitted.

(2) through (5) No change.

Specific Authority 403.021, 403.031, 403.061, 403.088 FS. Law Implemented 403.021, 403.031, 403.061, 403.087, 403.088 FS. History--New 3-4-70, Revised 5-17-72, 8-31-88, 3-19-90, Formerly 17-4.12, 17-4.120, Amended _____.

62-4.510 Scope of Part III.

This part defines general permits and establishes the procedures for persons who may wish to use a general permit, except that the procedures for any person who may wish to use a general permit for a major source of air pollutant emissions pollution (Title V source), and all conditions of such a general permit, are established at Chapters 62-210 and 62-213, F.A.C. The provisions of this Part shall not apply to activities regulated under Part IV of Chapter 373, F.S., except those activities in the geographical territory of the Northwest Florida Water Management District and to those activities grandfathered under Sections 373.414(11),(12)(a), (13),(14),(15) and (16), F.S.

Specific Authority 373.026, 373.043, 373.044, 373.109, 373.113, 373.418, 403.021, 403.031, 403.061, 403.087, 403.814(1) FS. Law Implemented 373.026, 373.044, 373.109, 373.409, 373.413, 373.4135, 373.414(9),(11),(12)(a),(13),(14),(15),(16), 373.4145, 373.418, 403.021, 403.031, 403.061, 403.087, 403.088, 403.814, 403.702-403.73, 403.851-403.864 FS. History--New 7-8-82, Formerly 17-4.51, Amended 8-31-88, 7-4-95, 10-16-95, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Howard L. Rhodes, Director, Division of Air Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kirby B. Green, Deputy Secretary, Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 2, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2000

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 00-37R

RULE CHAPTER TITLE: STATIONARY SOURCES - GENERAL REQUIREMENTS RULE CHAPTER NO.: 62-210

RULE TITLES: RULE NOS.: Definitions 62-210.200 Permits Required 62-210.300 Administrative Permit Corrections 62-210.360 Forms and Instructions 62-210.900

PURPOSE AND EFFECT: The Department is proposing to remove existing Acid Rain program definitions from Florida Administrative Code Rule 62-210.200 which are otherwise adopted by reference in 40 CFR 72, amend Florida Administrative Code Rule 62-210.360(1) to make a change of ownership an administrative permit correction, incorporate language to address transfer of air permits, introduce a new Transfer of Air Permit Form, and amend Rule 62-210.300(4), F.A.C., to incorporate general procedures and conditions for all non-Title V air general permits. Based on recent amendments

to the Federal Acid Rain Program requirements, the Department is also proposing to amend an existing definition in Florida Administrative Code Rule 62-210.200, clarify language related to Acid Rain Part administrative permit corrections in Rule 62-210.360, F.A.C., and update existing forms in Florida Administrative Code Rule 62-210.900(1)(a).

SUMMARY: The proposed amendments would affect Acid Rain Program related definitions, administrative permit corrections, and forms based on amendments to 40 CFR 72, add transfer of air permit language, and add a transfer of air permit form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 403.061 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087, 403.0872, 403.814 FS.

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

TIME AND DATE: 2:30 p.m., Friday, March 23, 2001

PLACE: Douglas Building, Conference Room A, 3900 Commonwealth Boulevard, Tallahassee, Florida

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel, (850)488-2996 or 1(800)955-8771 (TDD), at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ms. Wendy Alexander, Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Mail Station 5500, Tallahassee, Florida 32399-2400, (850)921-9559

THE FULL TEXT OF THE PROPOSED RULES IS:

62-210.200 Definitions.

The following words and phrases when used in this chapter and in Chapters 62-212, 62-213, 62-214, 62-296, and 62-297, F.A.C., shall, unless content clearly indicates otherwise, have the following meanings:

(1) through (5) No change.

~~(6) "Acid Rain Emissions Reduction Requirement"—Any EPA established requirement to reduce the emissions of sulfur dioxide or nitrogen oxides from an Acid Rain unit to an EPA-specified level or by an EPA-specified percentage pursuant to the Federal Acid Rain Program.~~

~~(6)(7) "Acid Rain Part" – That separate portion of the Title V source permit specifying the Federal Acid Rain Program requirements for an Acid Rain source, each Acid Rain unit at~~

~~an Acid Rain source, and for the owners, operators and the designated representative of the Acid Rain source or the Acid Rain unit.~~

(8) through (12) renumbered (7) through (11) No change.

~~(13) "Actual SO₂ Emissions Rate"—For purposes of the Acid Rain Program, the annual average sulfur dioxide emissions rate for the unit (expressed in pounds per million British thermal units (lb/mmBtu)), for the specified calendar year, provided that if the unit is listed in the National Allowance Data Base (NADB), effective March 23, 1993, and defined at 40 CFR 72.2, adopted and incorporated by reference in Rule 62-204.800, F.A.C., the 1985 sulfur dioxide actual emissions rate for the unit shall be the rate specified by data field, SO₂RTE.~~

(14) through (25) renumbered (12) through (23) No change.

~~(26) "Allowance"—For purposes of the Acid Rain Program, the meaning as defined at 40 CFR 72.2, adopted and incorporated by reference, in Rule 62-204.800, F.A.C.~~

~~(27) "Allowances Held or Hold Allowances"—For purposes of the Acid Rain Program, the meaning as defined at 40 CFR 72.2, adopted and incorporated by reference in Rule 62-204.800, F.A.C.~~

(28) through (47) renumbered (24) through (43) No change.

~~(48) "Boiler"—An enclosed fossil or other fuel fired combustion device used to produce heat and to transfer heat to recirculating water, steam, or any other medium.~~

(49) through (67) renumbered (44) through (62) No change.

~~(68) "Coal"—All solid fuels classified as anthracite, bituminous, subbituminous, or lignite by the American Society for Testing and Materials Designation ASTM D388-92 "Standard Classification of Coals by Rank," adopted and incorporated by reference in Chapter 62-297, F.A.C., and obtainable from the American Society for Testing and Materials (ASTM), 1916 Race Street, Philadelphia, PA 19103.~~

~~(69) "Coal-derived Fuel"—Pulverized coal, coal refuse, liquified or gasified coal, washed coal, chemically cleaned coal, coal oil mixtures, and coke or any fuel, whether in a solid, liquid, or gaseous state, produced by the mechanical, thermal, or chemical processing of coal.~~

~~(70) "Coal-fired"—The combustion as a primary fuel, alone or in combination with any other fuel, of any fuel consisting of coal or any coal-derived fuel, except a coal-derived gaseous fuel with a sulfur content no greater than that of natural gas, provided that if the unit is listed in the NADB, effective March 23, 1993, and defined at 40 CFR 72.2, adopted and incorporated by reference in Rule 62-204.800, F.A.C., the primary fuel is the fuel listed under the data field, PRIMFUEL, therein.~~

(71) through (74) renumbered (63) through (66) No change.

~~(75) "Cogeneration Unit"—A unit having equipment used to produce, through the sequential use of energy, electric energy and forms of useful thermal energy for industrial, commercial, heating or cooling purposes.~~

~~(76) through (78) renumbered (67) through (69) No change.~~

~~(79) "Commence Commercial Operation"—For purposes of the Acid Rain Program, to begin to generate electricity for sale, including the sale of electricity generated during testing.~~

~~(80) through (82) renumbered (70) through (72) No change.~~

~~(83) "Compliance Subaccount"—The meaning as defined at 40 CFR 72.2, adopted and incorporated by reference in Rule 62-204.800, F.A.C.~~

~~(84) "Compliance Use Date"—The meaning as defined at 40 CFR 72.2, adopted and incorporated by reference in Rule 62-204.800, F.A.C.~~

~~(85) through (117) renumbered (73) through (105) No change.~~

~~(118) "Excess Acid Rain Emissions"~~

~~(a) Any tonnage of sulfur dioxide emitted by an Acid Rain unit during a calendar year that exceeds the Acid Rain emissions limitation for sulfur dioxide for the unit; and,~~

~~(b) Any tonnage of nitrogen oxides emitted by an Acid Rain unit during a calendar year that exceeds the annual tonnage equivalent of the Acid Rain emissions limitation for nitrogen oxides applicable to the Acid Rain unit taking into account the unit's heat input for the year.~~

~~(119) through (120) renumbered (106) through (107) No change.~~

~~(121) "Existing Unit"—For purposes of the Acid Rain Program, means a fossil fuel fired combustion device, except simple combustion turbines, that commenced commercial operation before November 15, 1990, and that on or after November 15, 1990, served a generator with a nameplate capacity of greater than 25 megawatts electrical (MWe), including any such unit which is modified, reconstructed or repowered after November 15, 1990.~~

~~(122) through (126) renumbered (108) through (112) No change.~~

~~(127) "Federal Acid Rain Program"—The national sulfur dioxide and nitrogen oxides air pollution control and emissions reduction program established pursuant to 42 U.S.C. Sections 7651-7651o and 40 CFR Parts 72, 73, 75, 76, 77, and 78, adopted and incorporated by reference in Rule 62-204.800, F.A.C.~~

~~(128) through (134) renumbered (113) through (119) No change.~~

~~(135) "Fossil Fuel fired"—The combustion of fossil fuel or any derivative of fossil fuel, alone or in combination with any other fuel, independent of the percentage of fossil fuel consumed in any calendar year.~~

~~(136) through (143) renumbered (120) through (127) No change.~~

~~(144) "Gas fired"—The combustion of natural gas, or a coal derived gaseous fuel with a sulfur content no greater than that of natural gas, to provide at least 90 percent of the average annual heat input during the previous three calendar years and at least 85 percent of the annual heat input in each of those calendar years, and with fuel other than coal or coal derived fuel providing the remaining heat input.~~

~~(145) "Generator"—A device that produces electricity and was or would have been required to be reported as a generating unit pursuant to the United States Department of Energy Form 860 (1990 edition), hereby incorporated by reference.~~

~~(146) through (148) renumbered (128) through (130) No change.~~

~~(149) "Heat Input"—The product, expressed in million British thermal units per time (mmBtu/time), of the gross calorific value of the fuel, expressed in British thermal units per pound (Btu/lb), and the fuel feed rate into the combustion device, expressed in mass of fuel/unit of time, and not including the heat derived from preheated combustion air, recirculated flue gases, or exhaust from other sources.~~

~~(150) through (190) renumbered (131) through (171) No change.~~

~~(191) "National Allowance Data Base (NADB)—The meaning as defined at 40 CFR 72.2, adopted and incorporated by reference in Rule 62-204.800, F.A.C.~~

~~(192) through (193) renumbered (172) through (173) No change.~~

~~(194) "Natural Gas"—A naturally occurring fluid mixture of hydrocarbons containing little or no sulfur, produced in geological formations beneath the Earth's surface, and maintaining a gaseous state at standard atmospheric temperature and pressure conditions.~~

~~(195) through (199) renumbered (174) through (178) No change.~~

~~(200) "New Unit"—For purposes of the Acid Rain Program, a fossil fuel fired combustion device that commences commercial operation on or after November 15, 1990, including any such unit that serves a generator with a nameplate capacity, as defined at 40 CFR 72.2, adopted and incorporated by reference in Rule 62-204.800, F.A.C., of 25 megawatts electrical (MWe) or less or that is a simple combustion turbine.~~

~~(201) through (204) renumbered (179) through (182) No change.~~

~~(205) "Offset Plan"—For purposes of the Acid Rain Program. The meaning as defined at 40 CFR 72.2, adopted and incorporated by reference in Rule 62-204.800, F.A.C.~~

~~(206) "Oil fired"—The combustion of fuel oil to provide more than 10 percent of the average annual heat input during the previous three calendar years or to provide more than 15 percent of the annual heat input in any one of those calendar~~

years and with any solid, liquid, or gaseous fuel, other than coal or any other coal-derived fuel, except a coal-derived gaseous fuel with a sulfur content no greater than that of natural gas, to provide the remaining heat input.

(207) through (223) renumbered (183) through (199) No change.

~~(224) "Phase II" — The Acid Rain Program period beginning January 1, 2000, and continuing into the future.~~

(225) through (229) renumbered (200) through (204) No change.

~~(230) "Power Distribution System" — The portion of an electricity grid owned or operated by a utility that is dedicated to delivering electric energy to customers.~~

~~(231) "Primary Fuel or Primary Fuel Supply" — The main fuel type, expressed in million British thermal units (mmBtu), consumed by an Acid Rain unit for the applicable calendar year.~~

(232) through (259) renumbered (205) through (232) No change.

~~(260) "Simple Combustion Turbine" — For purposes of the Acid Rain Program, a fossil fuel fired combustion device that is a rotary engine driven by a gas under pressure which is created by combustion of fuel. The term includes combined cycle units without auxiliary firing but excludes combined cycle units with auxiliary firing, unless the unit did not use the auxiliary firing from 1985 through 1987 and does not use auxiliary firing at any time after November 15, 1990.~~

(261) through (266) renumbered (233) through (238) No change.

~~(267) "Solid Waste Incinerator" — A solid waste incineration unit as defined at 42 U.S.C. Section 7429(g)(1).~~

(268) through (293) renumbered (239) through (264) No change.

~~(294) "Ton or Tonnage" — For purposes of the Acid Rain Program, the meaning as defined at 40 CFR 72.2, adopted and incorporated by reference in Rule 62-204.800, F.A.C.~~

(295) through (300) renumbered (265) through (270) No change.

~~(301) "Unit Account" — For purposes of the Acid Rain Program, the meaning as defined at 40 CFR 72.2, adopted and incorporated by reference in Rule 62-204.800, F.A.C.~~

~~(302) "Utility" — Any person that sells electricity.~~

~~(271)(303) No change.~~

~~(304) "Utility Unit" — For purposes of the Acid Rain Program, a fossil fuel fired combustion device owned or operated by a utility, which either serves a generator that produces electricity for sale, or served, during 1985, a generator that produced electricity for sale. A unit that was in operation during 1985, but did not serve a generator that produced electricity for sale during 1985, and did not commence commercial operation on or after November 15, 1990, is not a utility unit. A unit that cogenerates steam and~~

~~electricity is not a utility unit unless the unit was constructed for the purpose of supplying or commences construction after November 15, 1990, and supplies, more than one-third of its potential electrical output capacity and more than 25 megawatts electrical (MWe) output to any power distribution system for sale.~~

(305) through (316) renumbered (272) through (283) No change.

Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087 FS. History—Formerly 17-2.100; Amended 2-9-93, 11-28-93, Formerly 17-210.200, Amended 11-23-94, 4-18-95, 1-2-96, 3-13-96, 3-21-96, 8-15-96, 10-7-96, 10-15-96, 5-20-97, 11-13-97, 2-5-98, 2-11-99, _____.

62-210.300 Permits Required.

(1) through (3) No change.

(4) Air General Permits.

(a) Non-Title V Air General Permits. The following facilities are eligible to operate under the terms of an air general permit issued pursuant to the procedures and general conditions of Rules 62-210.300(4)(c) through (d) 62-4.530 and 62-4.540, F.A.C., provided all existing air permits authorizing operation of the facility are surrendered:

1. through 9. No change.

(b) Title V Air General Permits. Certain facilities are eligible to operate under the terms of an air general permit issued pursuant to the procedures and general conditions of Rule 62-213.300, F.A.C., Title V Air General Permits. These facilities are specified in Rule 62-213.300, F.A.C. Unless otherwise specified in Rule 62-213.300, F.A.C., the responsible official of any facility that is eligible and has submitted notification to use an air general permit pursuant to Rule 62-213.300, F.A.C., and who operates the facility in compliance with the terms and conditions of the air general permit shall not be required to obtain an air construction permit pursuant to Rule 62-210.300(1), F.A.C. In addition, such responsible official shall not be required to obtain a regular air operation permit pursuant to Rule 62-210.300(2), F.A.C., or a regular Title V air operation permit pursuant to Rule 62-213, F.A.C.

(c) General Procedures. The owner or operator of any proposed new or modified facility that would be eligible for an air general permit pursuant to Rules 62-210.300(4)(a)1. through 7., F.A.C., or Rules 62-213.300(1)(a) through (d), F.A.C., shall not be required to obtain an air construction permit pursuant to Rule 62-210.300(1), F.A.C. The owner or operator of any facility eligible for an air general permit and who has submitted notification according to Rule 62-210.300(4)(a) or 62-213.300, F.A.C., shall not be required to obtain an air operation permit pursuant to Rule 62-210.300(2), F.A.C.

1. Eligibility Determination. The owner or operator of the facility or emissions unit shall determine its eligibility for an air general permit pursuant to the applicability criteria of Rule 62-210.300(4)(a), F.A.C.

a. Unless otherwise specified in Rule 62-210.300(4)(a), F.A.C., the owner or operator of any facility or emissions unit that is eligible and has submitted notification to use an air general permit pursuant to Rule 62-210.300(4)(a), F.A.C., and who operates the facility or emissions unit in compliance with the terms and conditions of the air general permit shall not be required to obtain an air construction permit pursuant to Rule 62-210.300(1), F.A.C. In addition, such owner or operator shall not be required to obtain a regular air operation permit pursuant to Rule 62-210.300(2), F.A.C.

b. If a facility or emissions unit permitted by an air general permit under this rule at any time becomes ineligible for the use of the air general permit, or if any facility or emissions unit utilizing an air general permit is determined to have been initially ineligible for use of the air general permit, it shall be subject to enforcement action for constructing or operating without an air permit under Rule 62-210.300(1) or (2), F.A.C.

c. For each facility or emissions unit intending to operate under the provisions of an air general permit, the owner or operator must complete and submit the correct notification form for the specific general permit to be utilized, as set forth in Rule 62-210.300(4)(a), F.A.C., to give notice to the Department of intent to use one of the air general permits listed in this rule.

2. Processing Fee. The notification must be accompanied by the appropriate general permit processing fee pursuant to Rule 62-4.050, F.A.C.

3. Administrative Corrections. Within 30 days of any changes requiring corrections to information contained in the notification form, the owner or operator shall notify the Department in writing. Such changes shall include:

a. Any change in the name of the authorized representative or facility address or phone number; or

b. Any other similar minor administrative change at the facility or emissions unit.

4. Equipment Changes. In case of the installation of new process equipment, alteration of existing process equipment without replacement, or the replacement of existing process equipment with equipment substantially different than that noted on the most recent notification form, the owner or operator shall submit a new and complete general permit notification form with the appropriate fee pursuant to Rule 62-4.050, F.A.C., to the Department.

5. Violation of Permit. The air general permit is valid only for the specific activity indicated. Any deviation from the specified activity and the conditions for undertaking that activity is a violation of the permit. The owner or operator is placed on notice that violation of the permit constitutes grounds for revocation and suspension pursuant to Rules 62-4.100 and 62-4.530(4), F.A.C., and initiation of enforcement action pursuant to s. 403.141 through 403.161, F.S. No revocation shall become effective except after notice is served by personal service, certified mail, or newspaper notice

pursuant to Section 120.60(5), F.S., upon the person or persons named therein and a hearing held, if requested within the time specified in the notice. The notice shall specify the provision of the law or rule alleged to be violated, or the permit condition or Department order alleged to be violated, and the facts alleged to constitute a violation thereof.

6. Nullification of Eligibility. Eligibility for use of an air general permit under Rule 62-210.300(4), F.A.C. is nullified by submission of false or inaccurate information in the notification form for use of the air general permit or in the required reports.

7. Use of Permit. Any facility or emissions unit eligible to operate under the terms of an air general permit may use the permit 30 days after giving notice to the Department without any agency action.

(d) General Conditions. All terms, conditions, requirements, limitations, and restrictions set forth in this rule are "general permit conditions" and are binding upon the owner or operator of any facility or emissions unit utilizing an air general permit pursuant to this rule. If, for any reason, the owner or operator of any facility operating under an air general permit pursuant to Rule 62-210.300(4)(a), F.A.C., does not comply with or will be unable to comply with any condition or limitation of the permit, the permittee shall immediately provide the Department with the following information:

1. A permittee's use of a general permit is limited to five years. No later than 30 days prior to the fifth anniversary of the filing of intent to use the general permit, the owner or operator shall submit a new notice of intent which shall contain all current information regarding the facility or emissions unit. Eligibility to use the general permit is not transferable and does not follow a change in ownership of the facility or emissions unit. Prior to any sale, other change of ownership, or permanent shutdown of the facility, the owner or operator is encouraged to notify the Department of the pending action. The owner shall remain liable for corrective actions that may be required as a result of any violations occurring in the time after the sale or legal transfer of the facility or emissions unit, but before a new owner is entitled to use an air general permit. A description of and cause of noncompliance; and

2. The general permit is valid only for the specific activity indicated. Any deviation from the specified activity and the conditions for undertaking that activity shall constitute a violation of the permit. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The permittee shall be responsible for any and all damages which may result.

3. The general permit does not convey any vested rights or any exclusive privileges, nor does it authorize any injury to public or private property nor any invasion of personal rights. It does not authorize any infringement of federal, state, or local laws or regulations.

4. The general permit does not relieve the owner or operator of the facility or emissions unit from liability and penalties when the construction or operation of the permitted activity causes harm or injury to human health or welfare; causes harm or injury to animal, plant or aquatic life; or causes harm or injury to property. It does not allow the owner or operator to cause pollution in contravention of Florida law.

5. The general permit conveys no title to land or water, nor does it constitute state recognition or acknowledgment of title.

6. The owner or operator shall make every reasonable effort to conduct the specific activity authorized by the general permit in a manner that will minimize any adverse effects on adjacent property or on public use of the adjacent property, where applicable, and on the environment, including fish, wildlife, natural resources, water quality, or air quality.

7. The owner or operator shall allow a duly authorized representative of the Department access to the permitted facility, emissions unit, or activity at reasonable times to inspect and test, upon presentation of credentials or other documents as may be required by law, to determine compliance with the general permit and Department rules.

8. The owner or operator shall maintain any permitted facility, emissions unit, or activity in good condition. Throughout the term of the air general permit, the owner or operator shall ensure that the facility or emissions unit maintains its eligibility to use the air general permit and complies with all terms and conditions of the air general permit.

9. The air general permit shall be effective until suspended, revoked, surrendered, expired, or nullified pursuant to this rule. The general permit may be modified, suspended or revoked in accordance with Chapter 120, Florida Statutes, if the Secretary determines that there has been a violation of any of the terms or conditions of the permit, there has been a violation of state water quality standards or state air quality standards, or the permittee has submitted false, incomplete or inaccurate data or information.

10. The air general permit does not authorize any demolition or renovation of the facility or emissions unit or its parts or components which involves asbestos removal. The air general permit does not constitute a waiver of any of the requirements of Chapter 62-257, F.A.C., and 40 CFR Part 61, Subpart M, National Emission Standard for Asbestos, adopted and incorporated by reference in Rule 62-204.800, F.A.C.

11. The general permit does not authorize any open burning.

12. No person shall circumvent any air pollution control device or allow the emission of air pollutants without the proper operation of all applicable air pollution control devices.

13. If, for any reason, the owner or operator of any facility or emissions unit operating under an air general permit pursuant to Rule 62-210.300(4)(a), F.A.C., does not comply with or will be unable to comply with any condition or limitation of the permit, the permittee shall immediately provide the Department with the following information:

a. A description of and cause of noncompliance; and

b. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The permittee shall be responsible for any and all damages which may result.

14. The general permit does not eliminate the necessity for obtaining any other federal, state or local permits that may be required, or allow the permittee to violate any more stringent standards established by federal or local law.

15. Each facility located within the borders of any of the following counties shall also comply with the requirements of that county:

a. Broward County.

b. Dade County.

c. Duval County.

d. Hillsborough County.

e. Orange County.

f. Palm Beach County.

g. Pinellas County.

h. Sarasota County.

(5) through (6) No change.

(7) Transfer of Air Permits.

(a) An air permit is transferable only after submission of an Application for Transfer of Air Permit (DEP Form 62-210.900(7)) and Department approval in accordance with Rule 62-4.120, F.A.C. For Title V permit transfers only, a complete application for transfer of air permit shall include the requirements of 40 CFR 70.7(d)(1)(iv), adopted and incorporated by reference at Rule 62-204.800, F.A.C. Within 30 days after approval of the transfer of permit, the Department shall update the permit by an administrative permit correction pursuant to Rule 62-210.360, F.A.C.

(b) For an air general permit, the provisions of Rules 62-210.300(7)(a) and 62-4.120, F.A.C., do not apply. Thirty (30) days before using an air general permit, the new owner must submit an air general permit notification to the Department in accordance with Rule 62-210.300(4), F.A.C., or Rule 62-213.300(2)(b), F.A.C.

Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087, 403.814 FS. History—Formerly 17-2.210, Amended 11-28-93, Formerly 17-210.300, Amended 11-23-94, 4-2-95, 4-18-95, 10-16-95, 1-2-96, 3-13-96, 3-21-96, 5-13-96, 8-15-96, 10-7-96, 5-20-97, 11-13-97, 2-5-98, 2-11-99, _____.

62-210.360 Administrative Permit Corrections.

(1) A facility owner shall notify the Department by letter of minor corrections to information contained in a permit. Such notifications shall include:

- (a) Typographical errors noted in the permit;
- (b) Name, address or phone number change from that in the permit;
- (c) A change requiring more frequent monitoring or reporting by the permittee;
- (d) A change in ownership or operational control of a facility, subject to the following provisions:

- 1. The Department determines that no other change in the permit is necessary;
- 2. The permittee and proposed new permittee have submitted an Application for Transfer of Air Permit, and the Department has approved the transfer pursuant to Rule 62-210.300(7), F.A.C.; and
- 3. The new permittee has notified the Department of the effective date of sale or legal transfer.

(e)(d) Changes listed at 40 CFR 72.83(a)(1),(2),(6),(9) and (10), hereby adopted and incorporated by reference at Rule 62-204.800, F.A.C., and changes made pursuant to Rules 62-214.340(1) and (2), F.A.C., to Title V sources subject to emissions limitations or reductions pursuant to 42 USC ss. 7651-7651o;

(f)(e) Changes listed at 40 CFR 72.83(a)(11) and (12), hereby adopted and incorporated by reference at Rule 62-204.800, F.A.C., to Title V sources subject to emissions limitations or reductions pursuant to 42 USC ss. 7651-7651o, provided the notification is accompanied by a copy of any EPA determination concerning the similarity of the change to those listed at Rule 62-210.360(1)(e)(d), F.A.C.; and

(g)(f) Any other similar minor administrative change at the source.
(2) through (5) No change.

Specific Authority 403.061 FS. Law Implemented ~~403.021~~, 403.031, 403.061, 403.087, 403.0872 FS. History—New 11-28-93, Formerly 17-210.360, Amended 11-23-94, 2-11-99, _____.

62-210.900 Forms and Instructions.

The forms used by the Department in the stationary source control program are adopted and incorporated by reference in this section. The forms are listed by rule number, which is also the form number, with the subject, title and effective date. Forms 62-210.900(1),(3),(4) and (5), F.A.C., including instructions, are available from the Department as hard-copy documents or executable files on computer diskettes. Copies of forms (hard-copy or diskette) may be obtained by writing to the Department of Environmental Protection, Division of Air

Resources Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Notwithstanding the requirement of Rule 62-4.050(2), F.A.C., to file application forms in quadruplicate, if an air permit application is submitted using the Department's electronic application form, only one copy of the diskette and signature pages is required to be submitted.

(1) Application for Air Permit – Title V Source, Form and Instructions (Effective 2-11-99).

(a) Acid Rain Part (Phase II), Form and Instructions (Effective ~~7-1-95~~).

1. Repowering Extension Plan, Form and Instructions (Effective 7-1-95).

2. New Unit Exemption, Form and Instructions (Effective _____ ~~7-1-95~~).

3. Retired Unit Exemption, Form and Instructions (Effective _____ ~~7-1-95~~).

4. Phase II Nox Compliance Plan, Form and Instructions (Effective 1-6-98).

5. Phase II Nox Averaging Plan, Form (Effective 1-6-98).

(2) through (6) No change.
(7) Application for Transfer of Air Permit – Title V and Non-Title V Source (Effective) _____.

Specific Authority 403.061 FS. Law Implemented 403.061, 403.087 FS. History—New 2-9-93, Amended 11-28-93, Formerly 17-210.900, Amended 11-23-94, 7-6-95, 3-21-96, 1-6-98, 2-11-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Howard L. Rhodes, Director, Division of Air Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kirby B. Green, Deputy Secretary, Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 2, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2000

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 00-61R

RULE CHAPTER TITLE: OPERATION PERMITS FOR MAJOR SOURCES

of Air Pollution

RULE TITLES: ANNUAL EMISSIONS FEE

Title V Air General Permits

Changes Without Permit Revision

Trading of Emissions Within a Source

Permit Applications

Permit Issuance, Renewal, and Revision

Permit Content

PURPOSE AND EFFECT: The Department is proposing rule amendments to Florida Administrative Code Chapter 62-213 to clarify when separate processing of the Acid Rain Part of a

Title V permit may be requested, clarify that an Acid Rain Part issued separately from a Title V permit is not a separate permit, allow the permit duration of an initial Title V permit for Acid Rain sources to be less than 5 years in accordance with recent amendments to Federal Acid Rain Program regulations, change the phrase "material balance" to "inventory balance" throughout Chapter 62-213, F.A.C. (in accordance with recent amendments to Rule 62-213.205, F.A.C.), clarify that an asbestos manufacturing and fabrication facility must have obtained an air construction permit prior to using a Title V air general permit, clarify who is liable for corrective actions when a facility with a Title V general permit is transferred, clarify that a Title V permit shall only be issued for a new term through the renewal process, and clarify that when a permit condition is changed, both the revised and superseded conditions shall remain in the permit for the duration of the term with an effective date for the revised condition.

SUMMARY: The proposed amendments would affect Acid Rain and Title V air permitting procedures.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 403.061, 403.087, 403.0872 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087, 403.0872, 403.814 FS.

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

TIME AND DATE: 2:30 p.m., Friday, March 23, 2001

PLACE: Douglas Building, Conference Room A, 3900 Commonwealth Boulevard, Tallahassee, Florida

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel, (850)488-2996 or 1(800)955-8771 (TDD), at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ms. Wendy Alexander, Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Mail Station 5500, Tallahassee, Florida 32399-2400, (850)921-9559

THE FULL TEXT OF THE PROPOSED RULE IS:

62-213.205 Annual Emissions Fee.

Each Title V source permitted to operate in this state must pay between January 15 and March 1 of each year, upon written notice from the Department, an annual emissions fee in an amount determined as set forth in Rule 62-213.205(1), F.A.C.

(1) Emissions Fee Calculation and Payment. Each Title V source must calculate the annual fee, based upon the source's previous year's emissions, by multiplying the applicable annual emissions fee factor times the tons of each regulated air pollutant (except carbon monoxide) allowed to be emitted per hour by specific condition of the source's most recent certification, construction permit or operation permit, times the annual hours of operation allowed by specific condition; provided, however, that:

(a) through (j) No change.

(k) For an Acid Rain Part processed separately from a Title V permit, the Title V permit together with the Acid Rain Part shall be the most recent operation permit for Title V fee purposes. An Acid Rain Part processed separately from a Title V permit is not a separate permit and shall not be used as the most recent operation permit for Title V fee purposes.

(2) through (4) No change.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.087, 403.0872, 403.0877 FS. History—New 12-21-92, Amended 11-25-93, Formerly 17-213.200, Amended 11-23-94, 1-1-96, 3-13-96, 6-25-96, 2-11-99, 1-3-01,

62-213.300 Title V Air General Permits.

(1) Applicability. The following facilities are eligible to operate under the terms of a Title V air general permit issued pursuant to the procedures and conditions of this rule.

(a) through (d) No change.

(e) Asbestos manufacturing and fabrication facilities, provided the facility previously obtained an air construction permit pursuant to Rule 62-210.300(1), F.A.C., the responsible official submits a completed Asbestos Manufacturing and Fabrication Air General Permit Notification Form (DEP Form No. 62-213.900(6)) to the Department at least 30 days prior to beginning operation under this general permit and, throughout the term of the general permit, all of the following conditions are met:

1. through 3. No change.

(2) No change.

(3) General Conditions. All terms, conditions, requirements, limitations, and restrictions set forth in this rule are "general permit conditions" and are binding upon the owner or operator and upon the responsible official of any facility utilizing a Title V air general permit pursuant to this rule.

(a) The duration of the general permit is five years. No later than 30 days prior to the fifth anniversary of the filing of intent to use the general permit, the responsible official shall submit a new notice of intent which shall contain all current information regarding the facility. Eligibility to use The general permit is not transferable and does not follow a change in ownership of the facility. Prior to any sale, other change of ownership, or permanent shutdown of the facility, the responsible official is encouraged to ~~shall~~ notify the Department of the pending action ~~in accordance with Rule~~

~~62-210.300(7)(f), F.A.C. The owner shall remain liable for corrective actions that may be required as a result of any violations occurring in the time after the sale or legal transfer of the facility, but before a new owner is entitled to use an air general permit.~~

- (b) through (r) No change.
- (4) No change.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.031, 403.061, 403.087, 403.0872, 403.814 FS. History--New 3-13-96, Amended 6-25-96, 10-7-96, 7-7-97, 11-13-97, 2-24-99, 1-3-01, _____.

62-213.410 Changes Without Permit Revision.

Title V sources having a valid permit issued pursuant to this chapter may make the following changes without permit revision, provided that sources shall maintain source logs or records to verify periods of operation in each alternative method of operation:

- (1) through (2) No change.
- (3) A permitted source may implement operating changes, as defined in Rule 62-210.200, F.A.C., after the source submits any forms required by any applicable requirement and provides the Department and EPA with at least 7 days written notice prior to implementation. The source and the Department shall attach each notice to the relevant permit;

- (a) through (b) No change.
- (4) No change.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.031, 403.061, 403.087, 403.0872 FS. History--New 11-28-93, Formerly 17-213.410, Amended 11-23-94, _____.

62-213.415 Trading of Emissions Within a Source.

- (1) No change.
- (2) No permit revision shall be required provided the permitted source complies with the notice and recordkeeping provisions of this section and provided the permitted source had submitted with its last Title V permit application:

- (a) through (b) No change.
- (c) A plan for quantifying emissions trading increases and decreases of each regulated air pollutant for each unit and for demonstrating continuous compliance in each mode of operation. The following procedures apply to pollutants which are subject to the federally enforceable emissions cap described in Rule 62-213.415(1), F.A.C.:

- 1. through 3. No change.
- 4. The Department shall accept inventory material balance, as described in Rule 62-213.205(1)(e), F.A.C., as a means of quantification of volatile organic compounds if no credit is taken for any incineration that takes place.

- (d) No change.
- (3) No change.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.031, 403.061, 403.087, 403.0872 FS. History--New 11-28-93, Amended 4-17-94, Formerly 17-213.415, Amended 11-23-94, 3-13-96, _____.

62-213.420 Permit Applications.

(1) Duty to Apply. For each Title V source, the owner or operator shall submit a timely and complete permit application in compliance with the requirements of this section and Rules 62-4.050(1) through (3), ~~(2)~~ and 62-210.900, F.A.C.

- (a) Timely Application.
 - 1. No change.

2. ~~Except as provided at Rule 62-213.420(1)(a)4, F.A.C.,~~ A a facility that commences operation as a Title V source after October 25, 1995, or that otherwise becomes subject to the permitting requirements of Chapter 62-213, F.A.C., after October 25, 1995, must file an application for an operation permit under this chapter ninety days before expiration of the source's construction permit, but no later than 180 days after commencing operation, unless a different application due date is provided at Rule 62-204.800, F.A.C. ~~Except as provided at Rule 62-213.420(1)(a)4, F.A.C.,~~ A a source that has applied for an Electrical Power Plant Siting Certification prior to October 26, 1995, but has not been issued the certification as of that date, or a source that has been issued an Electrical Power Plant Siting Certification prior to October 26, 1995, but has not commenced operation by that date, shall file an application for an operation permit under this chapter 180 days after commencing operation. Sources subject to the FEPPSA that apply for Electrical Power Plant Siting Certification subsequent to October 25, 1995, may, at their option, apply for a permit under the provisions of this chapter at the same time the Florida Power Plant Siting Certification application is submitted.

- 3. through 4. No change.
- (b) Complete Application. No change.
- (2) through (4) No change.

(5) Acid Rain Part. For those facilities subject to the Federal Acid Rain Program, any applicant that wishes separate processing of ~~the Title V permit and the Acid Rain Part of a Title V permit shall request this by at the time of initial or renewal~~ application. In such case, the Department shall process ~~issue~~ separate permits parts for the Acid Rain Part Provisions and for the remaining Title V requirements, provided that the expiration dates (~~renewal dates~~) of both permit parts coincide for the duration of operation of the facility. The Department shall adjust the expiration date of the permit parts to assure that the dates coincide, provided the provisions of Rule 62-213.440(1)(a), F.A.C., are met. There shall be only one Acid Rain Part for each facility. Each such permit part shall be processed as ~~considered~~ a Title V permit for purposes and requirements of this Chapter. ~~The permit shield of Rule 62-213.460, F.A.C. shall apply to only those process and requirements included for each separate permit.~~

Specific Authority 403.061, 403.087 FS. Law Implemented 403.061, 403.0872 FS. History--New 11-28-93, Amended 4-17-94, Formerly 17-213.420, Amended 11-23-94, 4-2-95, 10-11-95, 3-13-96, 3-20-96, 6-25-96, 10-7-96, 11-13-97, 2-11-99, 7-15-99, 1-3-01, _____.

