

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NOS.:	RULE TITLES:
12A-1.002	Practitioners of the Healing Arts
12A-1.015	Industrial Gases
12A-1.020	Licensed Practitioners; Drugs, Medical Products and Supplies, and Prosthetic and Orthopedic Appliances
12A-1.0205	Veterinary Sales and Services
12A-1.021	Prosthetic and Orthopedic Appliances
12A-1.097	Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed repeal of Rule 12A-1.002, F.A.C. (Practitioners of the Healing Arts), is to remove provisions that will be rendered unnecessary with the adoption of the proposed substantial rewording of Rule 12A-1.020, F.A.C., and the proposed creation of Rule 12A-1.0205, F.A.C. Provisions applicable to practitioners of the healing arts are included in those proposed rules.

The purpose of the proposed repeal of Rule 12A-1.015, F.A.C. (Industrial Gases), is to remove provisions regarding the application of tax to certain gases that are redundant of other administrative rules. Provisions for compressed medical gases