62-213.430 Permit Issuance, Renewal, and Revision.

(1) through (2) No change.

(3) Permit Renewal and Expiration. Permits being renewed are subject to the same requirements that apply to permit issuance at the time of application for renewal. Permit renewal applications shall contain that information identified in Rules 62-210.900(1) and 62-213.420(3), F.A.C. Unless a Title V source submits a timely application for permit renewal in accordance with the requirements of Rule 62-4.090(1), F.A.C., the existing permit shall expire and the source's right to operate shall terminate. No Title V permit will be issued for a new term except through the renewal process.

(4) through (5) No change.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.031, 403.061, 403.087, 403.0872 FS. History--New 11-28-93, Formerly 17-213.430, Amended 11-23-94, 3-20-96, 11-13-97, 2-11-99, 1-3-01, _____.

62-213.440 Permit Content.

(1) Standard Permit Requirements. Each permit issued under this chapter shall incorporate all applicable requirements for the Title V source and for each method of operation proposed by the applicant and approved by the Department. Each such permit shall include all emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements, with citation to the Department's rule authority for each term or condition, and identification of any difference in form from the applicable requirement upon which the term or condition is based. However, when there are multiple, redundant, or conflicting applicable requirements, these provisions can be reduced to a single streamlined term or condition that is as stringent as the multiple applicable requirements. In addition, the Department shall label permit terms or conditions "not federally enforceable" consistent with 40 CFR 70.6(b)(2), adopted and incorporated by reference at Rule 62-204.800, F.A.C. Emissions units or pollutant-emitting activities within a Title V source determined to be insignificant pursuant to Rule 62-213.430(6), F.A.C., shall be identified. Whenever any condition or requirement of a Title V permit is changed during the term of the permit, both the revised and superseded conditions shall be contained in the permit for the duration of the term, with an effective date for the revised condition.

(a) Permit Duration. Permits for sources subject to the Federal Acid Rain Program shall be issued for terms of five years, provided that the initial Acid Rain Part may be issued for a term less than five years where necessary to coordinate the term of such part with the term of a Title V permit to be issued to the source. Operation permits for Title V sources may not be extended as provided in Rule 62-4.080(3), F.A.C., if such extension will result in a permit term greater than five years.

(b) through (d) No change.

(2) through (4) No change.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.087, 403.0872 FS. History--New 11-28-93, Amended 4-17-94, Formerly 17-213.440, Amended 11-23-94, 4-18-95, 3-13-96, 3-20-96, 11-13-97, 4-7-98, 2-11-99, 7-15-99, 1-3-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Howard L. Rhodes, Director, Division of Air Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kirby B. Green, Deputy Secretary, Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 2, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 29, 2000

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 00-62R

RULE CHAPTER TITLE: Requirements for Sources Subject to

The Federal Acid Rain Program 62-214

RULE TITLES: Applications 62-214.320

Exemptions 62-214.340

Department Action on Applications 62-214.360

Revisions and Administrative Corrections 62-214.370

PURPOSE AND EFFECT: The Department is proposing to amend Florida Administrative Code Chapter 62-214 to address an Acid Rain Part issued separately or with a Title V permit.

SUMMARY: The proposed amendments would affect permitting of sources subject to the Federal Acid Rain Program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 403.061, 403.087, 403.0872 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.0872 FS.

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

TIME AND DATE: 2:30 p.m., Friday, March 23, 2001

PLACE: Douglas Building, Conference Room A, 3900 Commonwealth Boulevard, Tallahassee, Florida

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel at (850)488-2996 or (800)955-8771 (TDD), at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ms. Wendy Alexander, Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Mail Station 5500, Tallahassee, Florida 32399-2400, (850)921-9559

THE FULL TEXT OF THE PROPOSED RULES IS:

62-214.320 Applications.

The designated representative of any Title V source containing an Acid Rain unit shall submit to the Department a complete Acid Rain Part application no later than the applicable deadline of this section. The Acid Rain Part application shall be submitted pursuant to this chapter and to Rule 62-213.420, F.A.C. The designated representative of an Acid Rain Source has the option of filing the Acid Rain Part application as a separate document from the Title V Air Operation Permit application and requesting separate processing. The Department shall process the Acid Rain Part application pursuant to Chapter 62-213. The owners and operators of such source and any Acid Rain unit at the source shall not operate the source or unit without ~~either an Acid Rain Part or~~ a Title V permit which includes an Acid Rain Part, except that a source having a valid air construction or operation permit or a site certification pursuant to the Florida Electrical Power Plant Siting Act and for which the designated representative has submitted a timely and complete initial Acid Rain Part application shall be deemed in compliance with the Federal Acid Rain Program requirements provided that the designated representative submits all timely supplemental information as provided at Rule 62-213.420, F.A.C., and provided the source operates in compliance with the terms and conditions of the Acid Rain Part application during the Department's processing of the application.

(1) through (2) No change.

Specific Authority 403.061, 403.087, 403.0872 FS. Law Implemented 403.031, 403.061, 403.0872 FS. History—New 1-3-95, Amended 7-6-95, 12-10-97, 1-3-01,_____.

62-214.340 Exemptions.

(1) through (2) No change.

(3) Industrial-utility Units Exemption.

The Department shall grant an exemption from the Federal Acid Rain Program and Chapter 62-214, F.A.C., except for the requirements of this section and those provisions of 40 CFR 72.2 through 72.6 and 72.10 through 72.14, to any non-cogeneration, utility unit that meets all the criteria of 40 CFR 72.14(a)(1) through (4); which has not previously lost an industrial-utility unit exemption; which has submitted a complete exemption request to the Department and the EPA.

(a) For purposes of this section, a complete request shall meet all of the criteria of 40 CFR 72.14(b), and shall be certified as required by Rule 62-213.450, F.A.C., ~~using form DEP 62-210.900(1)(a)6.~~ Such exemption request shall be

processed as part of an application for initial or renewal Title V source permit or Acid Rain Part, or as a revision to such permit, pursuant to the procedures of this chapter and Chapter 62-213, F.A.C.

(b) through (d) No change.

Specific Authority 403.061, 403.087, 403.0872 FS. Law Implemented 403.031, 403.061, 403.0872 FS. History—New 1-3-95, Amended 7-6-95, 12-10-97, 1-3-01,_____.

62-214.360 Department Action on Applications.

Any application submitted pursuant to this Chapter, including any proposal for any repowering extension plan, industrial-utility unit exemption, or NO_x alternative emission limitation, shall be processed by the Department under the provisions of Rules 62-213.420 and 62-213.430, F.A.C., with the following additional limitations:

(1) The Department shall not approve any Acid Rain compliance plan described at Rule 62-214.330(2) or ~~(3)(4)~~, F.A.C., until the Department receives, in addition to the information required by Rules 62-210.900(1), 62-214.320 and 62-214.330, F.A.C., certification from the designated representative that the proposed Acid Rain compliance plan technology has received any necessary EPA approvals, pursuant to 40 CFR 72.44(f), adopted and incorporated by reference at Rule 62-204.800, F.A.C.;

(2) The Department shall take no final action on any permit application for revision submitted by a designated representative to alter or terminate any Acid Rain compliance plan described at Rule 62-214.330(2) or ~~(3)(4)~~, F.A.C., until the Department receives notice from EPA that the proposed revision has received necessary EPA approvals;

(3) The Department shall consider notice from EPA that an Acid Rain compliance plan described at Rule 62-214.330(2) or ~~(3)(4)~~, F.A.C., has failed or for other reason no longer has necessary EPA approval to be cause for permit revision pursuant to Rule 62-4.080, F.A.C.;

(4) through (6) No change.

Specific Authority 403.061, 403.087, 403.0872 FS. Law Implemented 403.031, 403.061, 403.0872 FS. History—New 1-3-95, Amended 7-6-95, 12-10-97, 1-3-01,_____.

62-214.370 Revisions and Administrative Corrections.

Except as specifically provided in this section, all revisions of and administrative corrections to a final Acid Rain Part shall be processed in accordance with the provisions of Chapters 62-210 and 62-213, F.A.C., respectively.

(1) An Acid Rain Part revision may be submitted for approval at any time. No revision shall affect the expiration date of the Acid Rain Part or final Title V source permit to be revised. No ~~permit~~ revision shall excuse any violation of an Acid Rain Program requirement that occurred prior to the effective date of the revision. An Acid Rain unit shall comply with its existing Acid Rain Part while a ~~permit~~ revision is pending.

(2) through (7) No change.

Specific Authority 403.061, 403.087, 403.0872 FS. Law Implemented 403.031, 403.061, 403.0872 FS. History—New 1-3-95, Amended 7-6-95, 12-10-97, 1-3-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Howard L. Rhodes, Director, Division of Air Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kirby B. Green, Deputy Secretary, Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 2, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 29, 2000

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Standard of Care for Office Surgery

RULE NO.: 64B8-9.009

PURPOSE AND EFFECT: The proposed rule amendments are intended to address recommendations of the Board’s Surgical Care Committee and the Outpatient Surgery Commission with regard to surgery performed in physicians offices.

SUMMARY: The proposed rule amendments set forth additional criteria for physicians offices at which surgical procedures are performed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 458.309(1), 458.331(1)(v) FS.

LAW IMPLEMENTED: 458.331(1)(g),(t),(v),(w), 458.351 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-9.009 Standard of Care for Office Surgery.

(1) No change.

(2) General Requirements for Office Surgery.

(a) through (b) No change.

(c) The requirement set forth in subsection (2)(b) above for written informed consent is not necessary for minor Level I procedures limited to the skin and mucosa.

~~(d)(e)~~ No change.

(e) For a period of one year from the effective date of this rule, all office surgical logs for Level II and Level III procedures shall be submitted to the Department of Health at the end of each calendar month for data collection purposes. The logs must include a confidential patient identifier. The logs shall be submitted to the Department of Health no later than the 10th day following each calendar month.

~~(f)(d)~~ No change.

(g) Liposuction may be performed in combination with another separate surgical procedure during a single Level II or Level III operation, only in the following circumstances:

1. When combined with abdominoplasty, liposuction may not exceed 1000 cc of aspirant;

2. When liposuction is associated and directly related to another procedure, the liposuction may not exceed 1000 cc of aspirant;

3. Major liposuction in excess of 1000 cc aspirant may not be performed in a remote location from any other procedure.

~~(h)(e)~~ No change.

(i) The Board of Medicine adopts the “Standards of the American Society of Anesthesiologists for Basic Anesthetic Monitoring,” approved by House Delegates on October 21, 1986 and last amended on October 21, 1998, as the standards for anesthetic monitoring by any qualified anesthesia provider.

1. These standards apply to all anesthesia care although, in emergency circumstances, appropriate life support measures take precedence. These standards may be exceeded at any time based on the judgment of the responsible anesthesiologist. They are intended to encourage quality patient care, but observing them cannot guarantee any specific patient outcome. They are subject to revision from time to time, as warranted by the evolution of technology and practice. They apply to all general anesthetics, regional anesthetics and monitored anesthesia care. This set of standards address only the issue of basic anesthesia monitoring, which is one component of anesthesia care.

2. In certain rare or unusual circumstances some of these methods of monitoring may be clinically impractical, and appropriate use of the described monitoring methods may fail to detect untoward clinical developments. Brief interruptions of continual monitoring may be unavoidable. For purpose of this rule, “continual” is defined as “repeated regularly and frequently in steady rapid succession” whereas “continuous” means “prolonged without any interruption at any time.”

3. Under extenuating circumstances, the responsible anesthesiologist may waive the requirements marked with an asterisk (*); it is recommended that when this is done, it should be so stated (including the reasons) in a note in the patient’s medical record. These standards are not intended for the application to the care of the obstetrical patient in labor or in the conduct of pain management.

a. Standard I

I. Qualified anesthesia personnel shall be present in the room throughout the conduct of all general anesthetics, regional anesthetics and monitored anesthesia care.

II. OBJECTIVE. Because of the rapid changes in patient status during anesthesia, qualified anesthesia personnel shall be continuously present to monitor the patient and provide anesthesia care. In the event there is a direct known hazard, e.g., radiation, to the anesthesia personnel which might require intermittent remote observation of the patient, some provision for monitoring the patient must be made. In the event that an emergency requires the temporary absence of the person primarily responsible for the anesthetic, the best judgment of the anesthesiologist will be exercised in comparing the emergency with the anesthetized patient's condition and in the selection of the person left responsible for the anesthetic during the temporary absence.

b. Standard II

I. During all anesthetics, the patient's oxygenation, ventilation, circulation and temperature shall be continually evaluated.

II. OXYGENATION

(A) OBJECTIVE – To ensure adequate oxygen concentration in the inspired gas and the blood during all anesthetics.

(B) METHODS:

(I) Inspired gas: During every administration of general anesthesia using an anesthesia machine, the concentration of oxygen in the patient breathing system shall be measured by and oxygen analyzer with a low oxygen concentration limit alarm in use.*

(II) Blood oxygenation: During all anesthetics, a quantitative method of assessing oxygenation such as a pulse oximetry shall be employed.* Adequate illumination and exposure of the patient are necessary to assess color.*

III. VENTILATION

(A) OBJECTIVE – To ensure adequate ventilation of the patient during all anesthetics.

(B) METHODS:

(I) Every patient receiving general anesthesia shall have the adequacy of ventilation continually evaluated. Qualitative clinical signs such as chest excursion, observation of the reservoir breathing bag and auscultation of breath sounds are useful. Continual monitoring for the presence of expired carbon dioxide shall be performed unless invalidated by the nature of the patient, procedure or equipment. Quantitative monitoring of the volume of expired gas is strongly encouraged.*

(II) When an endotracheal tube or laryngeal mask is inserted, its correct positioning must be verified by clinical assessment and by identification of carbon dioxide analysis, in use from the time of endotracheal tube/laryngeal mask placement, until extubation/removal or initiating transfer to a

postoperative care location, shall be performed using a quantitative method such as capnography, capnometry or mass spectroscopy.*

(III) When ventilation is controlled by a mechanical ventilator, there shall be in continuous use a device that is capable of detecting disconnection of components of the breathing system. The device must give an audible signal when its alarm threshold is exceeded.

(IV) During regional anesthesia and monitored anesthesia care, the adequacy of ventilation shall be evaluated, at least, by continual observation of qualitative clinical signs.

(V) CIRCULATION

(A) OBJECTIVE – To ensure the adequacy of the patient's circulatory function during all anesthetics.

(B) METHODS:

(I) Every patient receiving anesthesia shall have the electrocardiogram continuously displayed from the beginning of anesthesia until preparing to leave the anesthetizing location.*

(II) Every patient receiving anesthesia shall have arterial blood pressure and heart rate determined and evaluated at least every five minutes.*

(III) Every patient receiving general anesthesia shall have, in addition to the above, circulatory function continually evaluated by at least one of the following: palpation of a pulse, auscultation of heart sounds, monitoring of a tracing of intra-arterial pressure, ultrasound peripheral pulse monitoring, or pulse plethysmography or oximetry.

VI. BODY TEMPERATURE

(A) OBJECTIVE – To aid in the maintenance of appropriate body temperature during all anesthetics.

(B) METHODS: Every patient receiving anesthesia shall have temperature monitored when clinically significant changes in body temperature are intended, anticipated or suspected.

(j)(f) No change.

(k)(g) No change.

(I) The surgeon shall establish a risk management program that includes the following components:

1. The identification, investigation, and analysis of the frequency and causes of adverse incidents to patients.

2. The identification of trends or patterns of incidents.

3. The development of appropriate measures to correct, reduce, minimize, or eliminate the risk of adverse incidents to patients, and

4. The documentation of these functions and periodic review no less than quarterly of such information by the surgeon.

(m)(h) No change.

(n)(i) No change.

(3) through (5) No change.

(6) Level III Office Surgery.

- (a) Scope.
- 1. No change.

2. Only patients classified under the American Society of Anesthesiologist's (ASA) risk classification criteria as Class I or; II; or III are appropriate candidates for Level III office surgery.

a. All Level III surgeries on patients classified as ASA III and higher are to be performed only in a hospital or ambulatory surgery center. For ASA Class III patients, the surgeon must document in the patient's record the justification and precautions that make the office an appropriate forum for the particular procedure to be performed.

b. For all ASA II patients above the age of 40, the surgeon must obtain, at a minimum, an EKG and a complete workup performed prior to the performance of Level III surgery in a physician office setting. If the patient is deemed to be a complicated medical patient, the patient must be referred to an appropriate consultant for an independent medical clearance. This requirement may be waived after evaluation by the patient's anesthesiologist.

- (b) No change.

Specific Authority 458.309(1), 458.331(1)(v) FS., ss. 92 and 197, Chapter 99-397, Laws of Florida; Law Implemented 458.331(1)(g),(t),(v),(w), 458.351 FS., ss. 92 and 197, Chapter 99-397, Laws of Florida; History--New 2-1-94, Amended 5-17-94, Formerly 61F6-27.009, Amended 9-8-94, 11-15-94, Formerly 59R-9.009, Amended 2-17-00, 12-7-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Surgical Care Committee, Board of Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 5, 2000, December 1-3, 2000 & February 3, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2000

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Pharmacists Newly Licensed
RULE NO.: 64B16-26.100
PURPOSE AND EFFECT: The purpose of the rule amendment is to update the rule text with regard to the initial fee.

SUMMARY: The purpose of the rule amendment is to increase the initial fee for newly licensed pharmacists from \$105.00 to \$190.00.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.013, 465.005 FS.

LAW IMPLEMENTED: 456.013, 465.008 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.100 Pharmacists Newly Licensed.

- (1) No change.

(2) Newly licensed pharmacists shall submit an initial fee of \$190.00 ~~\$105.00~~.

Specific Authority ~~456.013~~ ~~455-564(2)~~, 465.005 FS. Law Implemented ~~456.013~~ ~~455-564(2)~~, 465.008 FS. History--New 3-19-79, Formerly 21S-6.04, Amended 1-7-87, 12-29-88, 10-16-90, Formerly 21S-6.004, Amended 1-10-93, Formerly 21S-26.100, 61F10-26.100, 59X-26.100, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pharmacy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 12, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 26, 2001

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE: Procedure for Approval of Attendance
RULE NO.: 64B32-6.004
PURPOSE AND EFFECT: The Board proposes to update the continuing education course requirements for pulmonary technologists.

SUMMARY: The Board proposes to update the continuing education requirements for pulmonary function technologist.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 468.353(1), 468.361(2) FS.

LAW IMPLEMENTED: 468.361(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3259

RULE NO.: 9J-14.027

RULE TITLE: Approval of Monroe County Ordinances 038-1994; 040-1994; 043-1994; and 045-1994 through 048-1994, and Rejection of Ordinances 039-1994; 044-1994; 049-1994; and 050-1994

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-6.004 Procedure for Approval of Attendance at Continuing Education Courses.

- (1) No change.
(2) Excluding any recertification, review refresher, or preparatory courses, all licensees shall be awarded contract hours for:
(a) through (d) No change.
(e) Successful passage, one time per biennium, of the following recertifying examinations given by the National Board for Respiratory Care (NBRC):

1. through 4. No change.

5. Pulmonary Function: Certified pulmonary function technologist and registered pulmonary function technologist recertifying examinations- maximum of 2 hours.

- (f) No change.
(3) through (4) No change.

Specific Authority 468.353(1), 468.361(2) FS. Law Implemented 468.361(2) FS. History--New 4-29-85, Formerly 21M-38.04, Amended 9-29-86, 11-29-88, 9-24-92, 10-15-92, Formerly 21M-38.004, Amended 1-2-94, 7-10-94, Formerly 61F6-38.004, Amended 11-1-94, 3-14-95, 7-18-95, 4-24-96, Formerly 59R-75.004, 64B8-75.004, Amended 6-8-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Respiratory Care
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 13, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 27, 2000

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

RULE CHAPTER NO.: 9J-14
RULE CHAPTER TITLE: Amendments to the Monroe County Land Development Regulations

NOTICE OF WITHDRAWAL
NOTICE IS HEREBY GIVEN that the above rule, as noticed on March 31, 1995, in Vol. 21, No. 13, Florida Administrative Weekly, has been withdrawn because Ordinance 050-1994 has been determined to be moot by virtue of the City of Marathon incorporating and the remainder of the referenced ordinances were dealt with in subsequent rules.

STATE BOARD OF ADMINISTRATION

RULE NO.: 19-9.001
RULE TITLE: Investment Policy Statement

NOTICE OF WITHDRAWAL
Notice is hereby given that the above rule, as noticed in Vol. 26, No. 44, printed on November 3, 2000, Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE NO.: 61G10-11.003
RULE TITLE: Examination Review Procedure

NOTICE OF WITHDRAWAL
The Board of Landscape Architecture hereby withdraws the above-proposed rule, which originally was noticed in Vol. 26, No. 24, of the Florida Administrative Weekly on June 16, 2000.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 97-17R

RULE CHAPTER NO.: 62-302
RULE CHAPTER TITLE: Surface Water Quality Standards

RULE NO.: 62-302.700
RULE TITLE: Special Protection, Outstanding Florida Waters, Outstanding National Resource Waters

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. 25, No. 34, August 27, 1999, issue of the Florida Administrative Weekly. The changes are in response to written and oral comments from the Joint Administrative Procedures Committee, and written and oral comments from the public received at several public hearings held in Bunnell and Tallahassee, Florida. The proposed rule has changed so that when it is adopted it will read:

62-302.700 Special Protection, Outstanding Florida Waters, Outstanding National Resource Waters.

- (1) through (8) No change.
- (9) Outstanding Florida Waters:
 - (a) through (h) No change.
 - (i) Special Waters
 - 1. through 16. No change.

~~17. Lake Disston and Little Haw Creek system – Specifically including Lake Disston and Little Haw Creek plus contiguous wetlands within the following areas to the lake and creek as described below: Township 14 South, Range 29 East, Sections 21, 20, 19, 18, 17, 16, 9, 8 and 7 in Flagler County; and Township 14 South, Range 28 East, Sections 13 and 24 in Volusia County except:~~

~~a. Artificial water bodies defined as any waterbody created by dredging, or excavation, or by the filling in of its boundaries, including canals as defined in Rule 62-312.020(3), F.A.C.; and~~

~~b. Any natural water bodies connected by artificial water bodies to the above-described system.~~

~~a. Little Haw Creek – Township 14 South, Range 29 East, Sections 16, 15, 14, 22, 23, and 24 in Flagler County. Township 14 South, Range 29 East, Sections 27 and 26, plus east of County Road 11 in Sections 25 and 36 in Volusia County. Township 14 South, Range 30 East, Sections 31 and 30.~~

~~b. Lake Disston and Saw Grass Bay – Township 14 South, Range 29 East, Sections 20, 19, 18, 17, 7, and 8 in Flagler County. Township 14 South, Range 28 East, Sections 13 and 24 in Volusia County.~~

~~e. Little Haw Creek – Township 14 South, Range 29 East, Sections 8, 9, 4, and 5. Township 13 South, Range 29 East in Sections 32, 33, 29, 28, 20, 21, 17, 16, and 8 in Flagler County.~~

- 17. through 39. renumbered 18. through 40. No change.
- (j) through (n) No change.
- (10) No change.

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.:	RULE TITLE:
64B1-4.001	Acupuncture Program Requirements

NOTICE OF CHANGE

The Board of Acupuncture hereby gives notice that in accordance with subparagraph 120.54(3)(d)1., F.S., the above rule, published in Vol. 26, No. 47, of the November 22, 2000, Florida Administrative Weekly, has been changed. The rule shall now read as follows:

64B1-4.001 Acupuncture Program Requirements.

In order to be certified to take the licensure examination, the applicant must establish that he/she has met the following minimal requirements. For persons who enrolled on or after July 1, 1997, the applicant must complete the program in which they have enrolled.

(1) For students enrolled in a program prior to August 1, 1997, applicants under this section must have completed at least 900 hours of supervised instruction in traditional oriental acupuncture and at least 600 hours of supervised clinical experience. All applicants under this provision must have started classes no later than February 1, 1998.

(2) For applicants who enroll on or after August 1, 1997, applicants must have completed a program that meets the following minimum requirements:

(a) 330 hours of supervised instruction in Biomedical Clinical Science, to include 90 hours of pathology, 120 hours of anatomy and physiology and 120 hours of western biomedical and diagnostic terminology;

(b) 1,155 hours of supervised instruction in Traditional Oriental Acupuncture Diagnosis and Treatment, to include 705 hours in Oriental Medical Theory, Diagnosis and Treatment Techniques in Acupuncture and Related Studies, and 450 hours in Herbal Studies;

(c) 30 hours of supervised instruction in Introduction to Adjunctive Therapies and 200 hours of supervised instruction in Electives in Adjunctive Therapies;

(d) 660 hours of supervised clinical experience as defined in Rule 64B1-4.0015;

(e) 15 hours of supervised instruction in Universal Precautions and 3 hours of HIV/AIDS that complies with the requirements of Section 455.604, Florida Statutes;

(f) 20 hours of supervised instruction in Florida Statutes & Rules, including Chapters 455 and 457, Florida Statutes, and this rule chapter.

(3) Applicants who apply for licensure on or after August 1, 2001 must have completed a core curriculum comparable to that of the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM) master's level program in oriental medicine with a minimum of 2700 hours of supervised instruction; and

(a) 15 hours of supervised instruction in universal precautions and 3 hours of HIV/AIDS that complies with the requirements of Section 456.033, F.S.; and

(b) 20 hours of supervised instruction in Florida statutes and rules, including Chapters 456 and 457, Florida Statutes, and this rule chapter.

(4) Applicants who apply for licensure on or after October 1, 2003 must have graduated from an ACAOM candidate or accredited 4-year master's level program or foreign equivalent in oriental medicine with a minimum of 2700 hours of supervised instruction; and

(a) 15 hours of supervised instruction in universal precautions and 3 hours of HIV/AIDS that complies with the requirements of Section 456.033, F.S.; and

(b) 20 hours of supervised instruction in Florida statutes and rules, including Chapters 456 and 457, Florida Statutes, and this rule chapter.

(5) For applicants who enroll on or after July 31, 2001, applicants must have completed an eight hour program that incorporates the safe and beneficial use of laboratory test and imaging findings in the practice of acupuncture and oriental medicine.

Specific Authority 457.102, 457.104, 457.105 FS. Law Implemented 457.102, 457.105 FS. History—New 8-30-84, Formerly 21AA-4.01, Amended 7-20-88, 4-30-89, 9-19-89, 3-18-92, Formerly 21AA-4.001, 61F1-4.001, Amended 3-24-96, Formerly 59M-4.001, Amended 12-31-97, 11-1-99, 6-21-00, _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Buckhalt, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: 64B1-4.010
RULE TITLE: Traditional Chinese medical Concepts, Modern Oriental Medical Techniques

NOTICE OF CHANGE

The Board of Acupuncture hereby gives notice that in accordance with subparagraph 120.54(3)(d)1., F.S., the above rule, published in Vol. 26, No. 39, of the September 29, 2000, Florida Administrative Weekly, has been changed. The rule shall now read as follows:

64B1-4.010 Traditional Chinese Medical Concepts, Modern Oriental Medical Techniques.

Traditional Chinese medical concepts and modern oriental medical techniques shall include acupuncture diagnosis and treatment to prevent or correct malady, illness, injury, pain, addictions, other conditions, disorders, and dysfunction of the human body; to harmonize the flow of Qi or vital force; to balance the energy and functions of a patient; and to promote, maintain, and restore health; for pain management and palliative care; for acupuncture anesthesia; and to prevent disease by the use or administration of: stimulation to acupuncture points, ah-shi points, auricular points, channels, collaterals, meridians, and microsystems which shall include the use of: akabane; allergy elimination techniques; breathing; cold; color; correspondence; cupping; dietary guidelines; electricity; electroacupuncture; electrodermal screening (EDS); exercise; eight principles; five element; four levels; hara; heat; herbal therapy consisting of plant, animal, and/or mineral substances; infrared and other forms of light; inquiring of history; jing-luo; listening; moxibustion; needles; NAET;

observation; oriental massage – manual and mechanical methods; palpation; physiognomy; point micro-bleeding therapy; pulses; qi; xue and jin-ye; ryodoraku; san-jiao; six stages; smelling; tongue; tai qi; qi gong; wulun-baguo; yin-yang; zang-fu; Ayurvedic, Chinese, Japanese, Korean, Manchurian, Mongolian, Tibetan, Uighurian, Vietnamese, and other east Asian acupuncture and oriental medical concepts and treatment techniques; French acupuncture; German acupuncture including electroacupuncture and diagnosis; and, the use of laboratory test and imaging findings.

Specific Authority 457.102, 457.104 FS. Law Implemented 457.102 FS. History—New _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Buckhalt, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: 64B1-4.011
RULE TITLE: Diagnostic Techniques

NOTICE OF CHANGE

The Board of Acupuncture hereby gives notice that in accordance with subparagraph 120.54(3)(d)1., F.S., the above rule, published in Vol. 26, No. 39, of the September 29, 2000, Florida Administrative Weekly, has been changed. The rule shall now read as follows:

64B1-4.011 Diagnostic Techniques.

Diagnostic techniques which assist in acupuncture diagnosis, corroboration and monitoring of an acupuncture treatment plan or in making a determination to refer a patient to other health care providers shall include: traditional Chinese medical concepts and modern oriental medical techniques, recommendation of home diagnostic screening; physical examination; use of laboratory test findings; use of imaging films, reports, or test findings; office screening of hair, saliva and urine; muscle response testing; palpation; reflex; range of motion; sensory testing; thermography; trigger points; vital signs; first-aid; hygiene; and sanitation.

Specific Authority 457.102(1), 457.104 FS. Law Implemented 457.102(1) FS. History—New _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Buckhalt, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: 64B1-7.0015
RULE TITLE: Continuing Education Requirements

NOTICE OF CHANGE

The Board of Acupuncture hereby gives notice that in accordance with subparagraph 120.54(3)(d)1., F.S., the above rule, published in Vol. 26, No. 50, of the December 15, 2000, Florida Administrative Weekly, has been changed. The rule shall now read as follows:

64B1-7.0015 Continuing Education Requirement.

(1) As a condition of the biennial renewal of a license, each licensee shall complete a minimum of 20 credit hours per biennium of continuing education that meets the requirements of Section 457. Effective March 1, 2002, as a condition of the biennial renewal of a license, each licensee shall complete a minimum of 30 credit hours per biennium of continuing education that meets the requirements of Section 457.107, F.S. Each biennium, the licensee shall complete a Board-approved program awarding at least 2 hours of continuing education credit concerning HIV/AIDS, which shall comply with the requirements of Section 456.033(2), Florida Statutes. Pursuant to Section 456.033(2), Florida Statutes, each licensee shall submit confirmation of having completed said course when submitting fees for each biennial renewal. In lieu of completing a course in HIV/AIDS as required above, the licensee may complete a course in end-of-life care and palliative health care, so long as the licensee completed an approved HIV/AIDS course in the immediately preceding biennium. Each biennium, the licensee shall complete a program awarding at least 5 hours of continuing education credit concerning the use of laboratory test findings. Each biennium, the licensee shall complete a program awarding at least 3 hours of continuing education credit concerning the use of imaging findings. Each biennium, the licensee shall complete a program on Chapters 456 and 457, Florida Statutes, and Rule Chapter 64B1, Florida Administrative Code, consisting of at least 2 hours of study.

(2) Credit hours are not retroactive or cumulative. All credit hours must be earned within the biennium for which they are claimed.

(3) The Board and/or the Department will audit a number of licensees who are selected at random as is necessary to assure that the continuing education requirements are met. Each licensee shall retain such receipts, vouchers or certificates as may be necessary to document completion of the continuing education requirements for a period of 2 years following the biennium for which they are applied. Failure to document compliance with the continuing education requirements, or furnishing false or misleading information regarding compliance shall be grounds for disciplinary action under Rule 64B1-9.001.

Specific Authority 457.104, 457.107, 457.108, 457.1085, 456.033 FS. Law Implemented 457.107, 457.108, 457.109, 457.1085, 456.033, 455.271 FS. History—New 3-18-97, Formerly 59M-7.0015, Amended 4-25-00, _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Buckhalt, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.:	RULE TITLE:
64B32-3.005	Fees for Application, Examination, Initial and Renewal Registration

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 26, No. 6, February 11, 2000, issue of Florida Administrative Weekly has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THIS RULE IS: Kaye Howerton, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NOS.:	RULE TITLES:
65A-2.022	Rights and Responsibilities of Applicants and Recipient
65A-2.023	Application and Determination of Eligibility
65A-2.024	Determination of Continued Eligibility
65A-2.031	Advance Notice: Written Ten Day Advance Notice
65A-2.032	General Eligibility Criteria
65A-2.033	Eligibility Factors Other Than Need
65A-2.034	Definitions of Special Living Arrangements
65A-2.035	Eligibility Factors of Need
65A-2.036	Amount of Optional State Supplementation Payments

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 26, No. 45, the November 9, 2000 issue of the Florida Administrative Weekly have been withdrawn.

**Section IV
Emergency Rules**

DEPARTMENT OF THE LOTTERY

RULE TITLE:	RULE NO.:
Retailer Application and Fee Schedule	53ER01-3

SUMMARY OF THE RULE: This emergency rule is replacing emergency rule 53ER95-48, F.A.C., to reflect revisions made to Retailer Application forms and to clarify provisions within the rule.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER01-3 Retailer Application and Fee Schedule.

(1) New Applicants.

(a) Any person interested in contracting with the Lottery as a retailer shall file Form DOL-129, Retailer Application, revised 12/00; or Form DOL-129-1, Retailer Application in Spanish, revised 12/00; or Form DOL-129-C, Corporate Account Retailer Application, effective 05/98, as applicable. Forms DOL-129, DOL-129-1, and DOL-129-C are incorporated herein by reference and may be obtained by writing to the Department of the Lottery, Retailer Contracting, 250 Marriott Drive, Tallahassee, Florida 32399-4001.

(b) For the initial sales location, each applicant shall submit a fee of \$100.00 along with the appropriate retailer application set forth in paragraph (a), above.

(c) An application for an additional location must be submitted to the Lottery on Form DOL-129, DOL-129-1, or DOL-129-C, as applicable, and must be accompanied by a fee of \$25.00 for each additional location.

(d) Each applicant shall be subject to a background investigation. When fingerprints are required by the Lottery in order to complete a background investigation, the Lottery will charge a fee of \$25.00, in addition to the application fee for each set of fingerprints obtained.

(e) Organizations which are publicly traded on a national securities exchange must submit the following:

1. Form DOL-129-C; and
2. A current list of executive officers' names and titles and the chairperson's name; and
3. Form DOL-374, Affidavit, effective 06/20/94.

DOL-374 is incorporated herein by reference and may be obtained from the Lottery at the address set forth in subsection (1), above. DOL-374 will be provided to the applicant during the application process and must be completed by a corporate officer or legal counsel to state whether the corporation, any of its executive officers or its chairperson has been convicted of, or entered a plea of guilty or nolo contendere to, a felony committed in the preceding ten years, regardless of adjudication.

(f) Organizations which are not publicly traded on a national securities exchange shall be subject to the background investigation provisions set forth in rule 53ER97-42, F.A.C., Eligibility for Retailer Contract.

(2) Renewal Application.

Retailer contracts shall be renewed by execution of a new retailer contract. Prior to the expiration of a retailer contract, a retailer shall submit an Application for Contract Renewal, Form DOL-307, revised 3/99, or an Application for Corporate Contract Renewal, Form DOL-320, revised 8/98, and a new retailer contract signed by the retailer along with a fee of \$10.00 per location and \$25.00 for each new officer, director, or shareholder of the corporation since the last application. Forms DOL-307 and DOL-320 are incorporated herein by reference and may be obtained from the Lottery at the address set forth in subsection (1), above.

(3) Change of Location.

An application to change a location must be submitted to the Lottery, at least thirty days in advance of the change, on Form DOL-129, DOL-129-1, or DOL-129-C, as applicable, and must be accompanied by a fee of \$10.00.

(4) All application fees shall be non-refundable unless the initial application is denied because the applicant or the location fails the Lottery's marketing evaluation, in which case the application fee for that location shall be refunded to the applicant.

(5) Applications and subsequent contracts, if any, are not transferable to any person or entity.

(6) Any department, commission, agency, or instrument of the state, or its subdivisions, or any municipality or county, that seeks a contract as a retailer shall bear the burden of securing approval of any other person, board, commission, agent, or instrumentality of the state, or its subdivisions, or municipality or county, which may have controlling authority over the applicant.

(7) This emergency rule replaces emergency rules 53ER95-48, F.A.C.

Specific Authority 24.109(1), 24.105(3), 24.112(1) FS. Law Implemented 24.112(1) FS, 120.74(1)(b) History—New 2-2-01, Replaces 53ER95-48.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: February 2, 2001

DEPARTMENT OF THE LOTTERY

RULE TITLE: RULE NO.:

Instant Game Number 344, 53ER01-4
 HARLEY-DAVIDSON®

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 344, "HARLEY-DAVIDSON®," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prize winners and the number and size of prizes in the game, and the HARLEY-DAVIDSON® Bonus Drawing Promotion associated with the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER01-4 Instant Game Number 344, HARLEY-DAVIDSON®.

(1) Name of Game. Instant Game Number 344, "HARLEY-DAVIDSON®."

(2) Price. HARLEY-DAVIDSON® tickets sell for \$2.00 per ticket.

(3) HARLEY-DAVIDSON® lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void if Removed Number (VIRN) under the latex area on the ticket. To be a valid winning HARLEY-DAVIDSON® lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in Rule 53ER92-63(1)(a), F.A.C. In the event a dispute arises as to the validity of any HARLEY-DAVIDSON® lottery ticket, the VIRN number under the latex shall prevail over the bar code.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(6) The prize symbols and prize symbols captions are as follows:

INSERT SYMBOLS

(7) The legends are as follows:

INSERT SYMBOLS

(8) Determination of Prize Winners.

(a) The holder of a ticket having a number in the "YOUR NUMBERS" play area that matches either number in the "WINNING NUMBERS" play area shall be entitled to the

corresponding prize shown for that number. The prizes are: TICKET, \$1.00, \$2.00, \$3.00, \$4.00, \$5.00, \$7.00, \$10.00, \$15.00, \$30.00, \$50.00, \$250, \$500, \$5,000, \$10,000, and "BIKE".

(b) The holder of a ticket which entitles the player to a prize of a "TICKET" shall be entitled to a prize of a \$2.00 instant ticket or any combination of instant and on-line tickets that totals \$2.00, except as follows. A person who submits by mail a HARLEY-DAVIDSON® lottery ticket which entitles the holder to a prize of a \$2.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(c) The holder of a ticket which entitles the player to a prize of a "BIKE" shall be entitled to a prize of one HARLEY-DAVIDSON® SPORTSTER® 1200 CUSTOM™ motorcycle and applicable Federal Withholding Tax, sales tax, dealer preparation charges and set-up fees. Any additional federal, state, and/or local fees are the responsibility of the winner. The Florida Lottery provides no warranty for the motorcycle. Any warranties and guarantees are those of the manufacturer only.

(9) The value, number of prizes, and odds of winning in Instant Game Number 344 are as follows:

MATCH ANY OF YOUR NUMBERS TO EITHER WINNING NUMBER, WIN PRIZE SHOWN FOR THAT NUMBER.		WIN	NUMBER OF WINNERS IN 42 POOLS OF 180,000 TICKETS PER POOL	ODDS
TICKET	\$2	\$2	1,058,400	1 in 7.14
\$2	\$2	\$2	453,600	1 in 16.67
\$2 + \$2 + \$1	\$5	\$5	252,000	1 in 30.00
\$4 + \$1	\$5	\$5	151,200	1 in 50.00
\$5	\$5	\$5	151,200	1 in 50.00
\$1 x 10	\$10	\$10	50,400	1 in 150.00
\$2 + \$3 + \$5	\$10	\$10	25,200	1 in 300.00
\$10	\$10	\$10	25,200	1 in 300.00
\$2 x 10	\$20	\$20	25,200	1 in 300.00
(\$2 x 3) + \$4 + (\$5 x 2)	\$20	\$20	12,600	1 in 600.00
\$10 x 2	\$20	\$20	12,600	1 in 600.00
\$3 x 10	\$30	\$30	12,600	1 in 600.00
\$15 x 2	\$30	\$30	12,600	1 in 600.00
\$5 x 10	\$50	\$50	8,400	1 in 900.00
\$30 + (\$5 x 4)	\$50	\$50	8,400	1 in 900.00
\$2 + (\$3 x 2) + (\$5 x 3) + \$7 + (\$10 x 2) + \$50	\$100	\$100	168	1 in 45,000.00
\$10 x 10	\$100	\$100	168	1 in 45,000.00
\$250 x 2	\$500	\$500	126	1 in 60,000.00
\$500	\$500	\$500	42	1 in 180,000.00
\$5,000 x 2	\$10,000	\$10,000	2	1 in 3,780,000.00
\$10,000	\$10,000	\$10,000	2	1 in 3,780,000.00
"BIKE" Symbol	Win a Harley-Davidson®	6	1	1 in 1,260,000.00

(10) The overall odds of winning any prize in Instant Game Number 344 are 1 in 3.34.

(11) For reorders of Instant Game Number 344, the value, number of prizes, and odds of winning shall be proportionate to the number of tickets reordered.

(12) Procedures for Claiming a HARLEY-DAVIDSON® Motorcycle Prize Won Instantly. A player who has won a motorcycle in accordance with the instant play features of Instant Game Number 344 described in paragraph (8)(a) and (c), above, shall claim his or her prize as follows. The player must present the winning ticket to any retailer or Florida Lottery District Office and obtain a Winner Claim Form DOL 173-2, Revised 07/93, or DOL 173-S, Revised 05/95. The forms are incorporated herein by reference and may be obtained from the Florida Lottery, Winner Validation, 250 Marriott Drive, Tallahassee, Florida 32395-4045. At the time a motorcycle prize is claimed, the terminal will produce two claim tickets: the Player Claim Ticket and the Lottery Claim Ticket. The prize winner shall complete a Winner Claim Form in accordance with the instructions on the Winner Claim Form and either mail the Winner Claim Form, Lottery Claim Ticket and winning instant ticket to the Florida Lottery, Winner Validation, Capitol Complex, Tallahassee, Florida 32399-9939, or submit the claim package to any Florida Lottery district office which will forward it to Lottery Headquarters in Tallahassee. The prize winner should retain a copy of the completed Winner Claim Form and the Player Claim Ticket. Upon receipt of the claim package at Lottery Headquarters, the Lottery will complete the ticket validation process and mail the prize winner a Release Form DOL-400 for execution. Release Form DOL-400, revised 02/01, is incorporated herein by reference and may be obtained from the Florida Lottery, Winner Validation, 250 Marriott Drive, Tallahassee, Florida 32395-4045. The risk of loss or late delivery of a claim submitted by mail remains with the player.

(13) Procedures for Awarding a HARLEY-DAVIDSON® Motorcycle Prize Won Instantly.

(a) Upon the Lottery's receipt of the motorcycle winner's executed Release Form, the Florida Lottery will notify the fulfillment company who will arrange for delivery of the motorcycle to the designated authorized HARLEY-DAVIDSON® dealership at which the winner will take possession of his or her motorcycle prize. The designated dealership will be as near the winner's place of residence as is practicable or at such other dealer location as requested by the winner. The winner must present proof of vehicle insurance, as required by Chapter 320, Fla. Stat., and proof of a license to drive a motorcycle. If the winner is unable to provide proof of a valid motorcycle license, the motorcycle must be removed by trailer or similar transport equipment provided by the winner or be driven by a person who is able to provide proof of a valid motorcycle license. The winner must take possession of the motorcycle within thirty days of receipt of notification that it is ready for pickup at the designated dealership. If the winner fails to take possession of the motorcycle within thirty days of

pickup notification, the motorcycle prize will be forfeited and no cash prize will be substituted. The winner must also execute and have notarized Acceptance Form DOL-449, effective 2/01, at the dealership prior to the receipt of the motorcycle. Acceptance Form DOL-449 is incorporated herein by reference and may be obtained from the Florida Lottery, Winner Validation, 250 Marriott Drive, Tallahassee, Florida 32395-4045. The cost of travel to take possession of a motorcycle prize shall be the responsibility of the prize winner.

(b) Cash will not be awarded in lieu of motorcycle prizes except as follows:

1. The Florida Lottery reserves the right, due to unavailability of motorcycles, to award cash prizes of \$14,300 instead of motorcycles.

2. If a player who has claimed a motorcycle prize by presenting a winning ticket to a retailer or Lottery district office and obtaining issuance of claim tickets fails to complete the process of submitting the Winner Claim Form and receiving and submitting the Release Form by the 60th day after the end of the ticket redemption period for the HARLEY-DAVIDSON® instant game, then the Lottery reserves the right to award a cash prize of \$14,300 instead of a motorcycle upon the winner's subsequent submission of the Winner Claim Form and either the winning ticket or a claim ticket.

(c) In the event cash prizes are awarded, applicable Federal Withholding Tax shall be deducted from the cash prize and any other taxes shall be the responsibility of the winner.

(d) If the winner of a motorcycle is identified as owing an outstanding debt to a state agency or child support collected through a court, the debt will be collected in lieu of award of the motorcycle. If the debt is an amount less than \$14,300, the winner shall receive the excess amount once applicable Federal Withholding Tax has been deducted and the debt has been satisfied. If the debt is an amount greater than \$14,300, the amount of the prize remaining after deduction of applicable Federal Withholding Tax will be applied toward the outstanding debt as provided in Section 24.115, Florida Statutes.

(14) HARLEY-DAVIDSON® Bonus Drawing Promotion. The Florida Lottery will conduct a bonus drawing promotion in which it will award as prizes four HARLEY-DAVIDSON® motorcycles and sixteen hundred HARLEY-DAVIDSON® merchandise prize packages.

(15) HARLEY-DAVIDSON® Bonus Drawing Prizes.

(a) HARLEY-DAVIDSON® Sportster® 1200 Custom™ Motorcycle. A motorcycle prize includes federal withholding tax, sales tax, dealer preparation charges and set-up fees. Any additional federal, state, and/or local taxes or other fees are the responsibility of the winner. The Florida Lottery provides no warranty for the motorcycle. Any warranties and guarantees are those of the manufacturer only.

(b) HARLEY-DAVIDSON® Merchandise Prize Package. Merchandise prize packages include an official HARLEY-DAVIDSON® blanket, pocket watch, leather baseball cap, and T-shirt.

(16) How to enter the HARLEY-DAVIDSON® Bonus Drawing Promotion.

(a) For purposes of paragraphs (16)(a) and (b), a HARLEY-DAVIDSON® Bonus Drawing “entry” is defined as three non-winning HARLEY-DAVIDSON® instant lottery tickets (hereinafter “non-winning ticket(s)”) in a HARLEY-DAVIDSON® Bonus Drawing envelope, or in an envelope with a total area no larger than 4 1/2 “ x 9 1/2” addressed to Bonus Drawing, Tallahassee, Florida 32395-2222.

(b) To enter the HARLEY-DAVIDSON® Bonus Drawing Promotion, a player may either mail his or her entry to the Bonus Drawing address or submit it to any Florida Lottery district office. The risk of loss or late delivery of an entry submitted by mail remains with the player.

(c) The Bonus Drawing envelopes are available at Florida Lottery retailers and at any Florida Lottery district office. If drawn, envelopes with a total area larger than 4 1/2” x 9 1/2” will be disqualified. Non-winning tickets mailed in envelopes addressed to a Florida Lottery address other than the Bonus Drawing address will be included in a drawing only if the mailing envelope is opened prior to the drawing in the regular course of business.

(d) The player information section on the back of each non-winning ticket should be legibly completed. If the back of a non-winning ticket is incomplete, identifying data from the mailing envelope shall be used by the Florida Lottery to supplement the information provided to the extent possible. Only one name per non-winning ticket should be used. If a drawn envelope contains a non-winning ticket on which more than one name appears, the prize will be awarded to the person whose name appears first on the line designated for name, subject to paragraph (e) below.

(e) Players may enter the bonus drawings as many times as they wish but each envelope should contain only three non-winning tickets. If a drawn envelope contains multiple non-winning tickets bearing different individual’s names, the Lottery will select the non-winning ticket with the lowest book/ticket number and the prize will be awarded to the individual whose name appears on that non-winning ticket.

(f) Bonus Drawing envelopes and other envelopes sent to the Bonus Drawing address will be opened only if they are selected in the Bonus Drawing. For this reason, winning lottery tickets and other correspondence should not be submitted in a Bonus Drawing envelope or to the Bonus Drawing address.

(g) Winning tickets submitted for payment in a Bonus Drawing envelope or the to the Bonus Drawing address will not be paid or honored unless the envelope is selected in the Bonus Drawing.

(h) Only one merchandise prize per envelope will be awarded.

(i) Only valid entries are eligible for Bonus Drawings. Entries will be declared invalid and shall be disqualified if any part of the entry is illegible, altered, mutilated, tampered with, duplicated or defaced.

(17) HARLEY-DAVIDSON® Bonus Drawings.

(a) The Florida Lottery will conduct four Bonus Drawings projected to be held in accordance with the schedule set forth below. Entries received during one of the four Bonus Drawing entry periods will be included only in the corresponding Bonus Drawing.

ENTRY PERIOD IN WHICH		
DRAWING	ENTRY IS RECEIVED BY LOTTERY	DRAWING DATE
1st	Tuesday, February 6, 2001 through Tuesday, March 13, 2001, 5:00 p.m., ET.	Wednesday, March 14, 2001
2nd	Wednesday, March 14, 2001 through Wednesday, April 25, 2001, 5:00 p.m., ET.	Thursday, April 26, 2001
3rd	Thursday, April 26, 2001 through Thursday, June 14, 2001, 5:00 p.m., ET.	Friday, June 15, 2001
4th	Friday, June 15, 2001 through sixty days after end of game, 5:00 p.m., ET.	TBD

(b) Any entry received by the Lottery after an entry deadline will be included in the next Bonus Drawing, except that any entry received by the Lottery more than sixty days after the date of the end of the HARLEY-DAVIDSON® game will not be included in any Bonus Drawing.

(c) In each of the four scheduled drawings, one HARLEY-DAVIDSON® Sportster® 1200 Custom™ motorcycle and four hundred Official HARLEY-DAVIDSON® Merchandise Prize Packages will be awarded. A total of six hundred entries will be drawn per Bonus Drawing. In each drawing, the first valid entry to qualify will win the motorcycle. The second through the 401st valid entries to qualify will win a merchandise prize package. The remaining drawn entries will be alternates and will be used in the order in which they were drawn and order of need by the Lottery to fulfill any Bonus Drawing prize that the Lottery could not successfully award to a winner. In the event a motorcycle winner fails to return the Winner Claim Form and Release Form in accordance with the provisions set forth in paragraph (18)(a)1. below, the winner will forfeit his or her right to claim the prize, and the first available qualified alternate will be awarded the motorcycle prize provided he or she completes and returns the Winner Claim Form and Release Form to the Florida Lottery no later than three weeks from the first alternate’s receipt of the forms. If necessary, the Lottery will continue the above described alternate award process until a motorcycle prize winner is successfully awarded, but not to exceed a third alternate. Thereafter, no further motorcycle alternate winners will be selected. In the event the Lottery cannot successfully award a merchandise prize package to a winner due to returned mail or other similar delivery

difficulties, the first available qualified alternate will be awarded the merchandise package prize. If necessary, the Lottery will continue the above-described alternate award process until the merchandise prize package is awarded.

(d) All drawings shall be public and witnessed by an accountant employed by an independent certified public accounting firm who certifies that all drawing procedures have been followed.

(e) The odds of winning a prize are dependent upon the number of Bonus Drawing entries received.

(18) Procedures for Awarding HARLEY-DAVIDSON® Bonus Drawing Promotion Prizes.

(a) Motorcycle Prizes. Participants need not be present at the bonus drawing to win. The Florida Lottery will attempt to notify prize winners by telephone or certified mail no later than two weeks after the winners are announced.

1. Prior to the receipt of a motorcycle prize, the winner must complete a Winner Claim Form DOL 173-2, or DOL 173-S, and a Release Form DOL 400. The executed Winner Claim Form and Release Form must both be received by the Florida Lottery no later than three weeks from the winner's receipt of the forms. The risk of loss or late delivery of a Winner Claim Form and/or Release Form submitted by mail remains with the player.

2. Once the Florida Lottery has received a motorcycle winner's Winner Claim Form and Release Form, the Lottery will award a Bonus Drawing motorcycle prize in accordance with the provisions set forth in paragraphs (13)(a),(b), (c), and (d), above.

(b) Official HARLEY-DAVIDSON® Merchandise Prize Packages. Merchandise packages will be shipped to the winners' addresses within approximately four to six weeks following the Bonus Drawing in which they were selected.

(19) Bonus Drawing participants must be at least eighteen years of age.

(20) Persons prohibited by Section 24.116, Florida Statutes, from purchasing a Florida Lottery ticket are not eligible to win a HARLEY-DAVIDSON® Bonus Drawing promotion prize.

(21) Entry into the Florida Lottery HARLEY-DAVIDSON® Bonus Drawing promotion constitutes permission for the Florida Lottery to photograph and/or videotape and record the prize winner with or without prior notification and to use the name, photograph, videotape, and/or recording of the prize winner for advertising or publicity purposes without additional compensation.

(22) The Florida Lottery will publish a complete list of all HARLEY-DAVIDSON® Bonus Drawing winners following the conclusion of the Bonus Drawings, including the city and state of residence. To receive a copy of the winner list, write to Florida Lottery, Public Information, Capitol Complex, Tallahassee, Florida 32399-4016.

(23) A copy of the complete HARLEY-DAVIDSON® Bonus Drawing promotion rules may be obtained by writing the Florida Lottery, Office of the General Counsel, Capitol Complex, Tallahassee, Florida 32399-4011, by calling (850)487-7724 or by accessing the Lottery's website at www.flalottery.com.

(24) General Provisions – HARLEY-DAVIDSON® Instant Game Number 344 and HARLEY-DAVIDSON® Bonus Drawing Promotion.

(a) The right to claim a merchandise prize is not assignable.

(b) Winners must be at least 18 years of age.

(c) All prizes are subject to the provisions of Chapter 24, Florida Statutes, and rules promulgated thereunder. By purchasing a HARLEY-DAVIDSON® lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery. Entry into the HARLEY-DAVIDSON® Bonus Drawing promotion constitutes agreement to abide by the official rules of the HARLEY-DAVIDSON® Instant Game.

Specific Authority 24.105(10)(a),(b),(c),(d),(e), 24.109(1), 24.115(1) FS. Law Implemented 24.105(10)(a),(b),(c),(d),(e), 24.115(1) FS. History—New 2-5-01.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: February 5, 2001

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 345, CALLE OCHO
 RULE NO.: 53ER01-5

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 345, "CALLE OCHO," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prizewinners and the number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER01-5 Instant Game Number 345, CALLE OCHO.

(1) Name of Game. Instant Game Number 345, "CALLE OCHO."

(2) Price. CALLE OCHO tickets sell for \$1.00 per ticket.

(3) CALLE OCHO lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void if Removed Number (or VIRN) under the latex area on the ticket. To be a valid winning CALLE OCHO lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set

forth in Rule 53ER92-63(1)(a), F.A.C. In the event a dispute arises as to the validity of any CALLE OCHO lottery ticket, the VIRN number under the latex shall prevail over the bar code.

(4) The prize symbols and prize symbol captions are as follows:

INSERT SYMBOLS

(5) Determination of Prize Winners.

(a) The holder of a ticket having three like amounts exposed in the play area shall be entitled to a prize of that amount. The prize amounts are: \$1.00, \$2.00, \$5.00, \$15.00, \$25.00, \$100, \$500, \$1,000. The holder of a ticket having three "TICKET" symbols exposed in the play area shall be entitled to a prize of a \$1.00 ticket, except as follows. A person who submits by mail a CALLE OCHO lottery ticket which entitles the holder to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(b) The holder of a ticket having a "trumpet" exposed in the play area shall be entitled to a prize of \$10.

(6) The value, number of prizes, and odds of winning in Instant Game Number 345 are as follows:

GET:	WIN	NUMBER OF WINNERS IN 28 POOLS OF 180,000 TICKETS PER POOL	ODDS
3-TICKETS	\$1 TICKET	604,800	1 in 8.33
3-\$1's	\$1	285,600	1 in 17.65
3-\$2's	\$2	235,200	1 in 21.43
3-\$5's	\$5	84,000	1 in 60.00
Autowin (trumpet)	\$10	67,200	1 in 75.00
3-\$15's	\$15	16,800	1 in 300.00
3-\$25's	\$25	11,368	1 in 443.35
3-\$100's	\$100	280	1 in 18,000.00
3-\$500's	\$500	25	1 in 201,600.00
3-\$1,000's	\$1,000	15	1 in 336,000.00

(7) The overall odds of winning any prize in Instant Game Number 345 are 1 in 3.86.

(8) For reorders of Instant Game Number 345, the value, number of prizes, and odds of winning shall be proportionate to the number of tickets reordered.

(9) By purchasing a CALLE OCHO lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

Specific Authority 24.105(10)(a),(b),(c), 24.109(1) FS. Law Implemented 24.105(10)(a),(b),(c) FS. History--New 2-2-01.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: February 2, 2001

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 324, FLORIDA'S WILDLIFE

RULE NO.: 53ER01-6

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 324, "FLORIDA'S WILDLIFE," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prizewinners and the number and size of prizes in the game. THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER01-6 Instant Game Number 324, FLORIDA'S WILDLIFE.

(1) Name of Game. Instant Game Number 324, "FLORIDA'S WILDLIFE."

(2) Price. FLORIDA'S WILDLIFE tickets sell for \$1.00 per ticket.

(3) FLORIDA'S WILDLIFE lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void if Removed Number (or VIRN) under the latex area on the ticket. To be a valid winning FLORIDA'S WILDLIFE lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in Rule 53ER92-63(1)(a), F.A.C. In the event a dispute arises as to the validity of any FLORIDA'S WILDLIFE lottery ticket, the VIRN number under the latex shall prevail over the bar code.

(4) The prize symbols and prize symbol captions are as follows:

INSERT SYMBOLS

(5) Determination of Prize Winners.

The holder of a ticket having three like amounts exposed in the play area shall be entitled to a prize of that amount. The prize amounts are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$25.00, \$250, \$1,000. The holder of a ticket having three "TICKET" symbols exposed in the play area shall be entitled to a prize of a \$1.00 ticket, except as follows. A person who submits by mail a FLORIDA'S WILDLIFE lottery ticket which entitles the

holder to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(6) The value, number of prizes, and odds of winning in Instant Game Number 324 are as follows:

GET:	WIN	NUMBER OF WINNERS IN 42 POOLS OF 240,000 TICKETS PER POOL	ODDS
3-TICKETS	\$1 TICKET	1,209,600	1 in 8.33
3-\$1's	\$1	672,000	1 in 15.00
3-\$2's	\$2	235,200	1 in 42.86
3-\$4's	\$4	201,600	1 in 50.00
3-\$5's	\$5	134,400	1 in 75.00
3-\$10's	\$10	134,400	1 in 75.00
3-\$25's	\$25	35,070	1 in 287.43
3-\$250's	\$250	42	1 in 240,000.00
3-\$1,000's	\$1,000	28	1 in 360,000.00

(7) The overall odds of winning any prize in Instant Game Number 324 are 1 in 3.84.

(8) For reorders of Instant Game Number 324, the value, number of prizes, and odds of winning shall be proportionate to the number of tickets reordered.

(9) By purchasing a FLORIDA'S WILDLIFE lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

Specific Authority 24.105(10)(a),(b),(c), 24.109(1) FS. Law Implemented 24.105(10)(a),(b),(c) FS. History--New 2-2-01.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: February 2, 2001

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that Florida Power & Light Company's petition for waiver of certain requirements of Rule 25-6.0437, Florida Administrative Code, filed August 22, 2000, in Docket No. 001199-EI, was approved by the Commission at its November 28, 2000, Agenda Conference. Order No. PSC-00-2433-PAA-EI, issued December 19, 2000, memorialized the decision. This action was made final by Order No. PSC-01-0133-CO-EI, issued January 18, 2001. The rule requires the four major investor-owned electric utilities to file every two years for Commission approval of a sampling plan that details the manner in which load research data will be collected for the next load research period. The petition was

approved on the basis that the purpose of the underlying statute would be achieved by other means and application of the rule would create substantial hardship. Notice of the petition was published in the FAW on October 13, 2000.

A copy of the Order can be obtained from either the Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770, or the Commission's homepage at <http://www.floridapsc.com>.

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that Calpine Construction Finance Company, Inc.'s (Calpine) petition for waiver of certain requirements of Rule 25-22.082(2), Florida Administrative Code, filed December 7, 2000, in Docket No. 001748-EI, was considered at the January 16, 2001, Agenda Conference. The rule requires investor-owned electric utilities to solicit bids for supply-side alternatives prior to filing a petition for a determination of need for new generation under Section 403.519, Florida Statutes. Calpine requested, in the alternative, that the Commission determine that Rule 25-22.082(2), Florida Administrative Code, did not apply because Seminole Electric Cooperative, Inc. is a joint applicant in this proceeding, and is exempt from Rule 25-22.082, Florida Administrative Code. The waiver issue was determined to be moot after the Commission granted Calpine's alternative request that the rule did not apply in this case. Order No. PSC-01-0248-PCO-EC, issued January 29, 2001, memorialized the decision. Notice of the petition was published in the FAW on December 29, 2000.

A copy of the Order can be obtained from either the Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770, or the Commission's homepage at <http://www.floridapsc.com>.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS GIVEN that the Agency for Health Care Administration approved the request for a waiver of Rule 59A-3.080(4)(f) from Cleveland Clinic Florida to allow the construction and operation of an ambulatory surgery center on the hospital's premises. Notice of the request for a waiver was given in the Vol. 27, No. 2, Page 126, January 12, 2001, issue of the Florida Administrative Weekly. A letter filed with the Agency Clerk on January 29, 2001 granted the waiver approval.

For a copy contact: Agency Clerk, 2727 Mahan Drive, Fort Knox Building 3, Suite 3431, Mail Stop 3, Tallahassee, Florida 32308.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection gives notice of its intent to issue a joint coastal permit (File No. 0039378-001-JC) to Manatee County c/o Jack A. Gorezman, County Commissioner, 202 6th Avenue, East, Bradenton,

Florida 34208, to construct and maintain a beach nourishment project along two reaches of beach on Anna Maria Island in Manatee County. The 1992 Anna Maria Island Beach Restoration Project area (R-12 to R-36) extending approximately 4.2 miles in length will be renourished and a 3,000 foot unnourished section within the City of Anna Maria (R-7 to R-10) will be nourished due to extensive erosion since construction of the 1992/93 project. The project is within the Gulf of Mexico, Class III Waters.

Approximately 1,860,000 cubic yards of sand will be dredged from two offshore borrow areas located offshore from Anna Maria Island. The north borrow area is located approximately 1500 feet offshore at its closest point, and extends to a maximum distance of approximately 7000 feet offshore. The north borrow area includes shoal material from Passage Key Inlet off the north end of Anna Maria Island. The north borrow area contains approximately 11,000,000 cubic yards of sand with an average mean grain size of 0.24 mm (2.07 phi) and a silt content of 2.72 percent. The south borrow area is located north of Longboat Pass, off the south end of Anna Maria Island. The south borrow area is located approximately 1800 feet offshore of Anna Maria Island at its closest point, and extends offshore to a maximum distance of 5000 feet. The south borrow area contains approximately 2,620,000 cubic yards of sand with an average mean grain size of 0.32 mm (1.65 phi) and a silt content of 3.08 percent. The total sand volume of both borrow areas is 13,620,000 cubic yards.

The Department intends to grant a consent to use sovereign submerged lands for the proposed beach fill area, under Article X, Section 11 of the Florida Constitution, Chapter(s) 253, F.S., Title 18, F.A.C., and the policies of the Board of Trustees.

The proposed activity also includes consideration of an application for a 5-year sovereign submerged lands public easement (Instrument No. 30564, BOT File No. 410221813) containing 729.37 acres or 31,771,109 square feet, more or less for the North borrow area and 212.69 acres or 9,264,938 square feet, more or less for the South borrow area. The North borrow area is located approximately 0.8 nautical miles offshore from DEP reference monument R-10. The South borrow area is located approximately 0.6 nautical miles offshore from DEP reference monument R-38.

The Department also intends to grant a variance (No. 0039378-002-EV) from the provisions of Rule 62-4.244(5)(c), F.A.C., to establish a temporary mixing zone greater than 150 meters within an area of Class III waters of the state. The variance will establish a temporary mixing zone, for turbidity at the beach nourishment site extending 150 meters offshore and up to 500 meters along shore from the point of sand discharge onto the beach, located in Manatee County, Section 18 through 33, Township 34 South, Range 16 East; and Section 9, Township 35 South, Range 16 East, within the Gulf of Mexico, Class III Waters.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative hearing in accordance with sections 120.569 and 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a modification of the permit or even a denial of the application. Under rule 62-110.106(4), Florida Administrative Code, a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention will be only at the discretion of the presiding judge upon the filing of a motion in compliance with rule 28-106.205, F.A.C.

In accordance with rules 28-106.111(2) and 62-110.106(3)(a)(1), F.A.C., petitions for an administrative hearing by the applicant must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. Under section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 21 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57, F.S.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301, F.A.C. Under sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This intent to issue constitutes an order of the Department. The applicant has the right to seek judicial review of the order under section 120.68, F.S., by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department. The applicant, or any party within the meaning of section 373.114(1)(a), F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under section 373.114(1), F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when the final order is filed with the Clerk of the Department.

The application is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, DEP, Office of Beaches and Coastal Systems, 5050 West Tennessee Street, Building B, Tallahassee, Florida 32304-9201.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that the State of Florida, Department of Health, Bureau of Emergency Medical Services, received a Petition for Variance on November 14, 2000, from Variety Children's Hospital d/b/a Miami Children's Hospital.

Applicable Rule: Section 64E-2.023, Standard IV of DH Pamphlet 150-9, Florida Administrative Code.

Nature of Rule: Requires a State Approved Pediatric Trauma Referral Center to have in-hospital and promptly available at all times an anesthesiologist, or under certain conditions, a certified registered nurse anesthetist (CRNA) or senior resident (CA-3).

Date and Place of Notice: Notice was published on December 1, 2000 in the Florida Administrative Weekly.

Date of Order: February 2, 2001

Basis for Agency Decision: The Department approved the petition on the basis that the petitioner established that the purpose of the underlying statute could be achieved by other means and that principles of fairness would be violated and that substantial hardship would result if the petitioner complied with the current rule.

A copy of the Order may be obtained by submitting a written request to Pam Lesley, Senior Management Analyst, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C18, Tallahassee, Florida 32399-1738.

P.O. F00396

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on January 29, 2001, Florida Housing Finance Corporation ("Florida Housing") received a Petition for Waiver from Rule 67-48.012(3), F.A.C., from CEDO Housing Development Corp. ("Petition"). The Petition seeks relief from the Rule 67-48.012(3), Florida Administrative Code, which requires a mandatory submission of final plans to the Credit Underwriter within 60 calendar days from the date of the preliminary SAIL commitment.

A copy of the Petition can be obtained from Andrew T. Price, Senior Attorney, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.,

Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on January 29, 2001, Florida Housing Finance Corporation ("Florida Housing") received a Petition for Waiver from Rule 9I-47.140(5), F.A.C., from Minnesota Heights, Ltd. ("Petition"). The Petition seeks relief from the Rule 9I-47.140(5), Florida Administrative Code, which requires an applicant to comply with the section or the applicant will be rejected and the firm commitment of the Agency withdrawn.

A copy of the Petition can be obtained from Elizabeth G. Arthur, General Counsel, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on January 29, 2001, Florida Housing Finance Corporation ("Florida Housing") received a Petition for Waiver from Rule 9I-47.140(5), F.A.C., from Sweetwater Village Phase III, Ltd. ("Petition"). The Petition seeks relief from the Rule 9I-47.140(5), Florida Administrative Code, which requires an applicant to comply with the section or the applicant will be rejected and the firm commitment of the Agency withdrawn.

A copy of the Petition can be obtained from Elizabeth G. Arthur, General Counsel, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Section VI

Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Historic Preservation Advisory Council** announces three public meetings to which all persons are invited.

DATES AND TIME: Monday, March 19-21, 2001, 9:00 a.m.

PLACE: R. A. Gray Building, Auditorium, 500 South Bronough Street, Tallahassee, Florida

PURPOSE: To review applications submitted to the Bureau of Historic Preservation, by December 15, 2000, for State grant assistance for historic preservation projects and to recommend priority ranking and funding levels for grant awards.

A copy of the agenda may be obtained by writing: Mr. Frederick Gaske, Chief, Bureau of Historic Preservation, Department of State, R. A. Gray Building, 500 South Bronough, Tallahassee, Florida 32399-0250, (850)487-2333.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Chapter 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance. Please contact the Bureau of Historic Preservation, (850)487-2333, or Fax (850)922-0496.

DEPARTMENT OF LEGAL AFFAIRS

The Finance and Budget Committee of the **Florida Commission on the Status of Women** will hold a conference call.

DATE AND TIME: Tuesday, February 27, 2001, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

PURPOSE: To discuss general issues.

If you need an accommodation due to a disability in order to participate, please notify FCSW in writing at least five days in advance at the Office of the Attorney General, PL-01, The Capitol, Tallahassee, FL 32399-1050.

The Executive Committee of the **Florida Commission on the Status of Women** will hold a telephone conference.

DATE AND TIME: February 28, 2001, 3:00 p.m.

PLACE: Please call (850)414-3300 for instructions on participation

PURPOSE: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance: Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces a Notice of Public Meeting of the Seed Investigation and Conciliation Council to which all persons are invited.

DATE AND TIME: February 28, 2001, 12:30 p.m.

PLACE: Suwannee Valley REC, 7580 County Road 136, Live Oak, Florida 32060-7434, (904)362-1725

PURPOSE: Seed Complaint Hearing Meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED:
You may contact: Mr. Dale Dubberly, Florida Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Building 8, Room L-29, Tallahassee, Florida 32399-1650, (850)488-8731.

If special accommodations are needed to attend this meeting because of a disability, please call Dale Dubberly, as soon as possible.

The Florida **Department of Agriculture and Consumer Services** announces a Notice of Public Meeting of the Seed Investigation and Conciliation Council to which all persons are invited.

DATE AND TIME: February 28, 2001, 3:00 p.m.

PLACE: Suwannee Valley REC, 7580 County Road 136, Live Oak, Florida 32060-7434, (904)362-1725

PURPOSE: Seed Complaint Hearing Meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED:
You may contact: Mr. Dale Dubberly, Florida Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Building 8, Room L-29, Tallahassee, Florida 32399-1650, (850)488-8731.

If special accommodations are needed to attend this meeting because of a disability, please call Dale Dubberly, as soon as possible.

The Florida **Department of Agriculture and Consumer Services** announces the Florida Agriculture Center and Horse Park Authority Meeting.

DATE AND TIMES: Friday, February 23, 2001, 10:00 a.m., Executive Committee Meeting; 11:00 a.m., Board Meeting

PLACE: Marion County Chamber of Commerce, 110 East Silver Springs Blvd., Ocala, Florida

PURPOSE: Quarterly Board Meeting. The purpose of this meeting is to conduct the general business of Florida Agriculture Center and Horse Park.

For additional information or if you need special accommodations, call Bruce Piatek, (904)446-7630.

The Florida **Department of Agriculture and Consumer Services** announces a public workshop to which all interested persons are invited.

DATE AND TIME: March 6, 2001, 2:00 p.m. – 5:00 p.m.

PLACE: Florida Fish and Wildlife Conservation Commission, Field Station Classroom, 11350 Southwest 153rd Court, Cedar Key, Florida

PURPOSE: Aquaculture Best Management Practices Manual Revision, Rule 5L-3, FAC. To discuss proposed changes and/or additions to the Aquaculture Best Management

Practices Manual, dated July 2000, sections on Health Management, Marine Bivalves (Site Selection) and Aquaculture Dock Construction.

ADA NOTICE: Any person requiring special accommodations at this workshop because of a disability or physical impairment should contact Kal Knickerbocker, (850)488-4033, at least five working days prior to the workshop.

The Steering Committee of the **Turfgrass Best Management Practices Working Group** announces a meeting to which all interested persons are invited.

DATE AND TIME: March 12, 2001, 9:00 a.m.

PLACE: Hurston South Tower, 400 West Robinson Street, Orlando, Florida 32801

PURPOSE: To work on developing Best Management Practices for Turfgrass.

Those desiring more information may contact: Erica Santella, (407)678-0972, Extension 232, email: emsantella@aol.com.

DEPARTMENT OF EDUCATION

The **Department of Education** announces a meeting of the Occupational Access and Opportunity Commission Executive Committee to which all persons are invited and to which all interested individuals are encouraged to attend.

DATE AND TIME: February 26, 2001, 9:00 a.m. – Noon

PLACE: Division of Vocational Rehabilitation Services' Headquarters, Room 214, 2002 Old Saint Augustine Road, Building A, Tallahassee, Florida 32301, (850)488-0059

PURPOSE: To conduct the regular business of the Executive Committee.

In accordance with the Americans with Disabilities Act, persons needing special accommodations to participate in the meeting should contact: V. Virginia Rhoden, (850)488-0059, Ext. 207, three days before the meeting.

The **Department of Education** announces a meeting of the Occupational Access and Opportunity Commission State Plan Workgroup to which all persons are invited and to which all interested individuals are encouraged to attend.

DATE AND TIME: February 26, 2001, 1:00 p.m. – 5:00 p.m.

PLACE: Division of Vocational Rehabilitation Services' Headquarters, Room 214, 2002 Old Saint Augustine Road, Building A, Tallahassee, Florida 32301, (850)488-0059

PURPOSE: To guide the development of the Federal State Plan.

In accordance with the Americans with Disabilities Act, persons needing special accommodations to participate in the meeting should contact: V. Virginia Rhoden, (850)488-0059, Ext. 207, three days before the meeting.

The **Department of Education** announces a meeting of the Occupational Access and Opportunity Commission Budget, Policy and Planning Committee to which all persons are invited and to which all interested individuals are encouraged to attend.

DATE AND TIME: February 27, 2001, 9:00 a.m. – 12:00 Noon

PLACE: Division of Vocational Rehabilitation Services' Headquarters, Room 214, 2002 Old Saint Augustine Road, Building A, Tallahassee, Florida 32301, (850)488-0059

PURPOSE: To discuss Vocational Rehabilitation services, budget, policy, planning, and/or contract management issues.

In accordance with the Americans with Disabilities Act, persons needing special accommodations to participate in the meeting should contact: V. Virginia Rhoden, (850)488-0059, Ext. 207, three days before the meeting.

The **Department of Education** announces a meeting of the Occupational Access and Opportunity Commission Field Services Committee to which all persons are invited and to which all interested individuals are encouraged to attend.

DATE AND TIME: February 27, 2001, 9:00 a.m. – 12:00 Noon

PLACE: Division of Vocational Rehabilitation Services' Headquarters, Room 360, 2002 Old Saint Augustine Road, Building A, Tallahassee, Florida 32301, (850)488-0059

PURPOSE: To discuss the Corrective Action Plan and develop recommendations and motions for the OAOC.

In accordance with the Americans with Disabilities Act, persons needing special accommodations to participate in the meeting should contact: V. Virginia Rhoden, (850)488-0059, Ext. 207, three days before the meeting.

The Florida **Department of Education** announces a public meeting which all interested parties are invited to attend.

DATES AND TIMES: February 27, 2001, 10:00 a.m. – 5:00 p.m.; February 28, 2001, 9:00 a.m. – 12:00 Noon

PLACE: Keiser College, 1700 Halstead Blvd., Tallahassee, Florida 32308

PURPOSE: To conduct a meeting of the Florida Council of Student Financial Aid Advisors.

A copy of the agenda may be obtained by writing: Bureau of Student Financial Assistance, Department of Education, Attention: Sherall Jackson, 1940 North Monroe Street, Suite 70, Tallahassee, Florida 32399.

Pursuant to the provisions of the American Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency by contacting Mario

Butler, (850)922-7178, at least 48 hours before the meeting. If you are hearing or speech impaired, please contact the agency, (850)488-4095.

The **Department of Education** announces a meeting of the Occupational Access and Opportunity Commission Compliance and Oversight Committee to which all persons are invited and to which all interested individuals are encouraged to attend.

DATES AND TIME: March 1-2, 2001, 8:00 a.m. – 5:00 p.m.

PLACE: Division of Vocational Rehabilitation Services' Headquarters, Room 214, 2002 Old Saint Augustine Road, Building A, Tallahassee, Florida 32301, (850)488-0059

PURPOSE: To discuss developments in Corrective Action Plan for FKETC and OAOC Demonstration Projects and develop recommendations and motions for the OAOC.

In accordance with the Americans with Disabilities Act, persons needing special accommodations to participate in the meeting should contact: V. Virginia Rhoden, (850)488-0059, Ext. 207, three days before the meeting.

The **Department of Education** announces a meeting of the Occupational Access and Opportunity Commission State Plan Workgroup to which all persons are invited and to which all interested individuals are encouraged to attend.

DATE AND TIME: March 12, 2001, 9:00 a.m. – 12:00 Noon

PLACE: Division of Vocational Rehabilitation Services' Headquarters, Room 214, 2002 Old Saint Augustine Road, Building A, Tallahassee, Florida 32301, (850)488-0059

PURPOSE: To guide the development of the Federal State Plan.

In accordance with the Americans with Disabilities Act, persons needing special accommodations to participate in the meeting should contact: V. Virginia Rhoden, (850)488-0059, Ext. 207, three days before the meeting.

The **State Board of Community Colleges** announces the following public meetings of the Board to which all persons are invited.

DATE AND TIME: March 2, 2001, 9:00 a.m.

PLACE: Tallahassee Community College, 444 Appleyard Drive, Tallahassee, Florida 32304-2895

PURPOSE: Regular business meeting of the Board.

COMMITTEES:

EA/EO Advisers

DATE AND TIME: March 1, 2001, 9:30 a.m. – 11:00 a.m.

Foundation for Florida's Community Colleges

DATE AND TIME: March 1, 2001, 9:45 a.m. – 10:45 a.m.

Policy Committee

DATE AND TIME: March 1, 2001, 11:00 a.m. – 12:00 Noon
 Program, Economic Development and Equity Committee
 DATE AND TIME: March 1, 2001, 1:00 p.m. – 3:00 p.m.
 Finance Committee

DATE AND TIME: March 1, 2001, 3:15 p.m. – 5:15 p.m.

NOTE: If you need special services to attend the meeting or need additional information, write: Division of Community Colleges, 1314 Turlington Building, Tallahassee, Florida 32399-0400.

The **Postsecondary Education Planning Commission** announces a public meeting to which all interested persons are invited.

DATES AND TIMES: Tuesday, February 27, 2001, 4:00 p.m. – 8:00 p.m.; Wednesday, February 28, 2001, 8:00 a.m. – 1:00 p.m.

PLACE: Sheraton Ft. Lauderdale Airport Hotel, 1825 Griffin Road, Dania, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will discuss and take action on reports related to the College Reach-Out Program, postsecondary funding options, recommendations concerning capitalization incentive grants and proposed community college special purpose centers. Updates on other ongoing Commission assignments will be provided.

For further information contact: Dr. William B. Proctor, Executive Director, Postsecondary Education Planning Commission, Tallahassee, Florida 32399-0400, (850)488-7894.

The **Florida Rehabilitation Council** announces the following meeting to which all interested persons are invited.

MEETING: Florida Rehabilitation Council

DATES AND TIMES: Thursday, February 22, 2001, 9:00 a.m. – 5:00 p.m.; Friday, February 23, 2001, 9:00 a.m. – 12:00 Noon

PLACE: V R Headquarters, Room 214, 2002-A Old St. Augustine Rd., Tallahassee, FL

PURPOSE: To conduct an Orientation and Training of New Appointees to the Council.

A copy of the agenda may be obtained by contacting: Florida Rehabilitation Council, 2002 Old St. Augustine Road, Building A, Tallahassee, FL 32399-0696, (850)488-6210.

Any interested parties that need further information may contact Vicki Welch, Extension 150 or her Assistant, Shawnee Sumpter, Extension 128.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitation Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be

notified of such meeting may request to be put on mailing list for such notices by writing to Shawnee T. Sumpter at the Council address.

Notices of meetings and hearing must advise that a record is required to appeal. Each board, commission or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission or agency, conspicuously on such notice, the advise that, if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs** announces a teleconference meeting of the Affordable Housing Study Commission’s Legislative Committee to which all interested persons are invited.

DATES AND TIMES: Private Sector workgroup, March 5, 2001, 10:00 a.m. – 12:00 Noon; Public Sector workgroup, March 6, 2001, 10:00 a.m. – 12:00 Noon

PLACE: Contract Roshunda Rumph, (850)922-1609 for information on how to access the meeting via telephone.

PURPOSE: The Commission is charged with developing recommendations to the Governor and Legislature to address the state’s acute need for housing for very low-, low- and moderate-income households. At these meetings the workgroups will continue work on a strategic plan for the state to ensure that decent, affordable housing is available for all residents by the year 2010.

People who are hearing impaired should contact Ms. Rumph, using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD), at least five calendar days prior to the meeting.

A copy of the agendas may be obtained from Roshunda Rumph, The Affordable Housing Study Commission, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, (850)922-1609

The **Florida Building Commission** announces the following meetings to which all persons are invited.

Meeting of the Swimming Pool Ad Hoc Committee.

DATE AND TIME: February 26, 2001, 11:00 a.m.

PLACE: Hilton Fort Lauderdale Airport, 1870 Griffin Road, Dania Beach, Florida 33004, (954)920-3300

PURPOSE: To review swimming pool safety standards implementation and address difficulties in interpretation and administration.

A copy of the Committee and Commission meeting agendas may be obtained by sending a request in writing: Betty Stevens, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Fax (850)414-8436 or viewing the Commission's the web site at www.dca.state.fl.us/fhcd/fbc/.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Betty Stevens, Department of Community Affairs, (850)487-1824, at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Building Commission** announces the following meetings to which all persons are invited.

PLACE: Radisson Mart Plaza Hotel, 711 N. W. 72nd Avenue, Miami, Florida 33126, (305)260-8906

Meeting of the Accessibility Advisory Council.

DATE AND TIME: March 5, 2001, 9:00 a.m.

PURPOSE: The purpose is to consider applications for waiver from accessibility requirements received by February 7, 2001.

A copy of the agenda listing the specific applicants may be requested after February 7, 2001 from: Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100 or by calling (850)487-1824.

Meeting of the Special Occupancy Technical Advisory Committee; Meeting of the Product Approval Ad Hoc Committee; Meeting of the Accessibility Technical Advisory Committee; Meeting of the Education Training System Ad Hoc Committee; Meeting of the Rules of Procedure Ad Hoc Committee; Meeting of the Building/Structural Technical Advisory Committee;

DATE AND TIME: March 5, 2001, 8:00 a.m.

Meeting of the Florida Building Commission.

DATE AND TIME: March 6, 2001, 8:30 a.m.

PURPOSE: To review and take necessary actions on: January 2001 Commission meeting minutes, the March 2001 Commission agenda and the Commission's work plan; accessibility waiver applications received; updates to the Commission's Report to the Legislature; updates on code dissemination; report from the Swimming Pool Safety Issues Ad Hoc Committee; Education Ad Hoc Report and Recommendations; Product Approval Ad Hoc Report and Recommendations; Rules of Procedure Ad Hoc Report; Prototype Buildings Ad Hoc Report and Recommendations;

Special Occupancy Technical Advisory Committee Report and Recommendations; legal staff report on declaratory statements and recommendations; and to receive public comment.

Meeting of the Prototype Buildings Ad Hoc Committee; Meeting of the Building/Structural Technical Advisory Committee

DATE AND TIME: March 6, 2001, 1:00 p.m.

A copy of the Committee and Commission meeting agendas may be obtained by sending a request in writing: Betty Stevens, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Fax (850)414-8436, or viewing the Commission's web site at www.dca.state.fl.us/fhcd/fbc/.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Betty Stevens, Department of Community Affairs, (850)487-1824, at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF LAW ENFORCEMENT

The **Division of Criminal Justice Standards and Training** announces a public meeting for a Probable Cause Determination to which all persons are invited to attend.

DATE AND TIME: Tuesday, March 6, 2001, 2:00 p.m. – Open

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

PURPOSE: To determine if probable cause exists to proceed with possible disciplinary action.

A copy of the Probable Cause Case agenda can be obtained by calling: Brenda S. Presnell, (850)410-8648, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Bureau of Standards, Post Office Box 1489, Tallahassee, Florida 32302-1489.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Donna Hunt, (850)410-8615, at least 2 weeks prior to the meeting.

DEPARTMENT OF TRANSPORTATION

The **Florida Transportation Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: February 23, 2001, 9:00 a.m. – 4:00 p.m.
 PLACE: Tampa International Airport, Hillsborough County Aviation Authority’s Board Room, Main Terminal, 3rd Floor, 5507 West Spruce Street, Tampa, Florida 33607
 PURPOSE: Discuss Recommendations from the Organizational and Operational Review of the Florida Department of Transportation Study and other Commission Business.

Information and a copy of the agenda may be obtained by contacting: Florida Transportation Commission, Room 176, 605 Suwannee Street, M.S. 9, Tallahassee, Florida 32399-0450, (850)414-4105.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting are asked to advise the Commission at least 48 hours before the meetings by contacting Cathy Goodman, (850)414-4105.

Notice is hereby given that the Florida **Department of Transportation** will offer the opportunity for a public hearing concerning the proposed jurisdictional roadway transfer of Mildred Avenue, southbound one-way, from Jefferson Street/SR 50A/SR 700/US 98 to Broad Street/SR 45/US 41. The Department has requested the transfer of Mildred Avenue from the City of Brooksville Road System to the State Highway System. All persons wishing to be heard on this subject are hereby notified to respond in writing to the individual listed below by February 21, 2001. If an interest in this hearing is expressed, the hearing will be held.

DATE AND TIME: February 26, 2001, 6:00 p.m. – 8:00 p.m.
 PLACE: Brooksville City Council Chambers, 201 Howell Avenue, Brooksville, Florida

All interested persons may provide a written response: Brian C. Beaty, Florida Department of Transportation, District Seven, 11201 N. McKinley Drive, Tampa, Florida 33612.

STATE BOARD OF ADMINISTRATION

NOTICE IS HEREBY GIVEN by the Florida **State Board of Administration** (SBA) of meetings of the Florida State Board of Administration regarding the Request for Information for transition brokerage services for the Public Employee Optional Retirement Program to which all persons are invited.

DATE AND TIME: Tuesday, March 6, 2001, 9:00 a.m. – conclusion

PLACE: Hermitage Room, The Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida (Signs in the lobby with direct participants)

PURPOSE: This is a public meeting to identify the candidate or candidates for transition brokerage services who will be invited to participate in oral interviews as part of the selection process.

DATES AND TIME: Monday, March 12, 2001 through Friday, March 16, 2001, 9:00 a.m. – conclusion of the interviews

PLACE: Emerald Coast Room, The Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida (Signs in the lobby will direct participants)

PURPOSE: These meetings are for the purpose of conducting oral interviews for candidates for the transition brokerage services for the Public Employee Optional Retirement Program (PEORP). The meeting will also include a discussion of the general business of PEORP. At the conclusion of the interviews, a decision will be made regarding whether, and if so, where, on-site visits will be conducted. Persons wishing to participate in the on-site visits are encouraged to remain to the end of the meetings regarding the oral interviews in order to ascertain which companies will be visited. The SBA will not pay any travel expenses except for members of the education evaluation team.

DATES AND TIME: Monday, March 19, 2001 through Tuesday, March 20, 2001, 9:00 a.m. – conclusion of the on-site visits

PLACE: To be determined at the conclusion of the interviews

PURPOSE: These on-site visits will be to determine a candidate or candidates for transition brokerage services for PEORP.

DATE AND TIME: Friday, March 23, 2001, 9:00 a.m. – 1:00 p.m.

PLACE: Emerald Coast Room, The Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida (Signs in the lobby will direct participants)

PURPOSE: At this meeting, the transition brokerage services evaluation team will make a final recommendation regarding the candidate for the transition brokerage services for PEORP. The meeting will also include a discussion of the general business of PEORP.

Anyone wishing further information of a copy of the agenda should contact: Joan Lazar, Defined Contribution Program, P. O. Drawer 13300, Tallahassee, FL 32317-3300, e-mail: lazar_joan@fsba.state.fl.us.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend these meetings is requested to call Joan Lazar, (850)413-1492, five days prior to the meeting so that appropriate arrangements can be made.

NOTICE IS HEREBY GIVEN by the **State Board of Administration** of a public meeting of the Advisory Council to the Florida Hurricane Catastrophe Fund to which all persons are invited.

DATE AND TIME: Thursday, March 15, 2001, 9:00 a.m. – 4:00 p.m. (Eastern Standard Time)

PLACE: Room 116, Hermitage Conference Room, The Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida

PURPOSE: To discuss ratemaking procedures, to discuss filing several rules for adoption and to take care of the general business of the Council.

Anyone wishing a copy of the agenda should contact: Patti Elsbernd, Florida Hurricane Catastrophe Fund, P. O. Drawer 13300, Tallahassee, FL 32317-3300.

In compliance with the Americans with Disabilities Act, any person needing special accommodation to attend the meeting is requested to contact Patti Elsbernd by mail, at the address given immediately above or by telephone, (850) 413-1346, five days prior to the meeting so that appropriate arrangements can be made.

DEPARTMENT OF CITRUS

The **Department of Citrus** announces a public meeting of the Gift Fruit Advisory Council to which all persons are invited.

DATE AND TIME: Friday, February 23, 2001, 1:00 p.m.

PLACE: Florida Gift Fruit Shippers Association, 521 N. Kirkman Road, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review Marketing Program and set advertising agency selection criteria and procedure.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson, at the above address or by telephone (863)499-2510.

The **Department of Citrus** announces a public meeting of the Blue Ribbon Committee to which all persons are invited.

DATE AND TIME: Thursday, March 1, 2001, 9:00 a.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Blue Ribbon Committee will meet with the Facilitator to discuss the issues to be addressed and best manner in which to draft the Request for Proposal. The Committee will also discuss any other issues that may properly come before the Committee.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson at the above address or by telephone, (863)499-2510.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a Special Commission Conference in the following docket to which all interested persons are invited.

Docket No. 000649-TP – Petition by MCImetro Access Transmission Services LLC and MCI WorldCom Communications, Inc. for arbitration of certain terms and conditions of a proposed agreement with BellSouth Telecommunications, Inc. concerning interconnection and resale under the Telecommunications Act of 1996.

DATE AND TIME: February 21, 2001, 9:00 a.m.

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

PURPOSE: To vote on the post hearing recommendation on Petition by MCImetro Access Transmiss Services LLC and MCI WorldCom Communications, Inc. for arbitration of certain terms and conditions of a proposed agreement with BellSouth Telecommunications, Inc. concerning interconnection and resale under the Telecommunications Act of 1996.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350 and 367, F.S.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy, (\$1.00 per copy, Rule 25-22.002, FAC.) by writing: Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida. The agenda and recommendation are also accessible on the PSC Homepage, at <http://www.floridapsc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Any person requiring some accommodation at this conference because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

The **Florida Energy 2020 Study Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: February 23, 2001, 8:30 a.m.

PLACE: University of Florida Hotel and Conference Center, Ballroom, 1714 S. W. 34th Street, Gainesville, Florida

PURPOSE: The Commission will be discussing restructuring Florida's electricity market and information relevant to determining what Florida's electric energy need will be over the next 20 years, and how best to supply those needs in an efficient, affordable and reliable manner that will ensure adequate electric reserves.

A copy of the agenda for this meeting may be obtained by writing: Executive Director, Florida Energy 2020 Study Commission, Office of the Governor, Room 225B, Knott Building, Tallahassee, Florida 32399-0001.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Executive Director, (850)413-7777, at least 48 hours prior to the meeting. Any person who is hearing or speech impaired may contact the Florida Energy 2020 Study Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 981488-TI – Initiation of show cause proceedings against Accutel Communications, Inc. for Unlawful Billing Practices in violation of Section 364.10(1) and Section 364.604(2), F.S., and Insufficient Management Capability pursuant to Section 364.337(3), F.S.

DATE AND TIME: March 5, 2001, 9:30 a.m.

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida
PURPOSE: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

Any person requiring some accommodation at this prehearing because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the prehearing.

Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces customer service hearings in the following docket, to which all interested persons are invited.

Docket No. 001447-GU – Request for rate increase by St. Joe Natural Gas Company, Inc.

DATE AND TIME: March 5, 2001, 6:00 p.m.

PLACE: Gulf County School Board Room, 150 Middle School Road, Port St. Joe, Florida

PURPOSE: To permit members of the public to give testimony regarding the request for rate increase by St. Joe Natural Gas Company, Inc. At the hearing, customers may be heard on any and all issues in the case relating to this request. All witnesses shall be subject to cross-examination at the conclusion of their testimony.

The hearings will begin as scheduled and will continue until all witnesses have been heard. If no witnesses are present, the hearings may be adjourned. All persons desiring to present testimony are urged to appear at the beginning of the hearing.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

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

DATE AND TIME: March 6, 2001, 9:30 a.m.

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

PURPOSE: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy (\$1.00 per copy, Rule 25-22.002, FAC.), by contacting the Division of Records and Reporting, (850)413-6770 or writing: Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870. The agenda and recommendations are also accessible on the PSC Homepage, at <http://www.floridapsc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Any person requiring some accommodation at this conference because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

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

DATE AND TIME: March 6, 2001, immediately following the Commission Conference which commences at 9:30 a.m. in Commission Hearing Room 148.

PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

PURPOSE: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the meeting. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

****THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.****

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 000075-TP – Investigation into appropriate methods to compensate carriers for exchange of traffic subject to Section 251 of the Telecommunications Act of 1996.

DATES AND TIME: March 7-9, 2001, 9:30 a.m.

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

PURPOSE: To permit parties to present testimony and exhibits relative to the permit parties to present testimony and exhibits relative to appropriate methods of compensation for the exchange of telecommunication traffic subject to section 251 of the Telecommunications Act of 1996, and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on February 14, 2001. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, FAC.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

REGIONAL PLANNING COUNCILS

The **Northeast Florida Local Emergency Planning Committee** announces the following public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 21, 2001, 10:00 a.m.

PLACE: Regional Planning Council Office, 9143 Phillips Highway, Suite 350, Jacksonville, FL 32256

PURPOSE: Quarterly Meeting to discuss Emergency Planning Issues.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 9143 Phillips Highway, Suite 350, Jacksonville, FL 32256.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Individuals needing materials in alternate format, sign language interpreter or other meeting information, call Ginny Montgomery, (904)363-6350, Extension 146, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Comprehensive and Project Planning Council** announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 1, 2001, 9:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 9143 Phillips Highway, Suite 350, Jacksonville, FL 32256

PURPOSE: Comprehensive and Project Planning Committee Meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 9143 Phillips Highway, Suite 350, Jacksonville, FL 32256.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council, Personnel, Program Planning and Budget Committee** announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 1, 2001, 9:00 a.m.

PLACE: Northeast Florida Regional Planning Office, 9143 Phillips Highway, Suite 350, Jacksonville, FL 32256

PURPOSE: To discuss pending personnel, program planning and budget matters.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 9143 Phillips Highway, Suite 350, Jacksonville, FL 32256.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council** announces the following public meetings to which all persons are invited.

DATE AND TIME: Thursday, March 1, 2001, 10:00 a.m.

PLACE: Northeast Florida Regional Planning Office, 9143 Phillips Highway, Suite 350, Jacksonville, FL 32256

PURPOSE: Monthly Meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL 32256.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

Individuals needing materials in alternate format, sign language interpreter or other meeting information, call Ginny Montgomery, (904)363-6350, Extension 146, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

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

DATE AND TIME: Monday, March 5, 2001, 10:30 a.m.

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

PURPOSE: Any Development Order received prior to the meeting; Coastal Fuels Development of Regional Impact Assessment – City of Fort Lauderdale; Any proposed Local Government Comprehensive Plan received prior to the meeting; Any adopted Local Government Comprehensive Plan received prior to the meeting; Any proposed Local Government Comprehensive Plan Amendment received prior to the meeting; Any adopted Local Government Comprehensive Plan Amendment received prior to the meeting; Meeting on monthly Council business; Executive Committee meeting, 10:00 a.m., at the above location.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021.

Anyone deciding to appeal any decision made by the board with respect to any matter considered at this meeting, will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

Council related committees may meet periodically before (9:00 a.m.) and following the regularly scheduled Council meetings. Any party desirous of ascertaining schedules of the sub-committees should call the Council Offices, (954)985-4416 (Broward).

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

The **South Florida Regional Planning Council** announces the following Clean Cities meeting to which all persons are invited.

MEETING: Clean Cities Coalition Meeting

DATE AND TIME: Monday, March 5, 2001, 1:00 p.m.

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

PURPOSE: The Gold Coast Clean Cities Coalition consists of Broward, Martin, Miami-Dade, Monroe and Palm Beach Counties. The Coalition was formed through Governor's Executive Order to accelerate the widespread use of cleaner, alternatively fueled fleet vehicles in the Florida Gold Coast area. The purpose of these meetings is to discuss relevant Coalition issues.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such person will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152 (TDD), if you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District** announces the following Facilities/Planning/Construction Committee telephone conference call.

DATE AND TIME: Wednesday, February 28, 2001, 10:00 a.m.

PLACE: St. Johns River Water Management District, 4049 Reid Street, Palatka, FL 32177

PURPOSE: To discuss project construction and contractual matters of the District.

A copy of the agenda can be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, FL 32178-1429 or by calling Mrs. Sharon Whitener, Administrative Support Coordinator, Department of Operations and Land Resources, (904)329-4281.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Mrs. Linda Lorenzen, (904)329-4262. If you are hearing or speech impaired, please contact the agency by calling (904)329-4450 (TDD).

NOTE: If any person decides to appeal any decision with respect to any matter considered by the St. Johns River Water Management District's Governing Board, such person may need to ensure that a verbatim record of the meeting is made to include the testimony and evidence upon which appeal is to be based.

The **Southwest Florida Water Management District** announces the following meetings to which all interested parties are invited.

GREEN INDUSTRY ADVISORY COMMITTEE'S IRRIGATION STANDARDS SUBCOMMITTEE

DATE AND TIME: Thursday, March 1, 2001, 11:00 a.m.

PLACE: Tampa Service Office, 7601 Highway 301, North, Building 1, Tampa, Florida

GREEN INDUSTRY ADVISORY COMMITTEE'S WATER BUDGET SUBCOMMITTEE

DATE AND TIME: Thursday, March 1, 2001, 12:30 p.m.

PLACE: Tampa Service Office, 7601 Highway 301, North, Building 1, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Committee Business.

Some members of the District's Governing and Basin Boards may attend the meetings.

Copies of the agendas may be obtained by writing: Community Affairs Department, Southwest Florida Water Management District, 7601 Highway 301, North, Tampa, Florida 33637.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should call 1(800)836-0797 (Florida) or (813)985-7481, Extension 2036, Fax (813)987-6726, TTD ONLY 1(800)231-6103 (Florida).

The **South Florida Water Management District** announces public meetings to which all interested persons are invited.

DATES AND TIMES: Tuesday, February 27, 2001, 8:30 a.m. – 5:00 p.m.; Wednesday, February 28, 2001, 8:30 a.m. – 5:00 p.m.

PLACE: Pirates Cove Resort and Marina, 4307 S. E. Bayview Street, Stuart, FL 34997

PURPOSE: Governing Board Budget Workshop and Orientation Retreat.

A copy of the agendas may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)687-6206, at least two business days in advance to make appropriate arrangements.

The Big Cypress Basin, **South Florida Water Management District** announces a public meeting and workshop which may be conducted by means of, or in conjunction with, communications media technology, specifically by telephonic conference to which all interested persons are invited.

DATE AND TIME: February 28, 2001, 7:00 p.m.

PLACE: Collier County Government Center, Commission Chambers, Building F, Naples, Florida (The above address shall be the designated access point for public attendance of the meeting.)

PURPOSE: Conduct Basin Business and hold a workshop on the Southern Golden Gate Estates Restoration Project Management Plan with the U.S. Army Corps of Engineers.

A copy of the agenda may be obtained by writing: Big Cypress Basin, 6089 Janes Lane, Naples, Florida 34109 or by calling Ann Christian, (941)597-1505.

Appeals from any Big Cypress Basin Board decision require a record of the proceedings. Although Basin Board meetings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Ann Christian, (941)597-1505, at least forty-eight (48) hours before the meeting to make appropriate arrangements. If you are hearing or speech impaired, please contact the Big Cypress Basin, (561)697-2574.

Those persons who desire more information, or those wishing to submit written or physical evidence may contact Ann Christian, Big Cypress Basin, 6089 Janes Lane, Naples, Florida 34109, (941)597-1505.

SPACEPORT FLORIDA AUTHORITY

The **Florida Commercial Space Financing Corporation** announces a Board of Director's meeting and teleconference to which the public is invited.

DATE AND TIME: February 19, 2001, 1:30 p.m. – 3:30 p.m.

PLACE: Florida Commercial Space Financing Corporation, 100 Spaceport Way, Cape Canaveral, Florida 32920

PURPOSE: General Board Business Meeting, ratification of agreements, financings, guarantees, budgets, procedures and to consider other proposed matters related to the business of the Corporation.

For more information, contact Mr. Jim Leary or Ms. Judy Blanchard, (321)267-2877, Ext. 113. The Board of Director's meeting will be held at the office of Florida Commercial Space Financing Corporation.

To obtain a copy of the agenda write: The Florida Commercial Space Financing Corporation, Florida/NASA Business Incubation Center, 1311 N. Highway U.S. 1, Titusville, FL 32796.

Any person requiring special accommodations at this meeting because of disability or physical impairment should contact the Florida Commercial Space Financing Corporation.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceeding, which record includes the testimony and evidence upon which the appeal is to be based.

DEPARTMENT OF ELDER AFFAIRS

The **Statewide Public Guardianship Office** announces a meeting of the Statewide Public Guardianship Curriculum Committee to which all interested persons are invited.

DATE AND TIME: Friday, February 23, 2001, 10:00 a.m. – 4:00 p.m.

PLACE: MHF 104, University of South Florida Campus, 13301 Bruce B. Downs Boulevard, Tampa, Florida 33612

PURPOSE: Meeting of the Guardianship Curriculum Committee pursuant to Section 744.7021(2)(f), Florida Statutes.

A copy of the agenda may be obtained by contacting: Gloria Mitchell, (813)974-1649.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a meeting of the District 11, Managed Care Ombudsman Committee to which all interested parties are invited.

DATE AND TIME: Thursday, February 22, 2001, 12:30 p.m. – 2:30 p.m.

PLACE: AHCA Building, Room 216A, 8355 N. W. 53rd Street, Manchester Building, 2nd Floor, Miami, FL 33166, (305)499-2000

PURPOSE: Regular monthly meeting.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact (850)414-1833, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Attention: Annette Lewis-Howard, Agency for Health Care Administration, Bureau of Consumer Protection, 2727 Mahan Drive, Ft. Knox, Building 1, 2nd Floor, Tallahassee, FL 32308.

The **Agency for Health Care Administration** announces a public meeting of the task force for the regular Disproportionate Share Program to which all persons are invited. The meeting format will be a conference call.

DATE AND TIME: February 26, 2001, 10:00 a.m. – 12:00 Noon

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room E, Tallahassee, Florida 32308, telephone call numbers are: (850)921-2548, Suncom 291-2548

PURPOSE: In accordance with House Bill 2145, General Appropriations Act for FY 2000-2001, Specific Appropriation 196, the task force for the regular Disproportionate Share Program will be conducting a public meeting. The purpose of the task force is to study and make recommendations regarding the formula for the regular Disproportionate Share Program and alternative financing options.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda has not been set. Contact Marilyn Reavis, (850)488-9354 or Suncom 278-9354, with any questions or to obtain an agenda when it is set.

The **Agency for Health Care Administration** announces a meeting of the Comprehensive Health Information System Advisory Council to which all interested parties are invited.

DATE AND TIME: Wednesday, February 28, 2001, 10:00 a.m.

PLACE: College of Public Health, Room 1122, University of South Florida, 13201 Bruce B. Downs Blvd., Tampa, Florida 33612

PURPOSE: To study and make recommendations on the collection, analysis and dissemination of health care data.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Elizabeth Lee, (850)922-7704, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Elizabeth Lee, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403.

The **Agency for Health Care Administration** announces a meeting of the Health Care Risk Manager Advisory Council to which all interested parties are invited.

DATE AND TIME: Friday March 2, 2001, 9:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 1, Office of Plans and Construction Conference Room, Tallahassee, Florida 32308, (850)487-1709

PURPOSE: To study and make recommendations on issues related to criteria for licensure as Health Care Risk Manager and related topics.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Susan Buchan, (850)921-4314, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Susan Buchan, Agency for Health Care Administration, Division of Managed Care and Health Quality, Office of Risk Management, 2727 Mahan Drive, Tallahassee, Florida 32308.

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

DATE AND TIME: Thursday, March 9, 2001, 10:00 a.m. – 4:00 p.m.

PLACE: Agency for Health Care Administration, Conference Room E, Building 3, 2727 Mahan Drive, Tallahassee, Florida 32308

PURPOSE: This hearing is being held to afford all interested persons the opportunity to present testimony and evidence and to express their views concerning the adoption of amendments to the following rules:

Definitions	59E-5.101
Florida Hospital Uniform Reporting System	59E-5.102
Reporting Requirements	59E-5.103
Prior Year Report Requirements	59E-5.201
Notice of Violation and Response	59E-5.205
Public Medical Assistance Trust Fund Assessments	59E-5.605

A copy of the agenda may be obtained by writing: Mr. Christopher J. Augsburger, Supervisor of Financial Analysis, 2727 Mahan Drive, Mail Stop #28, Tallahassee, FL 32308 or by calling Douglas E. Pierce, (850)922-7858.

Any person requiring special accommodation at this hearing, because of a disability or physical impairment, should contact Douglas E. Pierce, (850)922-7858, e-mail: pierced@fdhc.state.fl.us, at least seven (7) days prior to the hearing.

DEPARTMENT OF MANAGEMENT SERVICES

The **Department of Management Services** announces that it will commence negotiations with Arthur J. Gallagher for the procurement of Property insurance coverage pursuant to the intent to negotiate posted on January 16, 2001, to which all interested persons are invited. Negotiations will continue day to day until concluded.

DATE AND TIME: February 19, 2001, 10:00 a.m. (EST)

PLACE: Department of Management Services, State Purchasing, Capital Circle Office Center, 4050 Esplanade Way, Suite 260L, Tallahassee, FL 32399-0950

A copy of the agenda may be obtained by contacting: Theresa Dollar, Department of Management Services, State Purchasing, 4050 Esplanade Way, Suite 315, Tallahassee, FL 32399-0950, (850)488-7516, Suncom 278-7516.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the State Purchasing at the above telephone or address at least five (5) calendar days prior to the meeting. If you are hearing- or speech-impaired, please contact the agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the department with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

The **State Retirement Commission** announces public hearings to which all persons are invited.

DATES AND TIME: February 26-27, 2001, 8:30 a.m.

PLACE: Cedars Executive Center, 2639 North Monroe Street, Bldg. B, Room 220, Tallahassee, Florida

PURPOSE: To conduct hearings pursuant to Section 121.23, Florida Statutes, and to consider other matters related to the business of the Commission.

A copy of the agenda may be obtained by writing: State Retirement Commission, 2424 Allen Road, Suite 230, Tallahassee, Florida 32312 or by telephoning (850)487-2410.

A party who decides to appeal any decision made at such hearings will need a verbatim record of the hearing and may need to ensure that one is made, including the testimony and evidence, upon which the appeal is to be based.

Persons requiring accommodation because of a physical, visual, auditory or speech impairment should contact the Commission Clerk at least ten days prior to the hearing. If you are hearing or speech impaired, call by using the Florida Relay Service, 1(800)955-8771 (TDD). Hearing rooms and facilities are wheelchair accessible.

The **Florida Commission on Human Relations** announces a public meeting to which all persons are invited. The meeting is being conducted by communications media technology (CMT), i.e., by utilizing a telephone conference hookup.

DATE AND TIME: Monday, February 19, 2001, 2:00 p.m.

PLACE: Commission on Human Relations, 325 John Knox Road, Bldg. F, Suite 240, Tallahassee, Florida 32303-4149. The meet-me telephone number is (850)921-2470 or Suncom 291-2470

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a regular meeting of the commission. Items to be discussed will include general administrative issues.

A copy of the agenda may be obtained by contacting: Ms. Azizi Coleman, Clerk, Florida Commission on Human Relations, 325 John Knox Road, Bldg. F, Suite 240, Tallahassee, Florida 32303-4149, (850)488-7082, Ext. 1032.

VERBATIM RECORD OF MEETING: If any person decides to appeal any decision made during the meeting, he or 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 based.

ADA Notice: Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Clerk of the Commission, (850)488-7082, Ext. 1032, at least five working days prior to the meeting.

The **Florida Commission on Human Relations** announces a public meeting to which all persons are invited. The meeting is being conducted by communications media technology (CMT), i.e., by utilizing a telephone conference hookup.

DATE AND TIME: Monday, February 26, 2001, 2:00 p.m.

PLACE: Commission on Human Relations, 325 John Knox Road, Bldg. F, Suite 240, Tallahassee, Florida 32303-4149. The meet-me telephone number is (850)921-2470 or Suncom 291-2470

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The **Florida Commission on Human Relations** announces a public meeting to which all persons are invited. The meeting is being conducted by communications media technology (CMT), i.e., by utilizing a telephone conference hookup.

DATE AND TIME: Wednesday, February 21, 2001, 2:00 p.m.

PLACE: Commission on Human Relations, 325 John Knox Road, Bldg. F, Suite 240, Tallahassee, Florida 32303-4149. The meet-me telephone number is (850)921-2470 or Suncom 291-2470

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The **Florida Commission on Human Relations** announces a public meeting to which all persons are invited. The meeting is being conducted by communications media technology (CMT), i.e., by utilizing a telephone conference hookup.

DATE AND TIME: Wednesday, February 28, 2001, 2:00 p.m.

PLACE: Commission on Human Relations, 325 John Knox Road, Bldg. F, Suite 240, Tallahassee, Florida 32303-4149. The meet-me telephone number is (850)921-2470 or Suncom 291-2470

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a regular meeting of the commission. Items to be discussed will include general administrative issues.

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VERBATIM RECORD OF MEETING: If any person decides to appeal any decision made during the meeting, he or 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 based.

ADA Notice: Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Clerk of the Commission, (850)488-7082, Ext.1032, at least five working days prior to the meeting.

The **Florida Commission on Human Relations** announces a public meeting to which all persons are invited. The meeting is being conducted by communications media technology (CMT), i.e., by utilizing a telephone conference hookup.

DATE AND TIME: Wednesday, February 28, 2001, 9:00 a.m.

PLACE: Commission on Human Relations, 325 John Knox Road, Bldg. F, Suite 240, Tallahassee, Florida 32303-4149. The meet-me telephone number is (850)921-2470 or Suncom 291-2470

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be held to deliberate cases that have come before the Commission for determination.

A copy of the agenda may be obtained by contacting: Ms. Azizi Coleman, Clerk, Florida Commission on Human Relations, 325 John Knox Road, Bldg. F, Suite 240, Tallahassee, Florida 32303-4149, (850)488-7082, Ext.1032.

VERBATIM RECORD OF MEETING: If any person decides to appeal any decision made during the meeting, he or 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 based.

ADA Notice: Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Clerk of the Commission, (850)488-7082, Ext.1032, at least five working days prior to the meeting.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Florida **Board of Architecture and Interior Design** announces the following meetings to which all parties are invited to attend.

DATE AND TIME: March 7, 2001, 9:00 a.m. or soon thereafter

PURPOSE: Architecture Committee, Interior Design Committee, Rules Committee and Continuing Education Task Force Committee.

DATE AND TIME: March 8, 2001, 9:00 a.m. or soon thereafter

PURPOSE: General Board and Business Meeting.

PLACE: Holiday Inn Baymeadows, 9150 Baymeadows Road, Jacksonville, Florida

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Architecture and Interior Design, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a 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 a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)488-6685, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Landscape Architecture** announces the following meeting to which all parties are invited to attend.

DATE AND TIME: April 20, 2001, 9:00 a.m.

PLACE: Holiday Inn Lauderdale by the Sea, 4116 North Ocean Drive, Fort Lauderdale, Florida

PURPOSE: Continuing Education Rule Development and Workshop immediately followed by General Board and Business Meeting.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Landscape Architecture, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a 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 a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)488-0937, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Professional Geologists** announces the following meeting to which all parties are invited to attend.

DATES AND TIMES: April 2, 2001, 2:00 p.m. or soon thereafter; April 3, 2001, 9:00 a.m.

PLACE: Department of Business and Professional Regulation, Board Conference Room, 1940 North Monroe Street, Tallahassee, Florida

PURPOSE: General Board and Business Meeting.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Professional Geologists, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a 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 a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)487-7990, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Probable Cause Panel of the **Florida Real Estate Commission** announces a meeting to which all interested persons are invited.

DATE AND TIME: March 20, 2001, 1:30 p.m. or the soonest thereafter. Portions of the probable cause proceedings are not open to the public.

PLACE: Suite 301, North Tower, 400 West Robinson Street, Orlando, Florida

Any person who desires a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)245-0800, (between the hours of 9:00 a.m. – 4:00 p.m.) at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Division using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Real Estate Commission** (FREC) announces a meeting to which all persons are invited.

DATE AND TIME: March 21, 2001, 8:30 a.m.

PLACE: Division of Real Estate, Commission Meeting Room 301, North Tower, 400 West Robinson Street, Orlando, Florida

PURPOSE: Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Florida Administrative Code 61J2 rule amendments, budget discussions, escrow disbursement requests, Recovery Fund Claims, education issues, petitions for declaratory statement and disciplinary actions.

If a person decides to appeal a decision made by the Commission, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required. Probable Cause Panel(s) may also meet during this session. Portions of the Probable Cause are not open to the public.

A copy of the agenda may be obtained by writing: Deputy Clerk, Florida Real Estate Commission, Administration Office, P. O. Box 1900, Orlando, Florida 32802-1900.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation, (407)245-0800, at least five (5) calendar days prior to the

meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF CHANGE – The **Department of Environmental Protection** announces a change in location of a meeting previously noticed, to which all persons are invited. Please contact Roger W. Rook at the telephone number or e-mail address listed below to CONFIRM your attendance.

DATE AND TIME: Friday, February 23, 2001, 9:00 a.m. – not later than 4:00 p.m.

PLACE: Room 609, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400

PURPOSE: General issues regarding the petroleum cleanup pre-approval program of interest to those subcontractors conducting or planning to conduct work in this program will be discussed.

For more information contact: Roger W. Rook, Department of Environmental Protection, Bureau of Petroleum Storage Systems, 2600 Blair Stone Road, MS #4575, Tallahassee, FL 32399-2400, (850)921-0896 or e-mail roger.rook@dep.state.fl.us.

If, pursuant to the provisions of the Americans with Disabilities Act, any persons requiring special accommodations or is hearing or speech impaired, contact Mr. Rook, at least 48 hours in advance.

The **Department of Environmental Protection** announces a public meeting of the State Revolving Fund (SRF) Technical Advisory Committee (TAC). All persons are invited to attend the meeting, but public comments will not be accepted. If an accommodation is needed for a disability in order to participate in this activity, please call (800)955-8771 or call Dick Smith, (850)488-8163, no later than March 2, 2001.

DATE AND TIME: March 9, 2001, 10:00 a.m.

PLACE: St. Johns River Water Management District, Wekiva and Econ Conference Rooms, 618 E. South Street, Orlando, Florida

PURPOSE: The TAC will consider revisions to the SRF Program in order to expand its uses and accommodate additional capitalization. Program requirements will be reevaluated. Expanded uses may include funding for wastewater and stormwater management facilities and nonpoint source pollution control activities. Additional capitalization may be realized as a result of cash management and the issue of bonds.

A copy of the agenda may be obtained by writing: Department of Environmental Protection, Bureau of Water Facilities Funding, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400 or by calling Dick Smith, (850)488-8163.

NOTICE OF CORRECTION – The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public workshop to which all persons are invited.

DATE AND TIME: Monday, February 19, 2001, 7:00 p.m. (EST)

PLACE: Rosenstiel School of Marine and Atmospheric Sciences, Library, 4600 Rickenbacker Causeway, Miami, Florida 33149

PURPOSE: (1) To present the proposed land management plan for Bill Baggs Cape Florida State Park to the public; and (2) to discuss the proposed reclassification of this property from a state recreation area to a state park.

A copy of the agenda may be obtained by writing: Florida Department of Environmental Protection, Division of Recreation and Parks, Office of Park Planning, 3900 Commonwealth Boulevard, Mail Station #525, Tallahassee, Florida 32399-3000 or by calling the Office of Park Planning, (850)488-2200.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the Office of Park Planning, (850)488-2200. If you are hearing or speech impaired, please contact the agency, 1(800)342-1335.

The **Department of Environmental Protection**, Office of Greenways and Trails announces a meeting of the Florida Greenways and Trails Council's Private Landowner Initiatives Committee to which all interested parties are invited.

DATE AND TIME: February 21, 2001, 9:00 a.m.

PLACE: Office of Greenways and Trails Conference Room, Douglas Building, 8th Floor, 3900 Commonwealth Boulevard, Tallahassee, FL 32399-3000

PURPOSE: Regular meeting of the committee to discuss strategies for encouraging private landowners to participate in the Florida Greenways and Trails Program.

For additional information contact: Heather Pence, Department of Environmental Protection, Office of Greenways and Trails, DEP, MS #795, 3900 Commonwealth Boulevard, Tallahassee, FL 32399-3000, (850)488-3701 or 1(800)955-8871 (TDD), email: heather.pence@dep.state.fl.us.

NOTE: If you need special accommodation in order to attend this meeting because of a disability, please contact Heather Pence at the address or telephone number above prior to February 20, 2001.

DEPARTMENT OF HEALTH

The **Department of Health**, Bureau of Chronic Disease Prevention will hold the following meeting.

MEETING: Arthritis Prevention and Education Steering Committee Meeting

DATE AND TIME: February 22, 2001, 10:00 a.m. – 4:00 p.m.

PLACE: Ft. Lauderdale, Florida (exact location TBD)

PURPOSE: This is a meeting of the Arthritis Steering Committee. In addition to a general meeting, participants will focus on the refinement of the statewide plan on arthritis. The steering committee is a cooperative effort between the Florida Department of Health and the Arthritis Foundation, Florida Chapter.

For more information contact: Heather Murphy, (850)245-4330.

The **Board of Chiropractic Medicine** will hold a duly noticed meeting to which all persons are invited to attend.

DATE AND TIME: Friday, March 2, 2001, 9:00 a.m.

PLACE: The Omni Hotel, 245 Water Street, Jacksonville, FL 32202, (904)791-4829

PURPOSE: General board business.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board, (850)245-4444, Ext. 3617, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Board using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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.

A copy of the agenda item may be obtained by writing: Sherra W. Causey, Board of Chiropractic Medicine, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

The Florida **Board of Medicine**, Probable Cause Panel (North) announces a meeting to which all interested persons are invited.

DATE AND TIME: February 23, 2001, 9:00 a.m.

PLACE: The Hilton, Desoto Conference Room, 1201 Riverplace Blvd., Jacksonville, FL 32207, (904)398-8800

PURPOSE: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required.

The Medical Litigation Section may be contacted: P. O. Box 14229, Tallahassee, Florida 322317-4229, (850)922-2414, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

The **Department of Health, Board of Nursing** announces the following meetings to which all persons are invited.

Central Probable Cause Panel

DATES AND TIME: February 26, 2001; March 19, 2001; April 23, 2001; May 21, 2001, 6:30 p.m.

PLACE: 2727 Mahan Drive, Tallahassee, FL 32308, telephone conference

PURPOSE: To reconsider cases which are a matter of public record. A list of cases to be reconsidered may be obtained through written request to the Agency for Health Care Administration, 2727 Mahan Drive, Ft. Knox, Building 3, Tallahassee, Florida 32308, Attn.: Reginald D. Dixon, Staff Attorney.

If a person decides to appeal any decision made by the board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal to be based.

A copy of any item on the agenda may be obtained by writing: Dr. Ruth Stiehl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Ste. 202, Jacksonville, FL 32207. You will be charged \$.15 per page for the number of copies desired.

The **Department of Health, Board of Nursing Home Administrators** announces a Telephone Conference for a Probable Cause Panel Meeting to which all interested persons are invited.

DATE AND TIME: February 26, 2001, 10:00 a.m.

PLACE: Department of Health, 4052 Bald Cypress Way, Tallahassee, FL 32399, (850)921-5400

PURPOSE: Probable Cause Panel Meeting where probable cause was previously found.

A copy of the agenda and any probable cause materials which are open to the public may be obtained by writing: Board of Nursing Home Administrators, 4052 Bald Cypress Way, BIN #C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Daisy King, Board of Nursing Home Administrators, (850)245-4292, Ext. 3602, at least five calendar days prior to

the meeting. If you are hearing or speech impaired, please contact the Department using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be made.

The **Department of Health, Board of Nursing Home Administrators** announces a Telephone Conference Meeting to which all interested persons are invited.

DATE AND TIME: February 26, 2001, 11:00 a.m.

PLACE: Department of Health, 4052 Bald Cypress Way, Tallahassee, FL 32399, (850)921-5400

PURPOSE: Conduct disciplinary proceedings, and general business of the Board.

A copy of the agenda may be obtained by writing: Board of Nursing Home Administrators, 4052 Bald Cypress Way, BIN #C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Daisy King, Board of Nursing Home Administrators, (850)245-4444, Ext 3602, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Department using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be made.

The **Department of Health, Board of Physical Therapy Practice** announces a conference call meeting to which all persons are invited.

DATE AND TIME: March 22, 2001, 8:30 a.m. or soon thereafter

PLACE: Nonsuncom (850)487-8856, Suncom 277-8856

PURPOSE: Full Board Quorum Call.

A copy of the agenda may be obtained by writing: Department of Health, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Tallahassee, FL 32399-3255 or by calling (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office,

(850)488-0595. If you are hearing or speech impaired, please contact the department, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Psychology** announces a meeting to which all persons are invited.

DATES AND TIME: March 2-3, 2001, 9:00 a.m. or soon thereafter

PLACE: Holiday Inn Select, 5750 T. G. Lee Blvd., Orlando, FL 32822, (407)851-6400

PURPOSE: General Business Meeting and Rules Review.

A copy of the agenda may be obtained by writing: Department of Health, Board of Psychology, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255 or by contacting the board office, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office, (850)245-4373. If you are hearing or speech impaired, please contact the department, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Respiratory Care** announces a conference call to which all persons are invited.

DATE AND TIME: March 8, 2001, 8:30 a.m. or soon thereafter

PLACE: Nonsuncom (850)487-8856, Suncom 277-8856

PURPOSE: Conference Call.

A copy of the agenda may be obtained by writing: Department of Health, Board of Respiratory Care, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255 or by calling the board office, (850)245-4372.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office,

(850)245-4372. If you are hearing or speech impaired, please contact the department, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the council with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE OF CANCELLATION – The Correctional Medical Authority announces the cancellation of the conference call for Board members and other interested parties, scheduled for February 26, 2001, 9:30 a.m. – 12:00 Noon

The Florida **Department of Health** announces the Women and Heart Disease Task Force meeting to which all persons are invited.

DATE AND TIME: Friday, February 26, 2001, 10:00 am. – 3:00 p.m.

PLACE: Orlando Regional Medical Center, Conference Room, Orlando, Florida

PURPOSE: The Florida Governor's Office appointed 28 persons to serve as representatives on a Women and Heart Disease Task Force. The task force will report to the Governor and Legislature by January 15, 2002, on specific tasks detailed in SB352 relating to women and heart disease. These meetings will be held to continue work outlined in previously developed action plans to accomplish the objectives of the legislation.

For further information contact: Susan Allen, Bureau of Chronic Disease, HSFCD BIN #A18, 2020 Capital Circle, S. E., Tallahassee, Florida 32399-1744, (850)245-4369.

If you require special accommodations, please contact Susan Allen, at least 48 hours prior to the meeting date.

The **Department of Health, Children's Medical Services** announces a meeting of the Genetics and Infant Screen Advisory Council.

DATE AND TIME: Tuesday, February 27, 2001, 10:00 a.m.

PLACE: Capital Circle Office Center, 4025 Esplanade Way, Room 301, Tallahassee, FL

PURPOSE: The semi-annual meeting of the council pursuant to the requirement of Section 383.14, Florida Statutes. The council will conduct a general business meeting.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF CORRECTION – The Seminole County Alliance for the Department of Children and Family Services Corrected Meeting Schedule through June 2001* to which all interested persons are invited.

DATES AND TIME: February 21, 2001; March 21, 2001; April 18, 2001; May 16, 2001; June 20, 2001, 11:30 a.m. – 1:30 p.m.

PLACE: 1st Floor Conference Room, Sheriff's Office, Seminole County Public Safety Complex, 100 Bush Boulevard, Sanford, Florida 32806

*Any and all meeting changes shall be publicly noticed.

The District 14, **Department of Children and Family Services** announces the following meeting to which all persons are invited.

Initial Community Alliance meeting

DATE AND TIME: Wednesday, February 28, 2001, 3:00 p.m.

PLACE: Polk County Board of County Commissioners, 4th Floor, Conference Room 475, 330 West Church Street, Bartow, FL

PURPOSE: To further develop the operations of the Alliance.

For copies of the agenda, further information or persons needing accommodation to participate in this meeting, please contact: Patty Harrison, (863)619-4157, 1(800)342-0825 or TDD (863)648-3337.

The **Department of Children and Family Services**, District 4 announces the following public meeting to which all persons are invited.

Nassau Alliance

DATE AND TIME: March 19, 2001, 2:00 p.m.

PLACE: Nassau Children and Families Education Center, 479 Felmore Road, Yulee, FL 32097

PURPOSE: Regular meeting of the Alliance.

Bylaws Committee/Nassau

DATES AND TIME: February 26, 2001; March 5, 2001; 2:00 p.m.

PLACE: Nassau Children and Families Education Center, 479 Felmore Road, Yulee, FL

PURPOSE: Develop Bylaws for the Nassau County Alliance.

Regional Health and Human Services Committee

DATE AND TIME: March 6, 2001, 1:30 p.m.

PLACE: Conference Room 1, 5920 Arlington Expressway, Jacksonville, FL

PURPOSE: Regular meeting of the Committee.

4-County Alliance

DATE AND TIME: March 13, 2001, 1:00 p.m.

PLACE: Roberts Building Auditorium, 5920 Arlington Expressway, Jacksonville, FL 32211

PURPOSE: Regular meeting of the Alliance.

A copy of the agenda may be obtained by writing: Department of Children and Family Services, P. O. Box 2417, Jacksonville, FL 32231-0083, Attention: George Strange.

If you need special accommodations (i.e. assistive listening devices, sign language interpreter, etc.) please notify George Strange, (904)723-2151, at least 48 hours in advance of the meeting. Hearing impaired please call (904)646-2859 (TDD).

NAVIGATION DISTRICTS

The Board of Commissioners of the **Florida Inland Navigation District** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, February 23, 2001, 3:30 p.m.

PLACE: The Radisson Hotel, North Hutchinson Island, 2600 North A-1-A, Fort Pierce, St. Lucie County, Florida

PURPOSE: A meeting and workshop of the Board of Commissioners to conduct orientations for new Commissioners.

Please contact the District office, 1314 Marcinski Road, Jupiter, FL 33477, (561)627-3386, for more information.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need a record of the proceeding, and for such purposes, they may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the District prior to the meeting.

The Board of Commissioners of the **Florida Inland Navigation District** announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, February 24, 2001, 8:30 a.m.

PLACE: The Radisson Hotel, North Hutchinson Island, 2600 North A-1-A, Fort Pierce (St. Lucie County), Florida

PURPOSE: A meeting and workshop of the Board of Commissioners to conduct the regular business of the District. Additionally, the District's Land Acquisition and Management and Manatee Sign Committees will meet.

Please contact: District Office, 1314 Marcinski Road, Jupiter, FL 33477, (561)627-3386, for more information.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need a record of the proceeding, and for such purposes, they may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the District prior to the meeting.

FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida **Fish and Wildlife Conservation Commission** (FWC) announces a meeting of the Management Advisory Group for the Pal-Mar Acquisition Project, located east of Indiantown in Martin County.

DATE AND TIME: Wednesday, February 21, 2001, 9:00 a.m.

PLACE: City of Stuart, City Commission Chambers, 121 S. W. Flagler Avenue, Stuart, Florida 34994

PURPOSE: To convene a meeting of stakeholders to provide priority considerations to FWC for future management of the Pal-Mar Acquisition Project. The input received will be used to prepare a five-year Conceptual Management Plan for the Wildlife Management Area.

The Florida **Fish and Wildlife Conservation Commission** announces a public hearing for the Pal-Mar Acquisition Project, located east of Indiantown in Martin County.

DATE AND TIME: Thursday, March 8, 2001, 7:00 p.m.

PLACE: Martin County Administrative Center, County Commission Chambers, Fourth Floor, 2401 S. E. Monterey Road, Stuart, Florida 34996

PURPOSE: To receive public comments regarding considerations for developing the five-year Conceptual Management Plan (CMP) for the Pal-Mar Acquisition Project. Participants in this hearing should understand that the purpose for this hearing does not include the opportunity to discuss public use regulations for Pal-Mar Acquisition Project. There is a separate public process for this purpose. This hearing is designed exclusively for discussion of the draft management plan.

A copy of the Pal-Mar Acquisition Project Management Prospectus is available upon request: Keith Singleton, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1474.

The Florida **Fish and Wildlife Conservation Commission** announces the scheduling of a second Rule Development Workshop to which all interested parties are invited. The first workshop was held in October 2000, in Melbourne.

DATE AND TIME: Wednesday, March 7, 2001, 4:00 p.m. – 9:00 p.m.

PLACE: Brevard County Commission Chambers, 2725 Judge Fran Jamieson Way, Building C, First Floor, Melbourne, Florida

PURPOSE: The purpose of the workshop is to solicit public review of and comment on potential amendments to the manatee protection boat speed rules for Brevard County.

Maps showing the configuration of the zones that are being considered will be available at the workshop, as will maps showing recent manatee aerial survey data and other information that is being evaluated as part of the rule development process.

Questions or comments about the workshop or to obtain a preliminary copy of the rule text, should be directed: Mr. Scott Calleson, Environmental Specialist III, Florida Fish and Wildlife Conservation Commission, Bureau of Protected Species Management (OES-BPS), 620 South Meridian Street, Tallahassee, Florida 32399, (850)922-4330.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the workshop by contacting Mr. Scott Calleson, (850)922-4330. If you are hearing or speech impaired, please contact the agency, 1(800)955-8771 (TDD) or (850)488-9542, within the Tallahassee area.

TECHNOLOGICAL RESEARCH AND DEVELOPMENT AUTHORITY

The **Technological Research and Development Authority** (TRDA) announces a meeting of its Board of Directors to which all persons are invited to participate.

DATE AND TIME: February 21, 2001, 9:30 a.m.

PLACE: Doubletree Hotel, Conference Facility, 101 South Adams St., Tallahassee, Florida 32301

PURPOSE: General Quarterly Board Meeting.

A copy of the agenda may be obtained by contacting: Linda D. Lundy, TRDA Office Manager, (321)269-6330 or llundy@trda.org.

The **Technological Research and Development Authority** (TRDA) announces a meeting of its Board of Directors to which all persons are invited to participate.

DATE AND TIME: February 22, 2001, 8:00 a.m.

PLACE: Doubletree Hotel Tallahassee, 101 South Adams Street, Tallahassee, Fl. 32301

PURPOSE: Strategic Planning Session.

A copy of the agenda may be obtained by contacting: Linda D. Lundy, TRDA Office Manager, (321)269-6330 or llundy@trda.org.

DEPARTMENT OF MILITARY AFFAIRS

The **Department of Military Affairs** announces a meeting to which all interested persons are invited.

DATE AND TIME: February 25, 2001, 7:30 a.m.

PLACE: Adjutant General's Conference Room, St. Francis Barracks, 82 Marine Street, St. Augustine, Florida 32085-1008

PURPOSE: Armory Board meeting.

In accordance with Florida Statute 286.0105.

FLORIDA HEALTH REINSURANCE PROGRAM

The **Florida Health Reinsurance Program** announces a meeting to which all persons are invited.

DATE AND TIMES: February 26, 2001, 8:00 a.m. – 10:00 a.m., Orientation; 10:00 a.m., Board Meeting

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Florida Health Reinsurance Program Board.

A copy of the agenda may be obtained by contacting: Minnie Green, Florida Health Reinsurance Program, (850)422-7766.

PALM BEACH COMMUNITY COLLEGE

The **Region XII Training Council and Assessment Center**, Board of Directors announces a public meeting to which all interested persons are invited.

DATE AND TIME: Thursday, March 1, 2001, 10:00 a.m.

PLACE: Palm Beach Community College, Criminal Justice Room 101, 4200 Congress Avenue, Lake Worth FL 33461

PURPOSE: The agenda will include but is not limited to: F.D.L.E./C.J.S.T.C. updates; Palm Beach Community College/ Criminal Justice Institute Assessment Center update; Region XII Budget Approval and any other business.

A copy of the agenda may be obtained by contacting: Sue Voccola, Secretary of the Criminal Justice Institute, Palm Beach Community College, 4200 Congress Avenue, Lake Worth, FL 33461, (561)439-8145.

FLORIDA SPORTS FOUNDATION

The **Florida Sports Foundation** announces a public meeting of the Florida Sports Foundation Regional Grant Committee to which all persons are invited.

DATE AND TIME: Monday March 5, 2001, 10:00 a.m.

PLACE: Florida Sports Foundation, 2930 Kerry Forest Parkway, Tallahassee, FL 32308

DEPARTMENT OF LAW ENFORCEMENT

The Florida **Department of Law Enforcement**, Missing Children Information Clearinghouse Advisory Board announces a public meeting to which all persons are invited.

DATE AND TIME: March 15, 2001, 10:00 a.m.

PLACE: Florida Department of Law Enforcement Headquarters, 2331 Phillips Road, Tallahassee, FL

PURPOSE: Quarterly MCIC Advisory Board Meeting.

Please note that this is a videoconference and will also be held at FDLE's Miami, Tampa and Orlando Regional Operation Centers. For more information, please call 1(888)356-4774.

A copy of the agenda may be obtained by writing: Hyatt Sudano, The Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida 32302, Attention: Hyatt Sudano, Missing Children Information Clearinghouse.

A meeting, for the purpose of notice herein, is limited to a gathering for the purpose of conducting public business by members of a collegial body constituting the agency head.

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

DEPARTMENT OF CORRECTIONS

NOTICE IS HEREBY GIVEN that the Department of Corrections has issued a response to a Petition to Initiate Rulemaking from Mark Osterback. The Petitioner requested that the Department of Corrections amend Rule 33-602.203, Florida Administrative Code, to include a provision that items of personal property possessed by an inmate which are determined to be contraband be held pending resolution of a grievance challenging that determination.

The Department denied Inmate Osterback's Petition to Initiate Rulemaking, since the proposed amendment would unduly burden institutional and other Department staff. Consideration will be given to the question of whether another similar amendment to the rule is feasible.

A copy of the Order may be obtained: Giselle Lysten Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

NOTICE IS HEREBY GIVEN that the Department of Corrections has issued a response to a Petition to Initiate Rulemaking from Mark Osterback. The Petitioner requested that the Department of Corrections amend Rule 33-103.005(3), Florida Administrative Code, to include a provision that an inmate will receive written confirmation of receipt of informal grievances.

The Department denied Inmate Osterback's Petition to Initiate Rulemaking. Such a provision was not included due to the fact that an informal grievance is a means of informally attempting to resolve an issue. The absence of a receipt does not prevent an inmate who has not received a response to an informal grievance within the allotted time frame from filing a formal grievance. Requiring institutions to keep a log and issue receipts for informal grievances would burden the system. Additionally, amendment of the rule is not required in view of the fact that the majority of institutions do not encounter problems in processing informal grievances.

A copy of the Order may be obtained: Giselle Lylen Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

NOTICE IS HEREBY GIVEN that the Department of Corrections has issued a response to a Petition to Initiate Rulemaking from Mark Osterback. The Petitioner requested that the Department of Corrections amend Rule 33-210.101(8), Florida Administrative Code, to hold rejected items of mail pending review of that decision.

The Department denied Inmate Osterback's Petition to Initiate Rulemaking on the grounds that mail that is rejected is returned to the sender with notification of the reason it was rejected. An adequate form of review of that determination is available. To require the Department to store items that have been rejected pending review would unduly burden staff and create security concerns.

A copy of the Order may be obtained from: Giselle Lylen Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

NOTICE IS HEREBY GIVEN that the Department of Corrections has issued a response to a Petition to Initiate Rulemaking from Mark Osterback. The Petitioner requested that the Department of Corrections amend Rule 33-210.102, Florida Administrative Code, to include a provision that legal mail be delivered within twenty-four hours of receipt regardless of intervening holidays and weekends.

The Department denied Inmate Osterback's Petition to Initiate Rulemaking on the grounds that adoption of the proposed amendment would unduly burden institutional staff and increase costs to the Department. Access to courts is not denied by a delay that is neither material nor prejudicial.

A copy of the Order may be obtained from: Giselle Lylen Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

NOTICE IS HEREBY GIVEN that the Department of Corrections has issued a response to a Petition to Initiate Rulemaking from Mark Osterback. The Petitioner requested that the Department of Corrections amend Rule 33-501.301, Appendices One and Two, Florida Administrative Code, to include the 1998 Inmate Discipline Manual in institution law library collections.

The Department denied Inmate Osterback's Petition to Initiate Rulemaking since Rule 33-501.301(8)(f)3., Florida Administrative Code, prohibits the inclusion of departmental operational manuals for security reasons. Furthermore, inmates receive sufficient guidance in challenging disciplinary proceedings via the inmate grievance process.

A copy of the Order may be obtained from: Giselle Lylen Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

DEPARTMENT OF MANAGEMENT SERVICES

NOTICE IS HEREBY GIVEN that the Department of Management Services has issued an order disposing of the petition for a declaratory statement filed by Christopher Spencer, President of Local Union #2887, International Association of Fire Fighters and Jerry R. Miller. The petition sought the agency's opinion on this question: Is it legal for any municipality to have an employee who has been termed a public safety officer and who has been hired, trained and state-certified as primarily a law enforcement officer and also trained and state-certified as primarily a firefighter, to be assigned both full-time positions and perform the duties and responsibilities of both simultaneously on a continuing momentary basis for the same employing agency based upon Florida Statutes Sections 166.011 and 166.021, Chapters 185, 175, 633 and 900 through 985, Sections 112.531, 112.81, 185.02(1), 185.23, 175.032(1), 633.30(1) and 943.10(1), and Rule 4-14.007, FAC.? [The rule number has been changed; it is now 60Z-1.007.]

The following is a summary of the agency's disposition of the petition: The petition was denied because no rule adopted by or order issued by this agency affects the petitioners in the alleged set of circumstances and because no statute gives this agency authority over municipalities in the establishment of public safety officer positions.

DEPARTMENT OF HEALTH

The Board of Psychology hereby gives notice that it has received a petition, filed on November 6, 2000, by Lisa G. Bridgewater, Ph.D., P.A.; Laura C. Hohnecker, Ph.D., P.A.; Carol A. Wartenberg, Ph.D., P.A., in which the Petitioners request a declaratory statement whether it would be appropriate for a licensed psychologist to provide internet-base career exploration services via the world wide web and whether conditions for providing services set forth in the petition are consonant with all Florida Statutes and Rules, including (but not limited to) Section 490.003(4), Florida Statutes, and Rule 64B19-18.001, FAC. Based on its review of the facts and circumstances presented in the petition, the Board DENIES the Petition pursuant to the Order filed in this matter. Written comments on this petition should be filed with Board of Psychology, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3257, within 14 days of publication of this notice. For a copy of the petition, contact: Kay Howerton, Board of Psychology, Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3257.

NOTICE IS HEREBY GIVEN that the Board of Psychology, State of Florida, has received a Petition for Declaratory Statement from John Oliver, Ph.D., in which the Petitioner requests a declaratory statement from the Board. The Petitioner requests a declaratory statement as to the following:

Whether a provisional licensed psychologist, who already completed his post-doctoral supervision hours, needs on site supervision.

Whether a licensed provisional psychologist is eligible to receive a Medicare provider number in order to see patients, with or without on-site supervision when providing services in an "off-premises" facility.

A copy of the petition for Declaratory Statement may be obtained by writing: Kay Howerton, Board of Psychology, Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3257.

Section VIII Notices of Petitions and Dispositions Regarding the Validity of Rules

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

Naples Community Hospital, Inc. vs. Agency for Health Care Administration; Case No.: 01-0288RP; Rule Nos.: 59C-1.002(41), 59C-1.033

Columbia/JFK Medical Center Limited Partnership, d/b/a/ JFK Medical Center and Lawnwood Medical Center, Inc., d/b/a Lawnwood Regional Medical Center vs. Agency for Health Care Administration; Case No.: 01-0376RP; Rule Nos.: 59C-1.002(41), 59C-1.033

Punta Gorda HMA, Inc., Licensee for Charlotte Regional Medical Center vs. Agency for Health Care Administration; Case No.: 01-0377RP; Rule Nos.: 59C-1.002(41), 59C-1.033

Michael B. Harrison on Behalf of Nolan Walter Harrison, A minor vs. Charlie Crist, As Commissioner of Education; Case No.: 01-0293RU

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

American International Insurance Company and AIU Insurance Company vs. Department of Insurance and Treasurer; Case No.: 94-7245RP; Rule No.: 4-121.035; Dismissed

United Healthcare of Florida, Inc. vs. Department of Insurance; Case No.: 00-4027RP; Rule No.: 4-154.530; Voluntary Dismissed

Florida Association of Health Maintenance Organizations and Florida Association of Managed Care Organizations vs. Department of Insurance; Case No.: 00-4247RP; Rule No.: 4-154.530; Voluntary Dismissal

1st Propane of Bushnell vs. Department of Agriculture and Consumer Services; Case No.: 99-2621RX; Rule No.: 5F-11.047; Voluntary Dismissed

J.A.C. vs. Florida Atlantic University; Case No.: 99-4709RU; Rule Nos.: 6C5-4.002, 6C5-4.005, 6C5-4.008, 6C5-7.007; Dismissed

Florida Home Builders Association vs. Florida Building Commission; Case No.: 00-1252RP; Rule No.: 9B-3.047; Dismissed

Valencia Area Condominium Association, Inc. vs. Public Service Commission and Florida Power and Light and Tampa Electric; Case No.: 00-1752RP; Rule No.: 25-6.049(5)(a); Dismissed upon Withdrawal

Florida Health Care Association, Inc. vs. Agency for Health Care Administration; Case No.: 94-6453RP; Rule No.: 59G-6.010; Voluntary Dismissed

Calder Race Course, Inc.; Tropical Park, Inc.; and Gulfstream Racing Association, Inc. vs. Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering; Case No.: 96-2620RP; Rule No.: 60Q-2.004; Dismissed

Investment Corporation of Palm Beach, d/b/a Palm Beach Kennel Club, and Palm Beach Jai Alai, West Fla vs. Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering; Case No.: 96-0344RP; Rule Nos.: 61D-2.002, 61D-4.001, 61D-7.001(1), 61D-7.020(3)(a),(b), 61D-7.022(5)(b)2., 61D-8.001(1), 61D-8.003, 61D-9.001(1); Dismissed

Tampa Bay Downs, Inc. vs. Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering; Case No.: 96-0345RP; Rule Nos.: 61D-6, 61D-7, 61D-8, 61D-9; Dismissed

Tampa Bay Downs, Inc. vs. Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering; Case No.: 96-2465RP; Rule Nos.: 61D-7, 61D-8, 61D-9; Dismissed

Pelican Isle Yacht Club Partners, Ltd. vs. Department of Environmental Protection and Environmental Regulation Commission; Case No.: 95-5594RP; Rule No.: 62-302.700(9)(i),(38); Dismissed

Florida Medical Association and The Florida Chapter ACP-ASIM, Inc., and The Florida Academy of Physicians Assistants vs. Department of Health, Board of Acupuncture and The Florida State Oriental Medical Association; Case No.: 00-2667RP; Rule No.: 64B1-8.006; Dismissed

Florida Academy of Cosmetic Surgery (F.A.C.S.) Inc.; Charles Graper, M.D., D.D.S.; and R. Gregory Smith, M.D. and Florida Association of Nurse Anesthetists vs. Department of Health, Board of Medicine and Florida Society of Plastic Surgeons, Inc.; Florida Society of Dermatology, Inc.; Florida Society of Anesthesiologists, Inc.; Florida Chapter of American College of Surgeons, Inc.; Florida Hospital Association, Inc.; Association of Community Hospitals and Health Systems of Florida, Inc.; and Florida Nurses Association; Case Nos.: 00-0951RP, 00-1622RP; Rule No.: 64B8-9.009; Dismissed

Walter Vernon Creech vs. Department of Management Services, Division of Retirement; Case No.: 99-3099RU; Invalid

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

NONE

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

NONE

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

DEPARTMENT OF EDUCATION

REQUEST FOR BID

The University of Florida, Purchasing Division will receive sealed bids for the following: 01L-111, BR-127, Murphree Hall, Buildings A Through G, Interior Service Installation, estimated budget: \$400,000-\$450,000, to be opened March 13, 2001, 1:30 p.m. (Local Time), in Purchasing, Elmore Hall, Radio Road, Gainesville, FL. Scope of work: Provide an electrical upgrade to the living areas of Murphree Hall, Buildings A through G. Tie into newly installed 1000 kVA transformer adjacent to Hall and feed new building service switchboard. Provide new power distribution to all areas of building via new branch panelboards to serve existing and new devices. Reconfigure emergency power system by providing new transfer switch and branch panelboard. Specifications and Plans will be available in Purchasing, Elmore Hall, Radio Road, Gainesville, FL, (352)392-1331.

A Mandatory Pre-bid Meeting will be held February 22, 2001, 10:00 a.m., in the Murphree Commons, S. W. corner of West University Avenue and Fletcher Drive. All questions should be directed to: A. J. Sontag, Assistant Director, UF Purchasing (352)392-1331, Ext. 306.

AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-bid or Bid opening, contact Emily J. Hamby, (352)392-1331, Ext. 303, within three (3) days of the event.

NOTICE TO PROFESSIONAL CONSULTANTS

The University of Florida for and on behalf of the Board of Regents, a public corporation of the State of Florida, announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project No.: BR-189, Project and Location: Proton Therapy Facility at the University of Florida Shands Jacksonville Medical Center. The Proton Therapy Facility is programmed to be an 89,800 gross square foot health care facility with two floors dedicated to proton beam patient treatment plus an additional floor for medical research with a construction budget of \$21,573,000.00. The selected firm will provide design, construction documents and construction administration services for the referenced project. Blanket professional liability insurance will be required for this project in the amount of \$2,000,000.00 minimum and will be provided as a part of Basic Services.

INSTRUCTIONS

Firms desiring to apply for consideration shall submit a letter of application. The letter of application should have attached:

1. A completed Board of Regents "Professional Qualifications Supplement," the latest approved version. 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.

Submit 5 (five) copies of the above requested data bound in the order listed above. Applications, which do not comply with the above instructions, may be disqualified. Application materials will not be returned. The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, 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 \$15,000.00 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 Supplement forms, descriptive project information and selection criteria may be obtained by contacting:

Marsha Brewton, Office Manager
 Campus Planning and Construction Management
 232 Stadium, P. O. Box 115050
 Gainesville, FL 32611-5050
 Telephone: (352)392-1256.
 Fax: (352)392-6378
 Internet: www.admin.ufl.edu/division/cp

Submittals must be received in the Campus Planning and Construction Management office by 3:00 p.m. (Local Time), on Wednesday, March 28, 2001. Facsimile (FAX) submittals are not acceptable and will not be considered.

NOTICE TO PROFESSIONAL CONSULTANTS

The University of South Florida announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project Number: BR-518

Project and Location: Renovations and Remodeling for the Center for Infant and Child Development, University of South Florida, Tampa Campus, Tampa, Florida.

PROJECT DESCRIPTION: The Center for Infant and Child Development (CICD) is a multi-disciplinary research, training and clinical care facility devoted to understanding how brain development affects the behavior of children. The CICD will be located on the University of South Florida Tampa Campus in existing Building MDT. The design will need to take into

consideration the functional relationships as described by the Facilities Program, as well as future programs that are established within the existing 70,000 square foot single story building.

The award for professional services is subject to completion of the budget amendment process. The selected firm will provide design, applications for permitting, construction documents, construction administration and post-occupancy services for the referenced project. The selected firm will be required to provide computer drawings according to the standards of the University of South Florida. Blanket professional liability insurance will be required for this project in the amount of \$250,000, and will be provided as a part of Basic Services. Project development including professional services is contingent upon availability of funds. The estimated construction budget for this project is anticipated to be approximately \$1,500,000.00 including site related work. It is anticipated that this project will utilize a Construction Manager for pre-construction and construction services.

Selection of finalists for interview will be made on the basis of professional qualifications, including experience and ability; past experience; design ability; minority participation; volume of work; and distance from project. Finalists will be provided a copy of the approved building program and a copy of the standard Architect/Engineer Agreement.

INSTRUCTIONS

Firms desiring to apply for consideration shall submit a letter of application, a completed Board of Regents "Professional Qualifications Supplement", version dated 9/99, and a copy of the applicant's current Professional Registration Certificate from the appropriate governing board. Applications on any other form will not be considered.

All applicants 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.

Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, 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 \$15,000.00 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 Supplement forms, descriptive project information and selection criteria may be obtained by contacting: Vanessa Poole, Facilities Planning and

Construction, University of South Florida, FPC 110, 4202 East Fowler Avenue, Tampa, Florida 33620-7550, (813)974-0891 or (813)974-2625, Fax (813)974-3542.

Interested firms are invited to attend a pre-submittal meeting at the University of South Florida, Tampa Campus, 10:00 a.m. (Eastern Time), March 7, 2001, Facilities Planning and Construction, FPC109, 4202 East Fowler Avenue, Tampa, Florida, to review the scope and requirements of this project. All interested firms are encouraged to attend. Requests for meetings by individual firms will not be granted.

It shall be noted that no verbal communication shall take place between the short listed applicants and the State University System. Requests for any project information must be in writing to the above address. The Selection Committee may reject all proposals and stop the selection process at any time.

Six (6) copies of the above requested data, bound in the order listed shall be addressed to: Richard Lyttle, Project Manager, Division of Facilities Planning and Construction, University of South Florida, FPC 110, 4202 East Fowler Avenue, Tampa, Florida 33620-7550.

Submittals must be received in the University of South Florida, Facilities Planning and Construction Office, FPC 110, by 2:00 p.m. (Local Time), March 20, 2001. Facsimile (FAX) submittals are not acceptable and will not be considered.

Legal Advertisement

Pursuant to the provisions of Section 287.055, Florida Statutes, the "Consultants' Competitive Negotiations Act", Daytona Beach Community College hereby publicly announces it will consider qualified professional firms, registered to do work in the State of Florida, for a project requiring architectural and/or engineering services. The project is the Student Services, Administration, and Child Care Services Center, Building 7, West Campus. The scope of work is the development of a new student services, administration and child care facility. This facility will provide needed space for student services and child care for students. The facility will be approximately 38000 gross square feet. The estimated construction budget is \$4.1 million. Firms or individuals with experience in designing higher education facilities and desiring to qualify for consideration must submit seven copies of a proposal to Mr. Steven D. Eckman, Director, Facilities Planning Department, Daytona Beach Community College, Post Office Box 2811, Daytona Beach, Florida 32120-2811, or deliver to 1200 West International Speedway Boulevard, Building 5, Room 112, Daytona Beach, FL 32114, to arrive no later than 12:00 Noon, February 22, 2001. Each proposal must include:

1. A letter of interest.
2. United States Government Architect-Engineer Questionnaire Standard Form 254.

3. United States Government Architect-Engineer Questionnaire Standard Form 255, including in Section 10 of the questionnaire the firm's practice concerning affirmative action.
4. A letter from an insurance company certifying insurability in accordance with Board of Trustee's policy as summarized below:
 - a. Professional Liability Insurance in limits not less than One Million Dollars (\$1,000,000) per occurrence, covering errors, omissions or negligent acts, with a per occurrence deductible not to exceed Five Thousand Dollars (\$5,000).
 - b. Commercial Comprehensive Liability Insurance in limits of not less than One Million Dollars (\$1,000,000) per occurrence, with no deductible.
 - c. Comprehensive Automobile Liability Insurance (including owned and non-owned vehicles) in limits of not less than Five Hundred Thousand Dollars (\$500,000) per occurrence.
 - d. Workers' Compensation Insurance in compliance with Chapter 440, Florida Statutes, with unlimited employer's liability coverage.
 - e. Valuable papers and records insurance in an amount of not less than One Hundred Thousand Dollars (\$100,000) per occurrence, with no deductible.
 - f. All insurance will be with insurers authorized to do business in Florida and all non-self insured companies will be rated at least a VI by Best's Key Rating Guide.
5. Copies of State of Florida licensing board certificates for the firm, members of the firm and consultants of the proposed project.
6. A notarized statement of financial status. (The form of the statement is optional and could be in a form such as Dun & Bradstreet, by a certified public accountant, or other.)

DEPARTMENT OF TRANSPORTATION

NOTICE OF BID/PROPOSAL OPPORTUNITY

The Florida Department of Transportation District 6 announces the following project:

BID/PROPOSAL NUMBER: E-6A16/RFP-DOT-00/01-6031DS

FINANCIAL PROJECT NUMBER: 252034-2-52-01

MBE/DBE RESERVATION OR PREFERENCE: NONE

DEADLINE FOR SUBMITTAL OF PRE-QUALIFICATION REQUIREMENTS: March 19, 2001, 2:00 p.m.

BID/PROPOSAL DUE DATE AND TIME: April 12, 2001, 2:00 p.m.

SCOPE OF SERVICES: Sealed written Proposals are requested from licensed General Building Contractors or Professional Architectural Engineers for the purpose of a

Design Build Facility, for the Second Phase of the North Dade Maintenance Yard Located at 1655 Northeast 205th Terrace, North Miami Beach, Florida 33179.

MANDATORY PRE-BID/PRE-PROPOSAL MEETING: March 15, 2001, 8:30 a.m. No one will be admitted after 8:45 a.m. Proposal documents will only be issued to attendees who have submitted required qualifications.

MANDATORY SITE INSPECTION: The date and time for the Mandatory Site Inspection will be announced at the Mandatory Pre-Proposal Meeting, March 15, 2001, 8:30 a.m.

MINIMUM QUALIFICATIONS: Bidders/Proposers must submit their qualifications prior to the deadline of March 19, 2001, 2:00 p.m. Letters of Pre-qualification will only be issued to qualified Bidders/Proposers. Each Bidder/Proposer whose field is governed by Chapters 399, 455, 489 and 633, Florida Statutes, for Licensure or Certification must submit Pre-qualification data of their eligibility to submit Bids/Proposals prior to the Bid/Proposal Opening Date. After the Bid/Proposal Opening, the low Bidder/Proposer must qualify in accordance with Rule 60D-5.004, Florida Administrative Code. A copy of the rule requirements is included in the Bid/Proposal Package. Each Bidder/Proposer must be pre-qualified by the District Six Procurement Office prior to the issuance of bid/proposal forms. To pre-qualify each Bidder/Proposer must submit a copy of the appropriate Contractor's License(s) as required by the state for the type(s) of work to be proposed and a copy of the State Corporate Charter issued by The Department of State, Division of Corporations. If it's firm is a corporation, letters of pre-qualification must be submitted with the Bid/Proposal package.

BID/PROPOSAL BOND: If the Bid/Proposal exceeds \$100,000.00 the Bidder/Proposer must provide with the Bid/Proposal a good faith deposit in the amount of five percent of the Bid/Proposal by way of a Bid/Proposal Bond Form provided by the owner from a surety insurer authorized to do business in this state as surety, a certified check made payable to Florida Department of Transportation, a cashier's check, treasurer's check or bank draft of any national or state bank. A Bid/Proposal Bond, check or draft in an amount less than five percent of the actual Bid/Proposal will invalidate the Bid/Proposal.

PERFORMANCE AND LABOR AND MATERIAL BOND: If the construction contract award amount is \$100,000.00 or less, a performance bond and a labor and material payment bond are not required.

REQUESTING BID/PROPOSAL DOCUMENTS: Requests for Plans, Specifications and/or Bid/Proposal Documents should be directed to: Nancy Kay Lyons, District Contracts

Administrator, Department of Transportation District 6, Procurement Services Office, 1000 Northwest 111th Avenue, Room 6107-A, Miami, Florida 33172, Fax (305)470-57817. Projects may also be requested via Internet e-mail or via the InFoFax System. For Internet e-mail requests please send your request to nancy.lyons@dot.state.fl.us. If you have been provided an Infobox access number, please dial (305)470-5871, and follow the prompts to order a bid/proposal package. Enter the document number 6031; the Bid/Proposal package will be mailed within 48 hours.

POSTING INFORMATION: Unless otherwise notified in writing the Notice of Intent to Award will be posted at the Department of Transportation, District Six, Contracts Office, 1000 Northwest 111th Avenue, Miami, FL 33172, May 31, 2001, 4:00 p.m. If the Department is unable to post as defined above, the Department will notify all Bidders/Proposers by mail, FAX and/or telephone. The Department will provide written notification of any future posting in a timely manner.

PROTEST RIGHTS: With respect to a Protest of the Specifications Contained in an Invitation to Bid or in a Request for Proposals, the Notice of Protest shall be filed in writing within 72 hours after the receipt of Notice of the Project Plans and Specifications or Intended Project Plans and Specifications in an Invitation to Bid or Request for Proposals." A Formal Written Protest stating with particularity the facts and law upon which the protest is based and in substantially the same form as a petition in accordance with Section 120.57(3), Florida Statutes, and Rule 60D-4.012, FAC., shall be filed within 10 days after filing of the Notice of Protest. The 10 day period includes Saturdays, Sundays and legal holidays; provided, however, if the last day is a Saturday, Sunday or legal holiday, the period shall run until the end of the next day which is neither a Saturday, Sunday or Legal Holiday. Any person who files an action protesting an award shall post with the Department, at the time of filing the Formal Written Protest, a bond payable to the Department in the amount equal to one percent of the Department's estimate of the contract amount for the purchase requested or \$5,000.00, whichever is less. The bond shall be conditioned upon the payment of all costs which may be adjudged against the Protestor in the administrative hearing in which the action is brought and in any subsequent Appellate Court Proceedings. In lieu of a bond, the Department may accept a cashier's check or money order in the amount of the bond. The Protest must be filed with the Department of Transportation, Clerk of Agency Proceedings, 605 Suwannee Street, M.S. 58, Tallahassee, Florida 32399-0450.

THE DEPARTMENT RESERVES THE RIGHT TO REJECT ANY OR ALL BIDS/PROPOSALS RECEIVED.

STATE BOARD OF ADMINISTRATION

Intent to Procure

Institutional Investment Product Providers for the Public Employee Optional Retirement Program (PEORP)

(Tiers I and III as described in the Investment Policy Statement for the PEORP)

The State Board of Administration (SBA) intends to procure the services of investment managers as investment product providers for the PEORP. These investment managers will be put under contract as part of the implementation of the recently enacted optional defined contribution part of the Florida Retirement System.

These investment product providers will be hired throughout calendar year 2001 so that they will be in place prior to the first statutorily-scheduled educational program, which begins in March, 2002. This publication constitutes notice that providers will be hired using Intent to Procure documents which will be posted on the SBA's website: www.fsba.state.fl.us. Each product will be treated as a separate procurement and will have a different Intent to Procure document and associated selection and evaluation criteria.

The procurement for the first investment product providers will begin on February 19, 2001. Subsequent procurements will follow. The SBA anticipates concluding this overall process by October, 2001, at which time all the institutional investment product providers will have been selected. The SBA anticipates concluding the contractual negotiations with all institutional investment product providers by December, 2001.

Persons interested in being considered as one or more of these investment product providers must follow the instructions outlined in the Intent to Procure document posted on the SBA's website. Interested persons should have their pertinent data in the database of the investment consultant, Callan Associates, as soon as possible. To ensure that interested persons are in the database, follow the instructions in the Intent to Procure document or e-mail Michael Tadlock, tadlock@callan.com promptly to receive instructions. Entry into the database is free.

The Intent to Procure document will list the specific schedule for each manager search. Direct any other questions to: Walter Kelleher, Defined Contribution Coordinator, State Board of Administration, 1801 Hermitage Centre, Tallahassee, Florida 32308, (850)413-1490, e-mail: kelleher_walter@fsba.state.fl.us.

Note: Bundled providers (Tier IV in the Investment Policy Statement), those firms which may offer multiple investment products as well as some additional services, will be procured using a different process. This process is expected to commence in March, 2001, and is expected to conclude in September, 2001.

REGIONAL TRANSPORTATION AUTHORITIES

General Selection Information

The Tampa-Hillsborough County Expressway Authority (THCEA) requests Qualifications Submittals from qualified firms to Construction Engineering Inspection (CEI) services. Firms must be prequalified by the Florida Department of Transportation in the major work category noted below. Applicants shall submit a Qualifications Submittal identifying key personnel who would be committed to work on this contract. Qualifications Submittals shall include the following information:

- A. Cover Page:
 - The following notation: "Letter of Interest for Brandon Feeder Road CEI Services"
 - Consultant's name and address
 - Contact person, phone and fax numbers, Email address
- B. Two-Page Letter of Interest in FDOT Format shall include the following:
 - Statement regarding prequalification of consultant (and subconsultants, if any) in advertised type of work
 - Proposed key personnel and their proposed roles
 - FDOT Performance Ratings
 - Indication of DBE status or participation
- C. One-Page Approach for Providing Construction Engineering Inspection Services
- D. Resumes of Key Personnel (not to exceed one page each)
 Expected Project Start: May 1, 2001

An original and nine (9) copies of the Qualifications Submittal, must be received by mail or hand delivery by 4:00 p.m., March 6, 2001. Submittals received after that time will not be accepted. Address responses to: Contracts Administrator, Tampa-Hillsborough County Expressway Authority, 412 East Madison Street, Suite 800, Tampa, FL 33602.

All applicants will be promptly notified when the short-listed firms are selected. Short-listed firms will be asked to make oral presentations on March 23, 2001. In preparation for the oral presentations, a mandatory Scoping Meeting will be held on March 16, 2001, at which time a detailed scope of services, schedule and requirements will be provided.

Applicants may contact the Contracts Administrator, (813)272-5986, Fax (813)301-7043, until the qualifications submittal deadline for further information.

- CONTRACT: THCEA #60.20.01
- MAJOR WORK: 10.1 – Roadway Construction Engineering Inspection
- DESCRIPTION: Construction Engineering and Inspection (CEI) services for the construction of the Brandon Feeder Roads Project which includes Brandon Parkway from west of TownCenter Boulevard to Lumsden Road, Lakewood Drive from north of Lumsden

Road to S.R. 60, Providence Lakewood Connector from Providence Road to Lakewood Drive, Lumsden Road from west of Brandon Parkway to Kings Avenue and Pauls Drive Connector from Brandon Parkway to Pauls Drive. The Construction Project Number is 50.40.01.

ESTIMATED CONSTRUCTION CONTRACT AMOUNT: \$14,000,000

Following dates are subject to change. Contact the Contract Services Administrator for updated information:

- RESPONSE DEADLINE: March 6, 2001
- PLANNED SHORT-LIST DATE: March 12, 2001
- SCOPING MEETING: March 16, 2001
- ORAL PRESENTATIONS: March 23, 2001
- PLANNED FINAL SELECTION DATE: March 26, 2001

General Selection Information

The Tampa-Hillsborough County Expressway Authority (THCEA) requests Qualifications Submittals from qualified firms to provide services noted below. Applicants shall submit a Qualifications Submittal identifying an individual who would be committed to work on this approximately four year contract. Qualifications Submittals shall include the following information:

- A. Cover Page:
 - The following notation: "Letter of Interest for Public Information Officer"
 - Consultant's name and address
 - Contact person, phone and fax numbers, Email address
- B. Two-Page Letter of Interest shall include, at a minimum, the following:
 - Proposed person
 - Statement regarding past experience in advertised type of work
 - Past FDOT Performance Ratings, if available
 - Indication of DBE status
- C. One-Page Approach for Providing Public Information Services
- D. Resume (not to exceed three pages)
Expected Project Start: May 1, 2001

An original and nine (9) copies of the Qualifications Submittal, must be received by mail or hand delivery by 4:00 p.m., March 5, 2001. Submittals received after that time will not be accepted. Address responses to: Contracts Administrator, Tampa-Hillsborough County Expressway Authority, 412 East Madison Street, Suite 800, Tampa, FL 33602.

All applicants will be promptly notified when the short-listed firms are selected. Short-listed firms will be asked to make oral presentations on March 22, 2001. In preparation for the oral

presentations, a Scoping Meeting will be held on March 15, 2001, at which time a detailed scope of services, schedule and requirements will be provided.

Applicants may contact the Contracts Administrator, (813)272-5986, Fax (813)301-7043, until the qualifications submittal deadline for further information.

CONTRACT: THCEA #60.10.01

DESCRIPTION: Public information support services to assist the AUTHORITY in maintaining public awareness about its work program, including the construction, operation and maintenance of the Expressway System. The Public Information Officer will work out of the Authority's Construction Management office. Projects in this program may include, without limitation:

- Brandon Parkway Roadway
- West Toll Plaza and Bridge
- Segmental Bridges and Roadway Construction
- 78th Street to I-75 Roadway and I-75 Slip Ramp
- Meridian Street Roadway
- Brandon Parkway Landscaping and Urban Amenities
- Meridian Street Landscaping and Urban Amenities
- ITS/Traffic Control

Following dates are subject to change. Contact the Contract Services Administrator for updated information:

- RESPONSE DEADLINE: March 5, 2001
- PLANNED SHORT-LIST DATE: March 12, 2001
- SCOPING MEETING: March 15, 2001
- ORAL PRESENTATIONS: March 22, 2001
- PLANNED FINAL SELECTION DATE: March 26, 2001

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF INVITATION TO BID

BID NO.: DEP 27-00/01

The Department of Environmental Protection, Office of Greenways and Trails is soliciting formal competitive bids for the project listed below:

- PROJECT NAME/ SCOPE OF WORK: Furnish all labor, materials and equipment to perform investigative work, testing the noted welds, repainting as necessary and repairs to bulkhead lift beams on steel dewatering bulkheads located at Buchman Lock.

PROJECT LOCATION: Buchman Lock
(Putnam County), Florida

PROJECT MANAGER: Jim Wolfe
Office of Greenways and Trails
Telephone: (850)488-3701

INSTRUCTIONS: Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number listed below:
Florida Department of Environmental Protection
Purchasing Section, Mail Station 86
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000
Attention: David Shufflebotham
Telephone: (850)488-6711

ADA REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of a disability, please contact the Purchasing Section, (850)488-6711.

BID SUBMITTAL DUE DATE: 3:00 p.m., Friday, March 2, 2001 to the below address:
Florida Department of Environmental Protection
Purchasing Section, Mail Station 86
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

INVITATION TO BID

Competitive sealed bids will be received in the Department of Children and Family Services, District III, Tacachale Purchasing Office, 1621 N. E. Waldo Road, Gainesville, Florida 32609 until 2:00 p.m., March 7, 2001 for the following:

Cafeteria Serving Line Equipment

Interested bidders may obtain bid forms and specifications by writing or calling the Tacachale Purchasing Office at the above address, telephone (352)955-5537. The Department reserves the right to reject any or all bids.

DCF 2000-7RN1

FISH AND WILDLIFE CONSERVATION COMMISSION

INVITATION TO BID

Competitive sealed invitation to bid will be received by the Purchasing Office until the time and date shown for the following:

Proposals are requested from qualified contractors by the Florida Fish and Wildlife Conservation Commission for:

PROJECT NO: FWC 00/01-70
PROJECT NAME: Lake Victor Dam Shoreline Revetment
LOCATION:

Lake Victor is located 4.5 miles west of Pittman, Florida in north central Holmes County. The dam is 1500 feet south of SR 2 and about one mile upstream from the community of New Hope.

WORK:

Work on this proposed Contract comprises restoring the lakeside slopes of Lake Victor Dam to its original designed slopes and installing Composite Turf Reinforcement Mat.

PRE-BID CONFERENCE:

A non-mandatory pre-bid conference has been scheduled for 11:00 a.m. CST on February 21, 2001, Lake Victor Dam site.

BID DOCUMENTS:

May be examined and obtained from the Purchasing Office, Room 364, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-3428, upon payment of \$25. non-refundable, for one set.

BIDS:

Bids must be submitted in full accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions. Sealed bids will be received, publicly opened and read aloud on March 2, 2001, 2:00 p.m. (EST), at the above-mentioned Purchasing Office.

REQUIRED BONDS:

If the base bid exceeds \$100,000, bids shall be accompanied by a bid guarantee of not less than five (5) percent of the amount of the bid, as described in Document 00105-Instructions to Bidders. After award of Contract, a 100% Performance Bond and a 100% Labor And Material Payment Bond Will be required.

CONTACT PERSON:

Dr. Mahmoud Madkour, P. E.
Telephone (850)488-5531

PROPOSAL: Proposals must be submitted in full accordance with requirements of the Bidding and Contractual Conditions. Bid specifications may be obtained from the Florida Fish and

Wildlife Conservation Commission, 620 South Meridian Street, Purchasing Room 364, Bryant Building, Tallahassee, Florida 32399-1600.

A copy of the ITB may be obtained from the above address or by calling (904)488-3427. The Commission reserves the right to reject any and all bid/proposals.

PRO 2-1

HILLSBOROUGH COUNTY AVIATION AUTHORITY

NOTICE TO DESIGN-BUILD FIRMS

The Hillsborough County Aviation Authority hereby requests, pursuant to the Consultants Competitive Negotiation Act, Florida Statutes 287.055, Letters of Interest from Design-Build firms desiring to render Design-Build Services for the following project at Tampa International Airport, Tampa, Florida:

DESIGN AND CONSTRUCTION OF THE RENT-A-CAR FACILITY EXPANSION AT THE LONG TERM PARKING GARAGE AND RELATED WORK

Services to be furnished shall include, but not be limited to, all architectural design and all engineering related to structural, mechanical, plumbing, fire protection, electrical, electronic and information technology systems; architectural/engineering services during construction; construction by a qualified contractor; and related surveys and testing. Professional services will also be required by a licensed engineer specializing in automotive fuel distribution and dispensing systems. A more detailed Scope of Services will be included in the formal Request for Qualifications.

Qualified Design-Build firms desiring consideration for this Project must give written notification in the form of a Letter of Interest to:

William J. Connors, Jr.
Senior Director of Planning and Design
Hillsborough County Aviation Authority
Post Office Box 22287
Tampa, Florida 33622

Interested parties may inquire as to project descriptions, details and required data submission to: William J. Connors, Jr., Senior Director of Planning and Design, (813)870-8704. **ONLY A LETTER EXPRESSING INTEREST IN RECEIVING THE FORMAL REQUEST FOR QUALIFICATIONS IS REQUIRED AT THIS TIME.** Subsequent to receiving Letters of Interest, a Request for Qualifications will be sent to all respondents and adequate response time set forth in that package.

A MANDATORY Pre-Qualification Conference will be held Tuesday, March 27, 2001, 10:00 a.m. (Local Time), in the Hillsborough County Aviation Authority Board Room, Landside Terminal Building, Third Floor, Blue Side at Tampa International Airport, Tampa, FL. Details of this conference will be included in the Request for Qualifications.

Replies to this Notice must be received at or before 5:00 p.m. (Local Time), Tuesday, March 13, 2001.

HILLSBOROUGH COUNTY AVIATION AUTHORITY

By: /s/ Louis E. Miller
Louis E. Miller, Executive Director

**Section XII
Miscellaneous**

DEPARTMENT OF BANKING AND FINANCE

NOTICE OF FILINGS

Notice is hereby given that the Department of Banking and Finance, Division of Banking, has received the following application and/or other notices. Comments may be submitted to the Director, Division of Banking, 101 East Gaines Street, Suite 636, Fletcher Building, Tallahassee, Florida 32399-0350, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Division, Department of Banking and Finance, 101 East Gaines Street, Suite 526, Fletcher Building, Tallahassee, Florida 32399-0350, pursuant to provisions specified in Chapter 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., March 9, 2001):

APPLICATION TO ACQUIRE CONTROL

Financial Institution to be Acquired: Fiduciary Trust International of the South, Miami, Florida
Proposed Purchaser: Franklin Resources, Inc., San Mateo, California
Received: February 5, 2001

EXPANDED FIELD OF MEMBERSHIP

Name and Address of Applicant: Gulf States Credit Union, Post Office Box 945110, Maitland, Florida 32794-5110
Expansion Includes: Employees and students of The Legacy Foundation, Orlando, Florida.
Received: February 1, 2001

Name and Address of Applicant: Jackson County Teachers Credit Union, Post Office Box 954, Marianna, Florida 32447
Expansion Includes: Employees of the Board of Commissioner's of Jackson County.
Received: February 2, 2001

DEPARTMENT OF INSURANCE

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT, IN AND FOR LEON COUNTY, FLORIDA
CASE NO.: 2001-153
In Re: The Receivership of QUEENSWAY CASUALTY INSURANCE COMPANY, a Florida corporation.

NOTICE TO ALL POLICYHOLDERS, CREDITORS, AND CLAIMANTS HAVING BUSINESS WITH QUEENSWAY CASUALTY INSURANCE COMPANY.

You are hereby notified that by order of the Circuit Court of the Second Judicial Circuit, in and for Leon County, Florida, entered the 18th day of January, 2001, the Department of Insurance of the State of Florida was appointed as Receiver of QUEENSWAY CASUALTY INSURANCE COMPANY, and was ordered to liquidate the assets located in Florida of said company.

Policyholders, claimants, creditors and other persons in this State having claims against the assets of QUEENSWAY CASUALTY INSURANCE COMPANY, shall present such claims to the Receiver on or before 11:59 p.m., Friday, January 18, 2002, or such claims shall be forever barred.

Requests for forms for the presentation of such claims and inquiries concerning this Receivership should be addressed to: The Division of Rehabilitation and Liquidation of the Florida Department of Insurance, Receiver for QUEENSWAY CASUALTY INSURANCE COMPANY, Post Office Box 10280, Tallahassee, Florida 32302.

DEPARTMENT OF COMMUNITY AFFAIRS

DCA Final Order No.: DCA01-OR-013
In Re: MONROE COUNTY LAND DEVELOPMENT REGULATIONS ADOPTED BY MONROE COUNTY ORDINANCE NO.: 054-2000

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), 380.05(11) and 380.0552(9), Fla. Stat. (2000), which require the Department to enter a final order approving or rejecting land development regulations adopted by Monroe County. This Final Order approves Monroe County Ordinance No.: 054-2000 as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a unit of government within the Florida Keys Area.

2. On December 22, 2000, the Department received for review Monroe County Ordinance No.: 054-2000 which was adopted by the Monroe County Board of County Commissioners on November 21, 2000 ("Ord. 054-2000"). Ord. 054-2000 approved a request to amend the County's Land Use District Map from Offshore Island (OS) to Improved Subdivision (IS) for certain properties located on Pumpkin Key and legally described as Government Lot 2 of Section 1, and Government Lot 5 of Section 12, Township 59 South, Range 40 East, Monroe County, Florida.

3. Section 1 of Ord. 054-2000 adopts certain findings of fact and conclusions of law as set forth in the body of the ordinance. Section 2 of Ord. 054-2000 changes the zoning

designation of the afore-described properties from OS to IS. Section 3 of Ord. 054-2000 contains a severability provision; Section 4 requires filing of the ordinance with the Office of the Florida Secretary of State and transmittal of the ordinance to the Department for approval.

4. Ord. 054-2000 is consistent with the County's 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

1. The Department is required to approve or reject any and all land development regulations that are enacted, amended or rescinded by any unit of government in the Florida Keys Area of Critical State Concern within 60 days of receipt by the Department. §§ 380.05(6), 380.05(11) and 380.0552(9), Fla. Stat. (2000).

2. Monroe County is a unit of government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat., and Rule 28-29.002 (superseding Chapter 27F-8, Fla. Admin. Code) and Chapter 28-30, Fla. Admin. Code.

3. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2000). The regulations adopted by Ord. 054-2000 are land development regulations, as defined by statute.

4. All land development regulations enacted, amended or rescinded by Monroe County must be consistent with the Principles for Guiding Development (the "Principles"). § 380.0552(7), Fla. Stat.; see Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). In reviewing the land development regulations for consistency, the Principles shall be construed as a whole and no specific provision shall be construed or applied in isolation from the other provisions. § 380.0552(7), Fla. Stat. (2000).

5. The Department has reviewed all provisions of Ord. 054-2000 for consistency with the Principles and has determined that Ord. 054-2000 is consistent with the Principles as a whole. § 380.0552(7), Fla. Stat. (2000).

WHEREFORE, IT IS ORDERED that Ord. 054-2000 is found to be consistent with the Principles found at § 380.0552(7), Fla. Stat. (2000), as a whole, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

/s/ J. THOMAS BECK, DIRECTOR
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

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, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO 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 COMMUNITY AFFAIRS 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 THE

AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 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 RULE 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 persons listed below, by the method indicated, this 7th day of February, 2001.

/s/ _____
Paula Ford, Agency Clerk

By U.S. Mail:

- Honorable Shirley Freeman
Mayor of Monroe County
500 Whitehead Street
Key West, Florida 33040
- Danny L. Kolhage
Clerk to the Board of County Commissioners
500 Whitehead Street
Key West, Florida 33040
- Timothy J. McGarry, AICP
Director, Growth Management Division
2798 Overseas Highway, Suite 400
Marathon, Florida 33050

By Hand Delivery or Interagency Mail:

- Michael McDaniel, Growth Management Administrator, DCA,
Tallahassee, FL
- Rebecca Jetton, Manager, DCA, Florida Keys Field Office
- Geoffrey T. Kirk, Assistant General Counsel, DCA,
Tallahassee, FL

NOTICE IS HEREBY GIVEN that the Division of Community Planning, Department of Community Affairs, received the following petitions for binding letters of Development of Regional Impact, Vested Rights and Modification Determinations, pursuant to subsection 380.06(4)(a), Florida Statutes.

FILE NO.: BLID-0401-006
DATE RECEIVED: January 31, 2001
DEVELOPMENT NAME: HERITAGE, THE
DEVELOPER/AGENT: Tidewater Development Group
DEVELOPMENT TYPE: 28-24.023, FAC.
COUNTY LOCATION: St. Johns
LOCAL GOVERNMENT: St. Johns County

IN RE: COUNTY OF POLK)
LAND DEVELOPMENT)
REGULATIONS)
ADOPTED) Docket No.:
BY ORDINANCE NO.) DCA01-OR-007
00-65)

FINAL ORDER

The Department of Community Affairs (Department) hereby issues this Final Order pursuant to Section 380.05(6), Florida Statutes, approving Polk County’s land development regulations adopted by Ordinance No. 00-65. A copy of the complete ordinance is attached hereto.

FINDING OF FACTS

- 1. Polk County is located within the area designated by Section 380.0551, Florida Statutes, as the Green Swamp Area of Critical State Concern.
2. On November 17, 2000, Polk County rendered to the Department Ordinance No.: 00-65 which was adopted by Polk County on August 29, 2000. The ordinance adopted the revised Polk County Land Development Code.
3. Subsection 163.3164(23), Florida Statutes, defines “land development regulations” as “...ordinances enacted by governing bodies for the regulation of any aspect of development...”
4. The adopted LDC Chapters are as follows:
a. Chapter 1. General Provisions.
b. Chapter 2. Land Use Districts and Regulations.
c. Chapter 3. Conditional Uses.
d. Chapter 4. Special Districts.
e. Chapter 5. Green Swamp Area of Critical State Concern.
f. Chapter 6. Resource Protection.
g. Chapter 7. Site Development Standards.
h. Chapter 8. Subdivisions.
i. Chapter 9. Development Review Procedures.
j. Chapter 10. Definitions.

CONCLUSIONS OF LAW

5. Section 380.05(6), Florida Statutes, requires the Department to enter a Final Order accepting or rejecting the County’s adopted land development regulations within 60 days of submission to the Department.

6. Subsection 163.3194(1)(b), Florida Statutes, requires “...all development regulations... [to] be consistent with the adopted comprehensive plan...”

7. Pursuant to Subsection 380.05(1)(a), Florida Statutes, the Department has conducted a review of Ordinance No.: 00-65 and finds that the Ordinance is consistent with the Polk County Comprehensive Plan and the Principles for Guiding Development in the Green Swamp Area of Critical State Concern.

WHEREFORE IT IS ORDERED that Ordinance 00-65 is consistent with Section 380.0551, Florida Statutes and are hereby APPROVED.

DONE AND ORDERED this ____ day of _____, 2001 in Tallahassee, Florida.

J. Thomas Beck, Division Director
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY SUBSTANTIALLY AFFECTED PERSON SHALL HAVE THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY’S ACTION. DEPENDING UPON WHETHER ONE ALLEGES ANY DISPUTED ISSUE OF MATERIAL FACT IN THE PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, SUCH PERSON IS ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF THE 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, A SUBSTANTIALLY AFFECTED PERSON MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT’S ACTION OR REFUSAL TO ACT; OR SUCH PERSON 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 THERE IS A DISPUTE OF ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, A SUBSTANTIALLY AFFECTED PERSON 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, CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, SUCH PERSON MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDING OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

MEDIATION IS AVAILABLE WITH RESPECT TO THIS ACTION.

IF A SUBSTANTIALLY AFFECTED PERSON DESIRES EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" MUST BE FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY, THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 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 RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

THE PETITION MUST INCLUDE THE SIGNATURE OF SOMEONE AUTHORIZED TO ACT ON BEHALF OF THE SUBSTANTIALLY AFFECTED PERSON. A PETITION MUST SPECIFICALLY REQUEST AN ADMINISTRATIVE PROCEEDING, IT MUST ADMIT OR

DENY EACH MATERIAL FACT CONTAINED IN THE NOTICE OF AGENCY ACTION, AND IT MUST STATE ANY DEFENSE WHICH IS RELIED UPON.

THE RIGHT TO AN ADMINISTRATIVE PROCEEDING WILL BE WAIVED IF A PETITION IS NOT FILED WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS NOTICE.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to the persons listed below by U.S. Mail this ____ day of February, 2001.

Paula P. Ford
Agency Clerk

- copies furnished to:
- Colin M. Roopnarine
Assistant General Counsel
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100
- Mark Carpanini, Esquire
Polk County Attorney
Drawer AT01
P. O. Box 9005
Bartow, FL 33831
- Jim Bell, Director
Community Services Division
Drawer CS06
P. O. Box 9005
Bartow, FL 33831
- Bruce Parker, Chairman
Board of County Commissioners
Drawer BC01
P. O. Box 9005
Bartow, FL 33831
- Marlene Young
Board of County Commissioners
Drawer BC01
P. O. Box 9005
Bartow, FL 33831
- Janet Shearer
Board of County Commissioners
Drawer BC01
P. O. Box 9005
Bartow, FL 33831

Neil Combee
 Board of County Commissioners
 Drawer BC01
 P. O. Box 9005
 Bartow, FL 33831
 Randy Wilkinson
 Board of County Commissioners
 Drawer BC01
 P. O. Box 9005
 Bartow, FL 33831

NOTICE IS HEREBY GIVEN that the Division of Community Planning, Department of Community Affairs received the following petitions for binding letters of Development of Regional Impact, Vested Rights and Modification Determinations, pursuant to subsection 380.06(4)(a), Florida Statutes.

FILE NO.: BLIVR-901-002
 DATE RECEIVED: February 5, 2001
 DEVELOPMENT NAME: MARCO RIVER MARINA
 DEVELOPER/AGENT: Timothy Hall
 DEVELOPMENT TYPE: 28-24.036, FAC.
 COUNTY LOCATION: Collier
 LOCAL GOVERNMENT: Collier County

DEPARTMENT OF LAW ENFORCEMENT

Notice to Apply

The State of Florida, Department of Law Enforcement, has submitted an application to the Bureau of Justice Assistance, United States Department of Justice, for \$24,216,369, in Federal Fiscal Year 2001 funds made available under the Anti-Drug Abuse Act of 1988.

A copy of the application is available for review and comment by the public and other interested parties between the hours of 8:00 a.m. – 5:00 p.m., Department of Law Enforcement, Business Support Program, Office of Criminal Justice Grants, 1819 Miccosukee Commons Drive, Tallahassee, Florida 32308.

DEPARTMENT OF TRANSPORTATION

IN RE: AN APPLICATION TO CLOSE A RAILROAD CROSSING BY: CSX Transportation, 500 Water Street, Jacksonville, Florida 32202
 INTENT TO ISSUE A PERMIT TO CLOSE A RAILROAD CROSSING:

The Central Rail Office of the Florida Department of Transportation hereby gives notice of its Intent to Issue a Permit to allow the formal closure of the Old Kings Road Railroad Crossing Number 621191C in the City of Jacksonville (City) pursuant to Section 335.141, Florida

Statutes, and Rule 14-46.003, Florida Administrative Code. The Department is publishing this Intent to Issue a Permit for the reasons stated below:

On the 31st day of March 1997, CSX Transportation (CSXT) applied to the Department of Transportation (Department) for a permit to close a public highway-railroad grade crossing in the City. Subsequently, CSXT removed the crossing surface for track maintenance purposes and requested that the Department suspend processing the application pending their negotiations with the City. In late October of 2000, after negotiations between the City and CSXT failed, CSXT requested that the Department continue processing the application.

The crossing is located at the north throat of Moncrief Switching Yard, 2584 feet south of Milepost Number A-640, at the track’s intersection with Old Kings Road in the City. The facts relating to the crossing are:

Name of Roadway:	Old Kings Road
DOT/AAR Crossing Number:	621191C
Average Daily Vehicular Traffic:	1,953
Type of Roadway:	Local Asphalt City Street
Trains Per Day:	80
Accident History:	12 incidents
Sight Distance:	Extremely Restricted by Train Traffic
Crossing/Roadway Alignment:	Skewed Intersection
Safety Devices:	Flashing Lights and Gates
Crossing Surface:	Rough Transition

REGULATORY AUTHORITY:

Section 335.141(1)(a), Florida Statutes, provides the Florida Department of Transportation with regulatory authority over all public railroad-highway grade crossings in the state, including the authority to issue permits which shall be required for the closing of such crossings. Rule 14-46.003(2)(b), Florida Administrative Code, provides specific criteria that must be considered by the Department when determining whether to issue a permit to close such a crossing.

FINDINGS OF FACT:

Using the criteria established by Rule 14-46.003(2)(b), Florida Administrative Code, the following are the Department’s findings of fact in considering the closure of the subject crossing:

1. Necessity, convenience and safety effects upon rail and vehicle traffic.

Necessity: The Old Kings Road corridor from New Kings Road (US 23), beginning on the east side of the subject crossing, traveling through to Edgewood Avenue (SR 111), and ending on the west side, intersect the subject and three additional railroad crossings. Vehicles are often trapped for long time-periods by train movements, not only from the subject crossing but also from the three other crossings along this section of roadway. At the subject crossing, CSXT railroad

operations daily block Old Kings Road 12 hours in the 24-hour period. Additionally, City of Jacksonville (City) traffic counts from 1993 until 1997 indicate a decline in the use of this corridor as a through route. In traffic counts published by the City, average daily traffic counts near the crossing in 1993 registered 2,587 vehicles per day; in 1997 (the year before the crossing was closed for repair), vehicular crossings had fallen to 1,953 per day. These traffic counts show a 25% decline in the use of the roadway by vehicular traffic during this period. The enormous number of total train movements crossing this section of Old Kings Road severely reduce the integrity of the road corridor as a practicable route for vehicular traffic to efficiently move through the area.

Convenience: The distance of the route from the subject crossing, traveling on Old Kings Road northwesterly to Edgewood Avenue, then traveling on Edgewood Avenue northeasterly over the grade separated railroad crossing to New Kings Road (US 1, 23), then continuing on New Kings Road southeasterly to Old Kings Road, then returning northwesterly on Old Kings Road to the subject crossing is 3.8 miles. The described route can be completed in less than 8 minutes. The bridge at the Edgewood Avenue crossing (DOT Bridge Number: 720125) was last inspected on October 2, 2000, and is rated for commercial traffic. Because the Edgewood Avenue grade separation (i.e., bridge) eliminates any potential delay that would otherwise be caused by trains crossing the roadway, it is a more reliable route, and is therefore more convenient than traveling through the Old King Road corridor, where train movements cause frequent delays.

Safety Effects: The subject crossing traverses a rail yard. There are five fully operational train tracks intersected at the crossing; one mainline track and four switching tracks. Immediately south of the crossing, the tracks divide into numerous sidetracks that together form the Moncrief Railroad Yard. There are approximately 80 total train movements through the subject crossing each day; 14 passenger and 64 freight, with a maximum train speed of 40 miles per hour. The crossing's length is 397 feet, and the two-lane roadway is skewed to the railroad tracks at an angle of 120 degrees. Visibility of the multiple parallel tracks and train traffic thereon is often obstructed by standing or slow-moving trains, stacked for switching. In 1997, approximately 1,953 vehicles traveled through the crossing each day, with a maximum highway speed of 35 miles per hour.

The Federal Railroad Administration (FRA), American Association of State Highway and Transportation Officials (AASHTO), and the Association of American Railroads (AAR) have jointly published a list of crossing characteristics that are used to identify unsafe crossings that should be considered for elimination. The following characteristics documented in the listing correspond with the subject crossing:

- Crossings where vehicular traffic can be safely and efficiently redirected to an adjacent crossing;

- Crossings where the road crosses railroad tracks diagonally, or any crossing with reduced sight distance;
- Adjacent crossing when one is being upgraded or grade-separated; and
- Complex crossings where it is difficult to provide adequate warning devices or which have severe operating problems, e.g., multiple tracks, extensive switching operations, long periods of blocked crossings, etc.

Because of the crossing's unique characteristics, the Department calculates its statewide Safety Index Rank at 561 out of 4500 statewide crossings. In August 1998, FRA issued a report that identified 50 of the most dangerous railroad crossings in the Northeast Florida and Southeast Georgia area. Using an accident prediction analysis, that report rated the Old King Road crossing eighth most dangerous in the area.

2. Utilization of remaining route where practical.

Edgewood Avenue and New Kings Road serve well as avenues for traffic being rerouted due to the closure of the Old Kings Road crossing. Neither roadway is interrupted by train movements, and both have a higher capacity for vehicular traffic and have smoother roadway surfaces than Old Kings Road.

Traffic using the Edgewood Avenue overpass would not be delayed by trains blocking the crossing. Therefore, it is more practical to emergency services, as well as the general public, to rely on the overpass rather than the subject railroad crossing.

3. Effect of closing on rail operation and expense.

The crossing's removal has eliminated surface and signal maintenance costs that are shared by the City and CSXT.

4. Excessive restriction to emergency type vehicles resulting from closing.

Local Emergency Management Services (EMS) prefer not to use the Old Kings Road corridor in emergency situations because its rough surface causes damage to their vehicles, and due to the potential for being blocked by train movements. While Edgewood Avenue's linear route distance may be marginally longer than the Old Kings Road route, the Edgewood Avenue route is more dependable. Because Edgewood Avenue is smoother, faster, and more dependable with multiple traffic lanes, it is the preferred route of EMS in emergency situations.

WITNESS: This Notice of Intent to Issue a Permit to allow the formal closure of the Old Kings Road public highway/railroad grade crossing shall become final unless an appropriate petition for a hearing is filed in accordance with the attached Notice of Administrative Hearing Rights. Failure to file a request for a hearing within the specified time period shall constitute a waiver of any hearing rights and this Agency Action shall become final.

NOTICE OF ADMINISTRATIVE HEARING RIGHTS:

You may request an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes. If you disagree with the facts stated in the foregoing Notice of Intended

Department Action (hereinafter Notice), you may request a formal administrative hearing pursuant to Section 120.57(1), Florida Statutes. If you agree with the facts stated in the Notice, you may request an informal administrative hearing pursuant to Section 120.57(2), Florida Statutes. You must send the written request to: Clerk of Agency Proceedings, Department of Transportation, Haydon Burns Building, 605 Suwannee Street, MS #58, Tallahassee, Florida 32399-0458.

The written request for an administrative hearing must conform to the requirements of either Rule 28-106.201(2) or Rule 28-106.301(2), Florida Administrative Code, and must be received by the Clerk of Agency Proceedings, by 5:00 p.m., no later than 30 days after you received the Notice. The written request for an administrative hearing should include a copy of the Notice, and must be legible, on 8 1/2 by 11 inch white paper, and contain:

1. Your name, address, telephone number, any Department identifying number on the Notice, if known, and name, address, and telephone number of your representative, if any;
2. An explanation of how your substantial interest will be effected by the action described in the Notice;
3. A statement of when and how you received the Notice;
4. A statement of all disputed issues of material fact. If there are none, you must so indicate;
5. A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle you to relief; and
6. A demand for relief.

A formal hearing will be held if there are disputed issues of material fact. If a formal hearing is held, this matter will be referred to the Division of Administrative Hearings, where you may present witnesses and evidence and cross examine other witness before an administrative law judge. If there are no disputed issues of material fact, an informal hearing will be held, in which case you will have the right to provide the Department with any written documentation or legal arguments which you wish the Department to consider. Mediation, pursuant to Section 120.573, Florida Statutes, may be available if agreed to by all parties, and on such terms as may be agreed upon by all parties. The right to an administrative hearing is not affected when mediation does not result in a settlement.

If a written request for an administrative hearing is not timely received, you will have waived your right to have the intended action reviewed pursuant to Chapter 120, Florida Statutes, and the action set forth in the Notice shall be conclusive and final.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

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, International Truck & Engine Corporation, intends to allow the establishment of Mauldin International Trucks, Inc. as a dealership for the sale of International vehicles and products, at 924 North Lane Ave., Jacksonville (Duval County), Florida 32254, on or after January 1, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Mauldin International Trucks, Inc. are: dealer operator: John Mauldin, 2300 S. Division, Orlando, FL 32805; principal investor(s) John Mauldin, 2300 S. Division, Orlando, FL 32805 and International Truck & Engine, 455 N. Cityfront Plaza Dr., Chicago, IL 60611.

The notice indicates an 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: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, 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: Evan Lindstrand, Dealer Administration Manager, International Truck & Engine Corporation, 455 N. Cityfront Plaza Dr., Chicago, IL 60611.

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 ENVIRONMENTAL PROTECTION

NOTICE OF AVAILABILITY

FLORIDA FINDING OF NO SIGNIFICANT IMPACT

City of Oldsmar

The Florida Department of Environmental Protection has determined that the City of Oldsmar's new water pumping station, ground storage tank, and associated water mains project will not adversely affect the environment. This project is being implemented to meet pressure, storage and treatment requirements. The total project cost is estimated at \$2,589,600. The project may qualify for a Drinking Water State Revolving Fund (DWSRF) loan composed of federal funds and state matching funds.

A full copy of the Florida Categorical Exclusion Notice can be obtained by writing: Bob Holmden, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400.

DEPARTMENT OF HEALTH

FLORIDA BIOMEDICAL RESEARCH PROGRAM

NOTICE OF FUND AVAILABILITY

The Department of Health announces funding availability under the Florida Biomedical Research Program (Section 215.5602, Florida Statutes), to Florida universities or established non-profit research institutes for biomedical research initiatives addressing the prevention, diagnosis and treatment of tobacco-related diseases such as cancer, cardiovascular disease, stroke and pulmonary disease. DOH has allocated approximately \$6.8 million for the period June 1, 2001 through June 30, 2002 (13 months), for awards not to exceed \$200,000. Program categories include Investigator-Initiated Research Projects and New Investigator Research Projects. Applications are available through February 28, 2001; letters of intent are due March 4, 2001; and completed applications are due by 4:00 p.m., March 23, 2001. Awards will be made on the basis of scientific merit, as determined by an open competitive peer review process that ensures objectivity, consistency and high quality.

For further information, contact: Ed McEachron, Florida Department of Health, 4052 Bald Cypress Way, BIN #B-07, Tallahassee, FL 32399-1749, Fax (850)413-8294, Suncom 293-8294, email: ed_mceachron@doh.state.fl.us.

Section XIII
Index to Rules Filed During Preceding Week

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**RULES FILED BETWEEN January 29, 2001
 and February 2, 2001**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF STATE

Division of Library and Information Services

1B-24.001	1/31/01	2/20/01	26/43	26/51
1B-24.002	1/31/01	2/20/01	26/51	
1B-24.003	1/31/01	2/20/01	26/43	26/51
1B-24.004	1/31/01	2/20/01	26/51	
1B-24.005	1/31/01	2/20/01	26/51	
1B-24.006	1/31/01	2/20/01	26/51	
1B-24.007	1/31/01	2/20/01	26/51	
1B-24.008	1/31/01	2/20/01	26/51	
1B-24.009	1/31/01	2/20/01	26/51	
1B-24.010	1/31/01	2/20/01	26/51	
1B-24.011	1/31/01	2/20/01	26/51	
1B-24.012	1/31/01	2/20/01	26/51	

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

5B-58.001	2/2/01	2/22/01	26/45	
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DEPARTMENT OF COMMUNITY AFFAIRS

Division of Emergency Management

9G-21.002	1/29/01	2/18/01	26/37	
9G-21.004	1/29/01	2/18/01	26/37	26/52

Division of Resource Planning and Management

9J-2.001	2/1/01	2/21/01	26/42	
9J-2.010	2/1/01	2/21/01	26/42	
9J-2.016	2/1/01	2/21/01	26/42	
9J-2.0185	2/1/01	2/21/01	26/42	
9J-2.021	2/1/01	2/21/01	26/42	
9J-2.022	2/1/01	2/21/01	26/42	
9J-2.023	2/1/01	2/21/01	26/42	
9J-2.024	2/1/01	2/21/01	26/42	
9J-2.025	2/1/01	2/21/01	26/42	
9J-2.0251	2/1/01	2/21/01	26/42	
9J-2.0252	2/1/01	2/21/01	26/42	
9J-2.0256	2/1/01	2/21/01	26/42	
9J-2.0257	2/1/01	2/21/01	26/42	
9J-2.026	2/1/01	2/21/01	26/42	
9J-2.0275	2/1/01	2/21/01	26/42	
9J-2.040	2/1/01	2/21/01	26/42	
9J-2.043	2/1/01	2/21/01	26/42	
9J-2.044	2/1/01	2/21/01	26/42	26/52
9J-2.045	2/1/01	2/21/01	26/42	
9J-2.046	2/1/01	2/21/01	26/42	
9J-2.048	2/1/01	2/21/01	26/42	

DEPARTMENT OF TRANSPORTATION

14-15.013	1/31/01	2/20/01	26/50	
14-102.0011	1/31/01	2/20/01	26/49	
14-102.0037	1/31/01	2/20/01	26/49	

DEPARTMENT OF CITRUS

20-39.003	1/31/01	2/20/01	26/50	
20-94.005	1/31/01	2/20/01	26/50	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.	Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION					67-48.003	2/2/01	2/22/01	26/44	26/51
61-20.508	2/1/01	2/21/01	26/52		67-48.004	2/2/01	2/22/01	26/44	26/51
Division of Florida Land Sales and Mobile Homes					67-48.005	2/2/01	2/22/01	26/44	26/51
61B-23.0021	1/30/01	2/19/01	26/47		67-48.006	2/2/01	2/22/01	26/44	
61B-23.0027	1/30/01	2/19/01	26/47		67-48.007	2/2/01	2/22/01	26/44	
61B-23.0028	1/30/01	2/19/01	26/47		67-48.008	2/2/01	2/22/01	26/44	26/51
61B-75.005	1/30/01	2/19/01	26/47		67-48.009	2/2/01	2/22/01	26/44	26/51
61B-75.007	1/30/01	2/19/01	26/47		67-48.0095	2/2/01	2/22/01	26/44	26/51
61B-75.008	1/30/01	2/19/01	26/47		67-48.010	2/2/01	2/22/01	26/44	
Board of Professional Engineers					67-48.0105	2/2/01	2/22/01	26/44	
61G15-21.008	2/2/01	2/22/01	26/51		67-48.012	2/2/01	2/22/01	26/44	26/51
61G15-22.001	2/2/01	2/22/01	26/51		67-48.013	2/2/01	2/22/01	26/44	
61G15-23.002	2/2/01	2/22/01	26/51		67-48.014	2/2/01	2/22/01	26/44	
Board of Veterinary Medicine					67-48.015	2/2/01	2/22/01	26/44	
61G18-30.001	1/29/01	2/18/01	26/35	26/51	67-48.017	2/2/01	2/22/01	26/44	
DEPARTMENT OF HEALTH					67-48.018	2/2/01	2/22/01	26/44	
Board of Acupuncture					67-48.019	2/2/01	2/22/01	26/44	
64B1-3.010	2/2/01	2/22/01	26/49		67-48.020	2/2/01	2/22/01	26/44	
64B1-4.012	1/29/01	2/18/01	26/39	26/47	67-48.0205	2/2/01	2/22/01	26/44	
64B1-8.006	1/29/01	2/18/01	26/21	26/39	67-48.021	2/2/01	2/22/01	26/44	26/51
Board of Medicine					67-48.022	2/2/01	2/22/01	26/44	
64B8-10.004	1/30/01	2/19/01	26/47		67-48.023	2/2/01	2/22/01	26/44	
FLORIDA HOUSING FINANCE CORPORATION					67-48.025	2/2/01	2/22/01	26/44	26/51
67-48.001	2/2/01	2/22/01	26/44		67-48.026	2/2/01	2/22/01	26/44	26/51
67-48.002	2/2/01	2/22/01	26/44	26/51	67-48.027	2/2/01	2/22/01	26/44	
					67-48.028	2/2/01	2/22/01	26/44	26/51
					67-48.029	2/2/01	2/22/01	26/44	
					67-48.030	2/2/01	2/22/01	26/44	
					67-48.031	2/2/01	2/22/01	26/44	
					67-48.032	2/2/01	2/22/01	26/44	

Section XIV
List of Rules Affected

This "List of Rules Affected" is a cumulative list of all rules which have been proposed but not filed for adoption. Beginning with the February 2, 1996 issue, the list will be published monthly for the period covering the last eight weeks.

- w - Signifies Withdrawal of Proposed Rule(s)
- c - Rule Challenge Filed
- v - Rule Declared Valid
- x - Rule Declared Invalid
- d - Rule Challenge Dismissed
- dw - Dismissed Upon Withdrawal

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
3D-40.205	26/50		27/5
3D-40.225	26/50		27/5
3D-50.070	26/44		26/51
3D-50.075	26/44		26/51
3D-60.070	26/44		26/51
3D-70.060	26/44		26/51
3D-80.050	26/44		26/51
3D-160.031	26/44		26/51
3D-180.050	26/50		27/5
3D-180.060	26/50		27/5
3E-600.009	26/50		27/5
3F-7.0125	26/47		
3F-7.017	26/47		
3F-8.003	26/47		
3F-8.005	21/39c		27/3d
3F-10.003	26/47		
3F-11.002	26/51		

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
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STATE

1B-2.011	27/4		
	27/6		
1B-24.001	26/43	26/51	27/7
1B-24.002	26/43		
	26/51		27/7
1B-24.003	26/43	26/51	27/7
1B-24.004	26/51		27/7
1B-24.005	26/51		27/7
1B-24.006	26/51		27/7
1B-24.007	26/51		27/7
1B-24.008	26/51		27/7
1B-24.009	26/51		27/7
1B-24.010	26/51		27/7
1B-24.011	26/51		27/7
1B-24.012	26/51		27/7
1C-3.134	27/3		
1C-3.138	27/3		
1C-3.140	27/3		

BANKING AND FINANCE

3-1	26/43c		
	27/2c		
3A-5.001	26/46		27/5
3A-5.002	26/46		27/5
3A-5.003	26/46		27/5
3A-10.083	27/5		
3C-1.022	21/25		
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3C-100.948	26/44		26/51
3C-105.402	26/44		26/51
3C-140.018	27/3		
3C-560.704	27/7		
3C-560.803	27/7		
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3D-40.043	26/50		27/5
3D-40.053	26/50		27/5

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4-137.002	26/50	27/6	
4-138.001	26/43		27/6
4-141.0016	21/2c		
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4-149.002	23/45	26/22	
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4-149.003	23/45	26/22	
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4-149.035	23/45 24/46	26/22 26/22			24/3c 24/3c		
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4-149.102	23/45	24/31 26/12 26/22			24/3c 24/3c		
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4-149.103	23/45	24/31 26/12 26/22		4-149.111	23/45	24/31 26/12 26/22	
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4-149.104	23/45	24/31 26/12 26/22		4-149.112	23/45	24/31 26/12 26/22	
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4-149.105	23/45	24/31 26/12 26/22		4-149.113	24/3c 24/3c		
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4-149.106	23/45	24/31 26/12 26/22		4-149.117	24/3c		
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4-149.107	23/45	24/31 26/12 26/22			24/3c 24/3c		
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4-149.123	23/45	24/31 26/12 26/22		4-154.517	26/25		
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4-149.124	24/3c				25/5c		27/6d
4-149.125	24/3c				25/5c		27/6d
4-149.126	24/3c				25/5c		27/6d
4-149.127	24/3c				25/5c		27/6d
4-149.128	24/3c			4-154.530	26/36	26/50	
4-149.129	24/3c					27/3	
4-149.130	24/3c				26/43c		27/7d
4-149.131	24/3c				26/51c		27/7d
4-149.132	24/3c			4-156.002	26/47		
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4-149.1325	24/20	24/20		4-156.006	26/47		
4-149.133	24/3c			4-156.007	26/47		
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4-149.190	23/45	26/22		4-156.011	26/47		
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4-149.202	27/2			4-157.002(2)	23/19c		
4-149.203	27/2			4-157.004	23/10	23/42	
4-149.204	27/2			4-157.004(2)(b)	23/19c		
4-149.205	27/2			4-157.004(4)	23/19c		
4-149.206	27/2			4-157.017	23/10	23/42	
4-149.207	27/2			4-157.022	23/10	23/42	
4-154	27/3			4-157.022(1)(b)	23/19c		
4-154.020	25/5c		27/6d	4-157.022(1),(2)(c),(4)	23/52c		
4-154.402	26/25			4-157.022(2)	23/19c		
4-154.403	26/25			4-157.022(3)	23/19c		
4-154.404	26/25			4-157.022(3)	23/19c		
4-154.405	26/25			4-157.022(4)	23/19c		
4-154.406	26/25			4-157.022(5)	23/19c		
4-154.407	26/25			4-157.023	23/10	23/42	
4-154.4071	26/25			4-157.023(1)(b)	23/52c		
4-154.408	26/25			4-175.011	20/8c		27/3d
4-154.411	26/25			4-176.022	25/33	26/24	
4-154.412	26/25			4-191.036	27/7		
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4-154.506	26/25			4-191.073	27/7		
4-154.507	26/25			4-191.300	26/44		27/1
4-154.508	26/25			4-193.065	26/41		
4-154.511	26/25			4-196.009(2)	20/43c		
				4-196.010	26/42		27/2
				4-201.003	27/6c		27/6d
				4-211.006	26/52		
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				4-223.006(2)(d)	18/31c		26/52x
				4-228.010	26/35		
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4-228.055	26/35			4K-1.002	26/23		
4-228.060	26/35			4K-1.003	26/23		
4-228.070	26/35			4K-1.004	26/23		
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4-228.120	26/35			5B-58.001	26/45		27/7
4-228.130	26/35			5C-22.002	27/6		
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4-228.150	26/35			5C-22.004	27/6		
4-228.160	26/35			5C-22.005	27/6		
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4-228.210	26/35			5K-4.020	26/49		
4-228.220	26/35						
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4-228.250	26/35			6-1	26/39c		
4A-2.024	26/31			6A-1.0996	25/27	25/34	
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4A-57.003	26/44		27/5	6C-4.001	27/3		
4A-57.004	26/44		27/5	6C-6.0103	27/3		
4A-57.005	26/44		27/5	6C-6.0105	27/3		
4A-57.006	26/44		27/5	6C-6.011	27/3		
4A-57.007	26/44		27/5	6C-6.019	27/3		
4A-57.008	26/44		27/5	6C-6.020	27/3		
4A-60.001	27/6			6C-6.021	27/3		
4A-60.002	27/6			6C-9.006	27/3		
4A-60.003	27/6			6C-9.012	27/3		
4A-60.004	27/6			6C-600.002	26/33		
4A-60.005	27/6			6C3-5.004	Newspaper		27/4
4A-60.006	27/6			6C4-3.005	Newspaper		27/6
4A-60.007	27/6			6C4-3.006	Newspaper		27/6
4A-60.008	27/6			6C4-3.016	Newspaper		27/6
4A-62.001	26/47			6C4-3.020	Newspaper		27/6
4A-62.002	26/47			6C4-6.027	Newspaper		27/6
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4H-2.004	26/43			6F-2.0026	26/45		27/3
4H-2.005	26/43			6F-2.003	26/45		27/3
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9BER00-5			26/40	9J-2.0256	26/42		27/7
9BER00-6			26/40	9J-2.0257	26/42		27/7
9BER00-7			26/40	9J-2.026	26/42		27/7
9BER00-8			26/40	9J-2.0275	26/42		27/7
9BER00-9			26/40	9J-2.040	26/42		27/7
9BER00-10			26/40	9J-2.043	26/42		27/7
9BER00-11			26/40	9J-2.044	26/42	26/52	27/7
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		26/43	27/5	9J-2.046	26/42		27/7
	26/15c		27/7d	9J-2.048	26/42		27/7
	26/51c			9J-5.0055	18/40		
9C-600.002	26/33			9J-8.004	22/39		
9G-2.002	26/26	26/46	26/52	9J-8.006	22/39		
9G-6.002	26/37	26/47	27/6	9J-9.011	21/39c		
		26/50	27/6	9J-9.012	21/39c		
9G-6.0023	26/37	26/47	27/6	9J-11.006	26/42		27/1
		26/50	27/6	9J-11.009	26/42		27/1
9G-6.0025	26/37	26/47	27/6	9J-11.011	26/42		27/1
		26/50	27/6	9J-11.012	26/42		27/1
9G-6.0025	26/37	26/47	27/6	9J-14.017	19/44c		
		26/50	27/6	9J-14.027	21/13	22/42	27/7w
9G-6.005	26/37	26/50	27/6		25/43c		
9G-6.006	26/37	26/47	27/6	9J-28.001	26/42		
		26/50	27/6	9J-28.002	26/42		
9G-6.0095	26/37	26/47	27/5	9J-28.003	26/42		
		26/50	27/5	9J-28.004	26/42		
9G-6.010	26/37	26/47	27/5	9J-28.005	26/42	26/52	
		26/50	27/5	9J-28.006	26/42		
9G-7.0012	26/37		26/52	9J-28.009	26/42		
9G-7.003	26/37		26/52	9J-28.011	26/42		
9G-7.008	26/37		26/52	9J-28.014	26/42		
9G-7.010	26/37		26/52	9J-28.015	26/42		
9G-14.002	26/37		26/52	9J-28.016	26/42		
9G-14.0045	26/37		26/52	9J-28.017	26/42		
9G-14.006	26/37		26/52	9J-28.018	26/42		
9G-14.007	26/37		26/52	9J-28.019	26/42		
9G-14.008	26/37		26/52	9J-28.020	26/42		
9G-14.010	26/37		26/52	9J-28.021	26/42		
9G-14.011	26/37		26/52	9J-28.022	26/42		
9G-21.002	26/37		27/7	9J-28.023	26/42		
9G-21.004	26/37	26/52	27/7	9J-41.003	20/47		
9I-31.005	16/35			9J-200.146	26/42		
9I-35.006	19/31	19/43		HEALTH AND REHABILITATIVE SERVICES			
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9J-2.010	26/42		27/7	10C-8.011-.304	23/7c		
9J-2.016	26/42		27/7	10D-6	20/39c		27/3d
9J-2.0185	26/42		27/7		22/12c		27/3d
9J-2.021	26/42		27/7	10D-6.041(11)	20/11c		
9J-2.022	26/42		27/7	10D-6.046(7)(a)(b)(e)	20/11c		
9J-2.023	26/42		27/7	10D-6.046(7)(f)2.	20/11c		
9J-2.024	26/42		27/7				

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12C-1.051	27/7			17-4	15/14c		
12C-3.0015	26/39	26/47	27/3	17-4.246	15/14c		
		26/49	27/3	17-40	19/49c		
12C-3.0035	26/39		27/3	17-106.010	26/52		
12C-3.0045	26/39		27/3	17-106.020	26/52		
12C-3.0055	26/39		27/3	17-106.030	26/52		
12C-3.008	26/39	26/49	27/3	17-106.040	26/52		
12C-3.012	26/39	26/47	27/3	17-106.050	26/52		
12C-3.013	26/39		27/3	17-106.060	26/52		
12D-6.002	26/40		26/52	17-106.070	26/52		
12D-7.015	26/40		26/52	17-106.080	26/52		
12D-7.017	26/40		26/52	17-106.090	26/52		
12D-8.0062	21/14c		27/3d	17-106.100	26/52		
12D-8.013	26/40		26/52	17-106.110	26/52		
12D-13.010	26/40		26/52	17-106.120	26/52		
12D-13.063	26/40		26/52	17-106.130	26/52		
12D-16.002	26/40	26/47	27/1	17-106.140	26/52		
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14-15.003	26/46			17-296.600	20/24c		27/3d
14-15.010	27/5			17-296.601	20/24c		27/3d
14-15.013	26/50		27/7	17-296.604	20/24c		27/3d
	26/51		26/52w	17-312	20/26c		27/3d
14-22.012	26/44c				20/26c		27/3d
14-78	25/21c			17-330	20/26c		27/3d
14-96	21/2c				20/26c		27/3d
14-102.0011	26/49		27/7	17-330.100(1),(2),(3)	20/24c		27/3w
14-102.0037	26/49		27/7	17-330.200	20/24c		27/3w
14B-1.001	26/3	26/24		(3)(a)(b)(c)(e)			
14B-1.002	26/3	26/24		17-331	20/26c		27/3d
14B-1.003	26/3	26/24		17-341	20/26c		27/3d
14B-1.004	26/3	26/24			20/26c		27/3d
14B-1.005	26/3	26/24		17-343.050	20/29c		27/3d
14B-1.006	26/3	26/24		17-503.420	16/15		
14B-1.007	26/3	26/24		17-503.430	16/15		
				17-503.500	16/15		
	HIGHWAY SAFETY AND MOTOR VEHICLES			17-660.300	15/50	16/8	
15-3.001	21/47c			17-671.100	15/32		
15A-10	22/2c		27/3d	17-671.200	15/32		
	22/2c		27/3d	17-671.300	15/32		
15A-10.005(1)	22/2c		27/3d	17-671.310	15/32		
15A-10.027(8)	22/2c		27/3d	17-701	20/13c		
15A-10.034(4)	22/2c		27/3d		20/15c		27/3d
15C-1	27/6c		27/6d	BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND			
15C-7.005	20/40c		27/3d	18-21.004	25/48	25/50	
	20/40c		27/3d	STATE BOARD OF ADMINISTRATION			
16B-33.00525	19/41c			19-3.001	26/49		27/5
	19/41c			19-3.0011	26/49		27/6
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27E-4.003	20/11			33-22.009	17/12		
27E-4.004	20/11			33-22.011	17/12		
27E-4.005	20/11			33-25.031	20/11c		
27E-4.006	20/11			33-32.021	19/5		
27E-4.007	20/11			33-32.022	19/5		
27E-4.008	20/11			33-38.001	25/35	25/43	
ADMINISTRATION COMMISSION				33-38.003	25/35	25/43	
28-5.201	22/2c		27/3d	33-38.005	25/35	25/43	
28-36	27/6c		27/6d	33-38.006	25/35	25/43	
	27/6c		27/6d	33-38.009	25/35	25/43	
LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT				33-38.010	25/35	25/43	
31-16	20/8c		27/3d	33-38.011	25/35	25/43	
	20/8c		27/3d	33-38.012	25/35	25/43	
	20/8c		27/3d	33-102.101	27/3		
CORRECTIONS				33-102.202	26/39		
33-2.001	23/25			33-103.015	26/49		27/5
33-3.0051	24/18			33-103.016	26/43		26/52
33-3.0081	25/35	25/43		33-208.101	27/4		
33-3.0082	25/35	25/43		33-208.506	26/43		
33-3.0084	25/35	25/43		33-208.507	26/16		
33-3.0085	25/35	25/43		33-302.101	26/35		
33-3.015	21/43			33-302.102	26/35		
33-3.018	17/14			33-302.104	26/35	26/46	
33-5.001	22/23c		27/3d	33-302.105	26/46	26/52	
33-5.002	22/23c		27/3d	33-302.106	27/3		
33-5.003	22/23c		27/3d	33-501.301	26/50		27/6
33-5.004	22/23c		27/3d	33-504.101	26/41		26/52
33-5.005	22/23c		27/3d	33-506.100	26/47		
33-5.006	22/23c		27/3d	33-506.103	26/47		
33-5.007	22/23c		27/3d	33-506.106	26/47	26/50	
33-5.008	22/23c		27/3d	33-506.203	26/47	27/3	
	24/18			33-506.204	26/47	27/3	
33-5.009	22/23c		27/3d	33-506.206	26/47	26/50	
33-5.010	22/23c		27/3d	33-506.207	26/47		
33-5.011	22/23c		27/3d	33-506.208	26/47		
	22/23c		27/3d	33-506.211	26/47		
33-5.012	22/23c		27/3d	33-506.212	26/47		
33-5.013	22/23c		27/3d	33-507.201	26/52	27/5	
33-5.014	22/23c		27/3d	33-601	26/31c		
	22/23c		27/3d	33-601.302	26/46	26/49	27/6
	22/23c		27/3d	33-601.303	26/46	26/49	27/6
	22/23c		27/3d	33-601.304	26/46		27/6
	22/23c		27/3d	33-601.305	26/46		27/6
	22/23c		27/3d	33-601.3055	26/46		27/6
	22/23c		27/3d	33-601.307	26/46		27/6
33-6.005	23/34			33-601.308	26/46		27/6
33-6.006	24/18			33-601.309	26/46		27/6
33-7.006	27/6c		27/6d	33-601.310	26/46		27/6
33-8.0142	19/43			33-601.311	26/46		27/6
33-11.0065	24/18			33-601.313	26/46	26/49	27/6
33-15.001	22/23c		27/3d	33-601.602	26/36	26/37	
33-15.002	22/23c		27/3d			26/49	
33-15.003	22/23c		27/3d			27/3	
33-15.004	22/23c		27/3d	33-601.605	26/43		26/52
33-22.003	17/12			33-601.606	26/36	26/37	

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40B-1.201	26/47		27/4	40B-1.611	26/47		27/4
40B-1.203	26/47		27/4	40B-1.701	26/47		27/4
40B-1.207	26/47		27/4	40B-1.702	26/47		27/4
40B-1.301	26/47		27/4	40B-1.703	26/47		27/4
40B-1.303	26/47		27/4	40B-1.708	26/47		27/4
40B-1.307	26/47		27/4	40B-1.813	26/47		27/4
40B-1.311	26/47		27/4	40B-1.901	26/47		27/4
40B-1.313	26/47		27/4	40B-4	20/26c		27/3d
40B-1.327	26/47		27/4		20/26c		27/3d
40B-1.330	26/47		27/4	40B-400	20/26c		27/3d
40B-1.331	26/47		27/4		20/26c		27/3d
40B-1.335	26/47		27/4	40C-1	20/26c		27/3d
40B-1.337	26/47		27/4		20/26c		27/3d
40B-1.401	26/47		27/4		21/47c		
40B-1.405	26/47		27/4		27/6c		27/6d
40B-1.407	26/47		27/4	40C-1.1009	27/3		
40B-1.501	26/47		27/4	40C-1.181	20/18		
40B-1.503	26/47		27/4	40C-1.704	26/45		27/6
40B-1.504	26/47		27/4	40C-1.705	26/45		27/6
40B-1.505	26/47		27/4	40C-1.716	26/45		27/6
40B-1.506	26/47		27/4	40C-1.717	26/45		27/6
40B-1.507	26/47		27/4	40C-1.718	26/45		27/6
40B-1.508	26/47		27/4	40C-1.719	26/45		27/6
40B-1.509	26/47		27/4	40C-2	21/47c		
40B-1.510	26/47		27/4	40C-4	20/26c		27/3d
40B-1.511	26/47		27/4		20/26c		27/3d
40B-1.521	26/47		27/4	40C-4.021	27/3		
40B-1.522	26/47		27/4	40C-4.041	27/3		
40B-1.523	26/47		27/4	40C-4.051	24/52		
40B-1.524	26/47		27/4		27/3		
40B-1.525	26/47		27/4	40C-4.051(12)(b)	25/12c		
40B-1.526	26/47		27/4	40C-4.091	24/52	25/8	
40B-1.527	26/47		27/4		25/12c		
40B-1.528	26/47		27/4		27/3		
40B-1.529	26/47		27/4	40C-4.331	27/3		
40B-1.530	26/47		27/4	40C-6	20/26c		27/3d
40B-1.531	26/47		27/4		20/26c		27/3d
40B-1.541	26/47		27/4	40C-8.031	26/47		27/6
40B-1.542	26/47		27/4	40C-9.021	27/1		
40B-1.543	26/47		27/4	40C-9.031	27/1		
40B-1.5435	26/47		27/4	40C-9.041	27/1		
40B-1.544	26/47		27/4	40C-9.045	27/1		
40B-1.545	26/47		27/4	40C-9.061	27/1		
40B-1.546	26/47		27/4	40C-9.071	27/1		
40B-1.547	26/47		27/4	40C-9.081	27/1		
40B-1.561	26/47		27/4	40C-9.101	27/1		
40B-1.562	26/47		27/4	40C-9.110	27/1		
40B-1.564	26/47		27/4	40C-9.115	27/1		
40B-1.565	26/47		27/4	40C-9.120	27/1		
40B-1.571	26/47		27/4	40C-9.130	27/1		
40B-1.572	26/47		27/4	40C-9.170	27/1		
40B-1.573	26/47		27/4	40C-9.180	27/1		
40B-1.601	26/47		27/4	40C-9.210	27/1		
40B-1.605	26/47		27/4	40C-9.270	27/1		
40B-1.608	26/47		27/4	40C-9.280	27/1		
40B-1.609	26/47		27/4	40C-9.300	27/1		

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40C-9.320	27/1				20/47c		27/3d
40C-9.340	27/1				20/47c		27/3d
40C-9.350	27/1				20/47c		27/3d
40C-9.360	27/1				20/47c		27/3d
40C-9.370	27/1				20/47c		27/3d
40C-9.400	27/1				20/47c		27/3d
40C-9.410	27/1				20/47c		27/3d
40C-20	21/47c				20/47c		27/3d
40C-22	21/47c				20/47c		27/3d
40C-40	20/26c		27/3d		20/47c		27/3d
	20/26c		27/3d		20/47c		27/3d
40C-40.302	27/3				21/5c		27/3d
40C-40.381	27/3				21/5c		27/3d
40C-41.011	23/12c		27/3d		21/5c		27/3d
	23/12c		27/3d		21/5c		27/3d
40C-41.023	23/12c		27/3d		21/5c		27/3d
	23/12c		27/3d		21/5c		27/3d
40C-41.033	23/12c		27/3d		21/5c		27/3d
	23/12c		27/3d		21/5c		27/3d
40C-41.043	23/12c		27/3d		21/5c		27/3d
	23/12c		27/3d		21/5c		27/3d
40C-41.051	23/12c		27/3d		21/5c		27/3d
	23/12c		27/3d	40D-2.031	20/48		
40C-41.063	23/12c		27/3d	40D-2.041	20/48		
	23/12c		27/3d	40D-2.091	20/44c		27/3d
	27/3				20/48	20/52	
40C-42	20/26c		27/3d			21/13	
	20/26c		27/3d			21/15	
40C-42.022	27/3					21/17	
40C-42.0225	27/3					21/44	
40C-42.026	27/3					24/7	
40C-42.029	27/3				22/48		
40C-43	20/26c		27/3d	40D-2.101	20/48		
	20/26c		27/3d	40D-2.301	22/48		
40C-44	20/26c		27/3d	40D-2.321	20/48		
	20/26c		27/3d	40D-2.331	20/48		
40C-400	20/26c		27/3d	40D-2.381	20/48		
	20/26c		27/3d	40D-2.501	20/48		
40C-400.201	21/48	21/48		40D-2.601	20/44c		27/3d
40C-400.447	27/3				20/48		
40D-0.201	20/3			40D-2.621	20/44c		27/3d
40D-1.202	19/36	19/42			20/48		
40D-1.602	20/29c		27/3d	40D-2.628	20/44c		27/3d
40D-1.607	27/3			40D-2.801	20/44c		27/3d
40D-2	20/44c		27/3d		20/48	21/44	
	20/44c		27/3d			24/7	
	20/44c		27/3d	40D-3.411	26/45		26/52
	20/44c		27/3d	40D-4.041	20/24c		27/3dw
	20/44c		27/3d	40D-4.042	20/24c		27/3dw
	20/44c		27/3d	40D-4.051	20/24c		27/3dw
	20/44c		27/3d	40D-4.091	20/24c		27/3dw
	20/44c		27/3d		20/24c		27/3dw
	20/44c		27/3d		22/48		
	20/47c		27/3d		24/36	24/53	
	20/47c		27/3d		25/3		

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40D-4.091(1)	26/43c			40E-4	20/24c		27/3d
40D-4.201	21/22				20/26c		27/3d
40D-4.301	20/24c		27/3dw		20/26c		27/3d
	20/24c		27/3dw		20/26c		27/3dw
40D-4.381	20/24c		27/3dw		20/26c		27/3dw
40D-6.521	24/50			40E-4.091	25/18		
40D-8	20/44c		27/3d		26/44		27/2
	20/44c		27/3d	40E-6	20/26c		
	20/44c		27/3d	40E-7.639	22/23	22/37	
	20/44c		27/3d	40E-40	20/26c		27/3d
	21/5c		27/3d		20/26c		27/3d
	21/5c		27/3d		20/26c		27/3dw
	21/5c		27/3d	40E-41	20/24c		27/3d
40D-8.041	21/5c		27/3d		20/26c		27/3d
40D-8.624	23/38	24/48			20/26c		27/3d
40D-8.6240	23/38	24/48			20/26c		27/3dw
40D-8.628	20/47c		27/3d	40E-63.011	27/2		
	20/47c		27/3d	40E-63.091	27/2		
	20/47c		27/3d	40E-63.101	27/2		
	20/47c		27/3d	40E-63.102	27/2		
	20/47c		27/3d	40E-63.104	27/2		
	20/47c		27/3d	40E-63.106	27/2		
	20/47c		27/3d	40E-63.108	27/2		
	20/47c		27/3d	40E-63.108	27/2		
	20/47c		27/3d	40E-63.110	27/2		
	20/47c		27/3d	40E-63.120	27/2		
	20/47c		27/3d	40E-63.130	27/2		
	20/47c		27/3d	40E-63.134	27/2		
	20/47c		27/3d	40E-63.136	27/2		
	20/47c		27/3d	40E-63.138	27/2		
	21/5c		27/3d	40E-63.140	27/2		
	21/5c		27/3d	40E-63.141	27/2		
	21/21c		27/3d	40E-63.142	27/2		
	21/21c		27/3d	40E-63.143	27/2		
	21/21c		27/3d	40E-63.145	27/2		
	21/21c		27/3d	40E-63.145	27/2		
	21/21c		27/3d	40E-63.150	27/2		
40D-8.628(1)	21/12c		27/3d	40E-63.152	27/2		
40D-45.341	19/42	20/3		40E-63.154	27/2		
40E-1	20/24c		27/3d	40E-63.156	27/2		
	20/26c		27/3d	40E-63.158	27/2		
	20/26c		27/3d	40E-63.160	27/2		
	20/26c		27/3dw	40E-63.161	27/2		
	20/26c		27/3dw	40E-63.162	27/2		
40E-1.510	20/18	21/36		40E-63.163	27/2		
40E-1.603	19/4c			40E-63.165	27/2		
40E-1.606	19/4c			40E-63.223	27/2		
40E-1.607	19/43			40E-63.302	27/2		
40E-1.6105	19/4c			40E-63.310	27/2		
40E-1.612	20/18	21/36		40E-63.312	27/2		
40E-1.614	20/18	21/36		40E-63.314	27/2		
40E-1.659	19/4c			40E-400	20/24c		27/3d
	25/18				20/24c		27/3w
40E-2	26/38c				20/26c		27/3d
					20/26c		27/3d
					20/26c		27/3w

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40E-601.314	26/9			46-17.003	20/8c		27/3d
	26/9			46-17.0031	20/8c		27/3d
	26/9			46-17.005	20/8c		27/3d
COMMISSION FOR THE TRANSPORTATION DISADVANTAGED				46-17.007	20/8c		27/3d
				46-21.007(1)	18/2		
				46-23.001	21/6c		27/3d
41-2.006	27/5			46-23.002	21/6c		27/3d
41-2.010	27/5			46-23.003	21/6c		27/3d
41-2.012	27/5			46-24.003	21/27		
FLORIDA LAND AND WATER ADJUDICATORY COMMISSION				46-24.007	21/6c		27/3d
				46-29.0036	19/8c		
				46-36.002	21/6c		27/3d
42-196.010	26/42			46-37.001	20/18		
42C-1.002	27/5			46-37.002	20/18	20/25	
				46-37.003	20/18		
EXPRESSWAY AUTHORITIES				46-37.004	20/18	20/25	
				46-37.005	20/18		
45A-2.001	21/49			46-37.006	20/18	20/25	
					21/6c		27/3d
MARINE FISHERIES COMMISSION				46-39.002	21/6c		27/3d
				46-39.0035	21/6c		27/3d
46-3.002	21/6c		27/3d	46-39.0047	22/39c		27/3d
46-3.008	21/6c		27/3d	46-39.005	21/6c		27/3d
46-3.025	21/6c		27/3d	46-39.006	21/6c		27/3d
46-3.027	21/6c		27/3d	46-39.007	21/6c		27/3d
46-3.028	21/6c		27/3d	46-39.008	21/6c		27/3d
46-3.029	21/6c		27/3d	46-39.009	21/6c		27/3d
46-3.031	21/6c		27/3d	46-39.010	21/6c		27/3d
46-3.032	21/6c		27/3d	46-39.011	21/6c		27/3d
46-3.034	21/6c		27/3d	46-39.012	21/6c		27/3d
46-3.035	21/6c		27/3d	46-42.003	20/35		
46-3.037	21/6c		27/3d	46-42.007	21/6c		27/3d
46-3.038	21/6c		27/3d	46-43.005	21/6c		27/3d
46-4.001	21/6c		27/3d	46-47.007	22/27		
46-4.002	16/48c			LOTTERY			
	21/6c		27/3d				
46-4.0025	21/6c		27/3d	53ER00-29			26/28
46-4.003(1)(e)(o)4.7.	19/44c			53ER00-41			26/41
46-4.0031	19/50c			53ER00-42			26/41
46-4.004	21/6c		27/3d	53ER00-43			26/41
46-4.005	21/6c		27/3d	53ER00-44			26/44
46-4.006	21/6c		27/3d	53ER00-45			26/43
46-4.007	21/6c		27/3d	53ER00-46			26/43
46-4.008	21/6c		27/3d	53ER00-47			26/46
46-4.0081	21/6c		27/3d	53ER00-48			26/46
46-4.0085	21/6c		27/3d	53ER00-49			26/46
46-4.013	19/50c			53ER00-50			26/48
	21/6c		27/3d	53ER00-51			26/48
46-4.014	21/6c		27/3d	53ER00-52			26/50
46-4.015	21/6c		27/3d	53ER00-53			26/50
46-4.016	21/6c		27/3d	53ER00-54			26/52
46-4.017	21/6c		27/3d	53ER00-55			26/52
46-15.002	21/35			53ER00-56			27/2
46-17.001	20/8c		27/3d	53ER00-57			27/2
46-17.002	20/8c		27/3d	53ER00-58			27/1

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53ER00-59			27/1	59A-3.170	21/20		
53ER01-1			27/4	59A-3.180	21/3		
53ER01-2			27/4	59A-3.202	21/12c		27/3d
53ER01-3			27/7	59A-3.2055	22/52	23/10	
53ER01-4			27/7	59A-4.1075	26/49		
53ER01-5			27/7	59A-4.1295	20/1c		
53ER01-6			27/7	59A-4.165	26/42	26/50	27/6
53-1.006	26/45		27/4		26/51c		27/2d
53-19.0035	25/43				27/2c		27/2d
SPACEPORT FLORIDA AUTHORITY				59A-4.166	26/42	26/50	27/6
				59A-5.001	21/26c		27/3d
57-3.001	26/25		27/5	59A-5.002	21/26c		27/3d
57-3.002	26/25	26/44	27/5	59A-5.003	21/26c		27/3d
57-3.003	26/25		27/5	59A-5.004	21/26c		27/3d
57-4.001	26/25		27/5	59A-5.005	21/26c		27/3d
57-4.002	26/25		27/5	59A-5.006	21/26c		27/3d
57-4.003	26/25		27/5	59A-5.007	21/26c		27/3d
57-4.004	26/25	26/39	27/5	59A-5.008	21/26c		27/3d
57-4.005	26/25	26/39	27/5		21/26c		27/3d
		26/44	27/5	59A-5.009	21/26c		27/3d
57-5.001	26/25	26/44	27/5		21/26c		27/3d
57-5.002	26/25		27/5	59A-5.010	21/26c		27/3d
57-5.003	26/25	26/39	27/5	59A-5.011	21/26c		27/3d
		26/44	27/5	59A-5.012	21/26c		27/3d
57-5.004	26/25	26/44	27/5	59A-5.013	21/26c		27/3d
57-5.005	26/25	26/44	27/5	59A-5.014	21/26c		27/3d
57-6.001	26/25		27/5	59A-5.015	21/26c		27/3d
57-6.002	26/25		27/5	59A-5.016	21/26c		27/3d
57-6.003	26/25	26/44	27/5	59A-5.017	21/26c		27/3d
57-6.004	26/25	26/39	27/5	59A-5.018	21/26c		27/3d
		26/44	27/5	59A-5.019	21/26c		27/3d
57-7.001	26/25	26/44	27/5	59A-5.022	26/39		
57-7.002	26/25		27/5	59A-7.020	20/25		
57-7.003	26/25	26/39	27/5	59A-7.034	21/45c		27/3d
		26/44	27/5	59A-7.035	21/45c		27/3d
57-7.004	26/25	26/39	27/5	59A-10.032	26/44		
		26/44	27/5	59A-12.020	26/32	26/36	
57-7.005	26/25	26/39	27/5		26/38c		
		26/44	27/5	59A-12.030	26/49		
57-7.006	26/25	26/39	27/5	59A-18.001	26/25	26/36	26/51
		26/44	27/5	59A-18.002	26/25	26/36	26/51
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ELDER AFFAIRS				59A-18.003	26/25		
				59A-18.004	26/25	26/36	26/51
58-14.001	20/1c					26/42	26/51
58-14.003	20/1c			59A-18.005	26/25	26/36	26/51
58-14.005	20/1c			59A-18.006	26/25		26/51
58-14.007	20/1c			59A-18.007	26/25		26/51
58-14.009	20/1c			59A-18.008	26/25		26/51
58A-1	20/43c		27/3d	59A-18.0081	26/25		26/51
AGENCY FOR HEALTH CARE ADMINISTRATION				59A-18.009	26/25	26/36	26/51
				59A-18.010	26/25		26/51
59-1	27/6c		27/6d	59A-18.011	26/25	26/36	26/51
59-1.021	22/2c		27/3d	59A-18.012	26/25	26/36	26/51
59A-2.024	20/1			59A-18.013	26/25		26/51
59A-3.078	20/47c			59A-18.014	26/25		26/51
				59A-18.015	26/25		26/51

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59A-18.017	26/25		26/51		22/48c		27/3d
59A-23.003	26/50				22/48c		27/3d
59AA-2.001	22/48c		27/3d		22/48c		27/3d
59AA-2.002	22/48c		27/3d		22/48c		27/3d
59AA-2.003	22/48c		27/3d		22/48c		27/3d
59AA-3.001	22/48c		27/3d		22/48c		27/3d
59AA-10.001	22/48c		27/3d		22/48c		27/3d
59AA-17.004	21/46				23/12c		27/3d
59B-7.020	19/30				23/12c		27/3d
59B-7.021	19/30			59C-1.036(2)(i)	22/48c		27/3d
59B-7.022	19/30			59C-1.044	19/44c		
59B-7.022(5)	19/36c				19/44c		
59B-7.023	19/30				19/44c		
59B-7.024	19/30				19/44c		
59B-7.024(1)	19/36c			59D-1.001	26/43		27/5
59B-7.025	19/30			59D-1.002	26/43		27/5
59B-7.026	19/30			59D-1.003	26/43		27/5
59B-7.027	19/30			59D-1.004	26/43		27/5
	19/36c			59D-1.004(4)	19/47c		
59B-7.028	19/30			59D-1.004(5)	19/47c		
59B-7.029	19/30			59D-1.005	26/43		27/5
59B-10.050	21/45c		27/3d	59D-1.006	26/43		27/5
59B-10.051	21/45c		27/3d	59D-1.007	26/43		27/5
59B-10.052	21/45c		27/3d	59D-1.007(1)(d)	19/47c		
59B-10.053	21/45c		27/3d	59D-1.008	26/43		27/5
59B-10.054	21/45c		27/3d	59D-2.001	26/43		27/5
59B-10.055	21/45c		27/3d	59D-2.002	26/43		27/5
59B-10.056	21/45c		27/3d	59D-2.003	26/43		27/5
59B-10.057	21/45c		27/3d	59D-2.003(10)(b)	19/48c		
59C-1.002	26/51			59D-2.003(12)	19/48c		
59C-1.002(41)	27/7c			59D-2.003(15)	19/48c		
	27/7c			59D-2.003(16)	19/48c		
	27/7c			59D-2.004	26/43		27/5
59C-1.002(43)	26/30c			59D-2.005	26/43		27/5
59C-1.003	26/30c			59D-2.006	26/43		27/5
59C-1.005	26/35	26/51		59D-2.007	26/43		27/5
	26/41c		27/6d	59D-2.008	26/43		27/5
59C-1.005(6)(e)	26/41c		27/2d	59D-2.009	26/43		27/5
59C-1.008	26/42			59D-2.010	26/43		27/5
	26/51			59D-2.011	26/43		27/5
59C-1.010	26/51			59D-2.011(1)(2)	19/48c		
59C-1.023	26/51			59D-2.012	26/43		27/5
59C-1.031	23/8c		27/3d	59D-2.013	26/43		27/5
	23/8c		27/3d	59E-1.001	20/27		
	23/8c		27/3d	59E-1.002	20/27		
	26/51			59E-1.003	20/27		
59C-1.033	26/51			59E-1.004	20/27		
59C-1.033	27/7c			59E-1.005	20/27		
	27/7c			59E-1.006	20/27		
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59E-5.103	27/4			(2)(a)2.(b)			
59E-5.201	27/4			59O-5.002	22/42c		27/3d
59E-5.205	27/4			59O-5.003	22/42c		27/3d
59E-5.605	27/4			59O-5.004	22/42c		27/3d
59E-7.201	19/50c			59O-5.006	20/47c		27/3d
59E-7.202	19/50c				20/47c		27/3x
59E-7.203	19/50c			59O-7	22/42c		27/3d
59E-7.204	19/50c			59O-9	22/42c		27/3d
59E-7.205	19/50c			59O-9.002	20/47c		27/3x
59E-7.206	19/50c			59O-9.002(4)	20/47c		27/3d
59E-7.207	19/50c			59O-9.003	22/34	24/48	
59E-7.208	19/50c			59O-9.004	20/47c		27/3x
59EE-1.001	22/29c		27/3w	59O-9.004(7)	20/47c		27/3x
	22/29c		27/3w	59O-10	22/42c		27/3d
59F-1.002	20/33			59O-10.004	20/47c		27/3x
59F-1.005(2),(3),(4)	20/43c		27/3d	59O-10.005	22/42c		27/3d
59G-3.010	24/7			59O-13.006	20/47c		27/3d
59G-4.020	26/38		26/52		20/47c		27/3x
59G-4.055	21/39	21/45		59P-31.006	22/36c		27/3d
59G-4.060	27/7				22/36c		27/3d
59G-4.070	27/6			59Q-9.002	20/39		
59G-4.140	20/29c		27/3d	59R-9.012	20/39c		27/3d
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59G-4.150(4)(b)4.	22/2c		27/3d	59R-62.040	21/5		
59G-4.160	25/30			59T-11.013	23/22	23/35	
	26/51			59T-14.004	23/22	23/35	
59G-4.190	27/4			59T-15.002	23/22	23/35	
59G-4.197	26/47			59T-16.001	23/22	23/35	
59G-4.200	20/30c		27/3d	59T-16.002	23/22	23/35	
59G-4.250	26/45		27/4	59U-11.019	20/51	21/7	
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	27/7			59U-16.002	23/14c		27/3d
59G-5.020	23/12c		27/3d	59V-3.007	20/34	20/48	
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59G-6.010	20/49c		27/3d	59X-28.150	21/2c		
	20/49c		27/7d	59Y-5.001	23/11		
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59G-6.020	22/2c		27/3d	60-4.020	27/4		
59G-7.056	22/34c		27/3d	60A-1.001(2)	26/39c		
59G-8.100	21/45c		27/3d	60L-25.001	26/33	26/45	26/52
59H-1.00352	26/3	26/17		60L-25.002	26/33	26/45	26/52
59M-3.001	22/11c		27/3d	60L-25.003	26/33	26/45	26/52
	22/11c		27/3d	60L-25.004	26/33	26/45	26/52
	22/11c		27/3d	60L-25.005	26/33	26/45	26/52
59M-3.005	21/25			60Q-2.004	21/5c		27/3d
59O-2	22/42c		27/3d		22/25c		27/7d
59O-2.002	20/47c		27/3x	60S-9.001	26/42		27/5
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59O-2.002(7)	20/47c		27/3d	60T-25.002	18/41	18/44	
59O-2.003	22/34	24/49		60Y-1	27/6c		27/6d
59O-3	22/42c		27/3d	60Y-3.001	26/15	26/33	
59O-3.002	22/34	24/49		60Y-5.004	26/34		
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61-20.504	26/45		26/52	61D-4.001	22/11c		
61-20.508	26/52		27/7	61D-4.002(1)	22/11c		
61-20.5081	26/49		27/5	61D-5.001	22/12c		27/3d
61-20.5082	26/49		27/5	61D-5.003	22/12c		27/3d
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61-20.510	26/45		26/52	61D-6	22/11c		27/7d
61-25.004	22/12c		27/3dw	61D-6.002(1)	26/12c		
61A-4.0271	22/47				26/39c		
61B-23.0021	26/47		27/7		26/39c		
61B-23.0027	26/47		27/7	61D-6.004	22/12c		27/3d
61B-23.0028	26/47		27/7	61D-6.005	22/12c		27/3d
61B-29	20/26c		27/3d	61D-6.008	22/12c		27/3d
61B-29.001	20/26c		27/3d	61D-6.009	22/12c		27/3d
61B-29.001(5)	20/26c		27/3d	61D-6.011	26/41	26/49	27/5
61B-30	20/26c			61D-7	22/11c		27/7d
61B-30.004	20/19				22/25c		
	20/36c		27/3d	61D-7.001(1)	22/11c		
61B-30.006	22/45			61D-7.002	22/12c		
61B-31	20/26c			61D-7.020	22/12c		27/3d
61B-31.001	23/2			61D-7.020(13)(a)(b)	22/11c		
61B-31.001(3),(5)	20/36c		27/3d	61D-7.021	22/12c		27/3d
	20/44c		27/3d	61D-7.022	22/12c		27/3d
61B-31.002	23/2			61D-7.022(5)(b)2.	22/11c		
61B-32	20/26c		27/3d	61D-7.023	22/12c		27/3d
61B-32.001	21/30			61D-7.024	22/12c		27/3d
61B-32.002(1)	21/12c		27/3d	61D-8	22/11c		27/7d
61B-39.001	22/33				22/25c		
61B-39.002	22/33			61D-8.001	22/12c		27/3d
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61B-75.007	26/47		27/7	61D-8.002	22/12c		27/3d
61B-75.008	26/47		27/7	61D-8.003	22/11c		
61C-1.002	22/23	22/36		61D-8.005	22/12c		27/3d
61C-3.002	22/23	22/36		61D-9	22/11c		27/7d
61C-4.023	26/43	26/49	27/5		22/25c		
		26/50	27/5	61D-9.001	22/12c		27/3d
61C-5.001	26/24			61D-9.001(1)	22/11c		
61C-76.0061	21/35			61D-9.003	22/12c		27/3d
61C-76.0062	21/35			61D-9.004	22/12c		27/3d
61D-2.001	22/12c		27/3d	61D-9.005	22/12c		27/3d
61D-2.002	22/11c		27/7d	61D-11.010	24/3		
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61D-2.014	22/12c		27/3d	61F6-50.007	18/53	20/24	
61D-2.015	22/12c		27/3d	61F8-3.001	20/3c		
61D-2.020	22/12c		27/3d		20/3c		
61D-3.001	22/12c		27/3d		20/3c		
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61F9-6.011	19/36			61G15-20.0010	26/49		
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61F14-3.016	19/36			61G15-20.0016	26/49	26/51	27/6
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61G-3.5082	27/4			61G15-21.008	26/51		27/7
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61G1-16.005	26/6			61G15-23.002	26/51		27/7
61G1-25.001	27/6			61G15-31.003	26/51		
61G1-25.002	27/6			61G15-32.002	27/3		
61G1-25.003	27/6			61G15-32.003	27/3		
61G1-25.004	27/6			61G15-32.004	27/3		
61G2-1.0175	26/50		27/6	61G15-35.001	27/3		
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61G2-4.001	21/29			61G15-35.004	27/3		
61G2-5.004	27/7			61G16-1.009	26/51		
61G2-8.020	26/50		27/6	61G16-2.001	23/12		
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61G4-12.006	26/34	27/6		61G17-2.0013	27/5		
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61G4-18.002	27/5			61G17-6.0031	27/5		
61G4-18.003	27/5			61G17-6.005	27/5		
61G4-18.004	27/5			61G17-7.001	27/3		27/5w
61G4-18.007	27/5			61G17-7.003	27/5		
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61G4-18.013	27/5			61G18-16.005	26/47	27/4	
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61G6-9.002	26/36		26/51	61G19-5.006	26/42		26/51
61G6-9.003	26/36	26/47	26/52	61G19-6.012	26/15		
61G6-9.004	26/29		27/5w	61G19-6.016	26/42		26/51
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61G6-9.006	27/5			61G19-7.003	26/41		
61G6-9.0105	26/51			61G19-7.004	26/41		
61G7-5.001(4)	19/44c			61G19-7.005	26/41		
61G7-6.001	26/33	27/3		61G19-7.006	26/41		26/51
61G7-10.011	26/13			61G19-7.007	26/41		26/51
61G8-16.005	26/16			61G19-7.008	26/41		
61G8-17.001	26/6			61G19-7.009	26/41		
61G8-17.0037	27/6			61G19-7.010	26/41		
61G8-21.004	26/6	26/45	26/51	61G19-9.001	27/6		
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61G8-32.004	26/16			61G19-9.002	27/6		
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61G19-9.009	27/6				27/7		
61G19-9.011	27/6			62-213.430(6)	22/12c		27/3d
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61H1-54.002	21/29			62-213.450	26/45		26/52
61J1-4.002	26/45			62-213.460	26/45		26/52
61J1-4.003	26/45			62-213.900	26/45		26/52
61J1-4.005	26/45			62-214.100	26/45		26/52
61J1-4.006	26/45			62-214.320	26/45		26/52
61J1-4.008	26/45				27/7		
61J2-1	27/6c		27/6d	62-214.330	26/45		26/52
61J2-5.014	27/6c		27/6d	62-214.340	26/45		26/52
61K1-1.0011(3)(c)	26/18c				27/7		
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62-1	26/44c			62-214.370	26/45		26/52
62-4.050	20/21	21/22			27/7		
62-4.070(5)	25/45c			62-214.420	26/45		26/52
62-4.090	21/6c		27/3d	62-214.430	26/45		26/52
62-4.120	27/7			62-296.401	22/32	22/38	
62-4.510	27/7			62-302.600	21/2c		
62-17.151	24/45	24/45		62-302.600(3)(b)62.	21/2c		
62-17.161	24/45	24/45		62-302.700	21/17c		
62-160	22/12c		27/3d		25/34	27/7	
62-204.800	22/12c		27/3d	62-302.700(9)(i)(38)	21/49c		27/7d
	26/47		27/1	62-312	21/34c		27/3d
62-204.800(14)-(19)	26/47		27/1	62-312.122	24/18		
62-210.200	27/7				24/18		
62-210.200(17),(76)	22/12c		27/3d	62-330.2001	26/9		
62-210.300	21/6c		27/3d	62-341.602	21/22	21/22	
	27/7			62-342.100	24/36		
62-210.300(3)	22/12c		27/3d	62-342.200	24/36		
62-210.360	27/7			62-342.300	24/36		
62-210.900	27/7			62-342.400	24/36		
62-210.900(1),(5)	22/12c		27/3d	62-342.450	24/36	24/45	
62-210.990	20/36			62-342.470	24/36	24/45	
62-212.400(6)	22/12c		27/3d	62-342.500	24/36		
62-212.410	22/12c		27/3d	62-342.550	24/36		
62-212.500	22/12c		27/3d	62-342.600	24/36		
62-212.510	22/12c		27/3d	62-342.650	24/36		
62-213.205	26/45		26/52	62-342.700	24/36	24/45	
	27/7			62-342.750	24/36		
62-213.300	26/45		26/52	62-342.800	24/36		
	27/7			62-342.850	24/36		
62-213.400	26/45		26/52	62-342.900	24/36		
62-213.410	27/7			62-343	21/34c		27/3d
62-213.415	27/7			62-343.010	21/22		
62-213.420	26/45		26/52	62-343.020	21/22		
	27/7			62-343.030	21/22		
62-213.420(1)(b)2.	22/12c		27/3d	62-343.040	21/22		
				62-343.050	21/22		
				62-343.060	21/22		

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62-343.090	21/22			62-712.440	21/34		
62-343.100	21/22			62-712.450	21/34		
62-343.110	21/22			62-712.460	21/34		
62-343.120	21/22			62-712.500	21/34		
62-343.130	21/22			62-712.800	21/34		
62-343.140	21/22			62-712.810	21/34		
62-343.900	21/22			62-712.900	21/34		
62-520.100	22/11c		27/3d	62-728	22/11c		27/3d
62-524.400	20/45			62-730.020	26/44		27/1
62-528	21/6c		27/3d	62-730.021	26/44		27/1
62-550.200	22/11c		27/3d	62-730.030	26/44		27/1
62-550.310	20/47			62-730.050	23/7		
62-550.730	20/19			62-730.160	26/44		27/1
62-551.200	22/11c		27/3d	62-730.170	26/44		27/1
62-561.100	24/52			62-730.180	26/44		27/1
62-610.814	24/52			62-730.181	26/44		27/1
62-620.100	22/11c		27/3d	62-730.183	26/44		27/1
62-620.325	22/11c		27/3d	62-730.184	26/44		27/1
62-620.330	22/11c		27/3d	62-730.185	26/44		27/1
62-620.335	22/11c		27/3d	62-730.220	26/44		27/1
62-620.370(7)	25/45c			62-740	21/45c		27/3d
62-620.400	22/11c		27/3d	62-761.891	24/14		
62-620.410	22/11c		27/3d	62-771.300	21/52		
62-620.412	22/11c		27/3d	62-773.350(9),(10)	22/42c		27/3d
62-620.420	22/11c		27/3d	62-775.100	22/23c		27/3d
62-620.425	22/11c		27/3d	62-775.400	22/23c		27/3d
62-620.435	22/11c		27/3d	62-775.410	22/23c		27/3d
62-620.440	22/11c		27/3d	62-775.500	21/52	22/15	
62-620.445	22/11c		27/3d	62-788.400	25/5		
62-620.450	22/11c		27/3d	62B-26.011	26/51		
62-620.455	22/11c		27/3d	62B-33.002	22/25c		27/3d
62-620.460	22/11c		27/3d	62B-33.005	22/25c		27/3d
62-620.510	22/11c		27/3d	62B-33.0051	22/25c		27/3d
62-620.511	22/11c		27/3d	62B-49	21/34c		27/3d
62-620.512	22/11c		27/3d	62D-2.014	21/52	22/13	
62-620.515	22/11c		27/3d	62N-3.002	21/43		
62-620.550	22/11c		27/3d	62N-22.023	23/2c		27/3d
62-620.610	22/11c		27/3d	62N-36.004	21/43		
62-620.620	22/11c		27/3d	62R-7.002	21/17		
62-620.800	22/11c		27/3d	62R-7.010	23/34		
62-620.810	22/11c		27/3d	62R-7.020	21/17		
62-620.820	22/11c		27/3d	62R-7.022	21/17		
62-621.200	21/52			62R-7.025	21/17		
62-650.120	22/11c		27/3d	62R-7.026	21/17		
62-660.300	22/11c		27/3d	62R-7.028	21/17		
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62-701	22/42c			62R-7.032	21/17		
62-701.720	22/11c		27/3d	62S-2.070	26/38		
62-707.500	22/30			62S-2.071	26/38		
62-710	21/18c			62S-2.072	26/38		
62-712.100	21/34			62S-2.073	26/38		
62-712.200	21/34			62S-2.074	26/38		
62-712.300	21/34			62S-2.075	26/38		
62-712.400	21/34			62S-2.076	26/38		
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64B-8.004	26/5	26/51	27/5	64B3-11.004	26/38		
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64B-8.014	26/5	26/51	27/5	64B4-4.018	25/32		
64B-8.015	26/5	26/51	27/5	64B4-5.001	26/49		27/5
64B-8.016	26/5	26/51	27/5	64B4-5.007	25/32		
64B-8.017	26/5	26/51	27/5	64B4-6.001	26/49		27/5
64B-8.018	26/5	26/51	27/5	64B4-6.0013	25/32		
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64B1-4.006	26/39		26/51	64B5-16.005	26/45		27/1
64B1-4.007	26/39		26/51	64B5-16.007	26/45		27/1
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		26/50		64B8-3.002	26/47		27/4
		27/7		64B8-4.028	26/47		27/4
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64B1-7.0015	26/50	27/7		64B8-9.009(2)(c)	26/49		26/52w
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64B12-11.0045	26/36		27/5w	64E-6.007	25/48		
64B12-12.008	26/40			64E-10.001	26/43		
64B12-15.003	26/40		26/52	64E-10.002	26/43		
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64B12-15.007	26/40		26/52	64F-12.001	26/51		
64B12-15.008	26/40		26/52	64F-12.002	26/51		
64B13-3.010	26/48		27/5	64F-12.003	26/51		
64B13-4.005	26/48		27/5	64F-12.004	26/51		
64B13-10.0015	26/48		27/5	64F-12.005	26/51		
64B13-15.003	26/48		27/5	64F-12.006	26/51		
64B14-2.0015	26/48		27/5		27/6c		27/6d
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64B15-12.007	26/51			64F-12.015	26/51		
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64B15-19.002	26/36	26/51	27/6	64F-12.017	26/51		
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		26/16	27/7w	65A-1.703	26/32	26/50	27/6
		26/43	27/7w	65A-1.704	26/42		27/5
64B32-6.004	27/7			65A-1.705	26/32	26/50	27/6
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64C-7.010	26/49			65A-1.708	26/32	26/50	27/6
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67-47.115	26/40		27/1	67-48.031	26/44		27/7
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67-47.140	26/40		27/1	FISH AND WILDLIFE CONSERVATION COMMISSION			
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		26/52	27/7	68B-19.002	26/51		
		27/1	27/7	68B-19.004	26/51	27/6	
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		26/52	27/7	68C-22.005(2)(i)	26/13c		
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67-48.008	26/44	26/51	27/7	68D-23.104	27/4		
67-48.009	26/44	26/51	27/7	68D-23.105	27/4		
67-48.0095	26/44	26/51	27/7	68D-23.106	27/4		
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67-48.012	26/44	26/51	27/7	68D-23.109	27/4		
67-48.013	26/44		27/7	68D-23.110	27/4		
67-48.014	26/44		27/7	68D-23.111	27/4		
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67-48.017	26/44		27/7	68E-2.001	27/6		
67-48.018	26/44		27/7	68E-2.002	27/6		
67-48.019	26/44		27/7	68E-2.003	27/6		
67-48.020	26/44		27/7	68E-2.004	27/6		
67-48.0205	26/44		27/7	68E-2.005	27/6		
67-48.021	26/44	26/51	27/7	68E-2.006	27/6		
67-48.022	26/44		27/7	68E-2.007	27/6		
67-48.023	26/44		27/7	68E-2.008	27/6		
67-48.025	26/44	26/51	27/7	68E-2.009	27/6		
67-48.026	26/44	26/51	27/7				
67-48.027	26/44		27/7				
67-48.028	26/44	26/51	27/7				
		26/52	27/7				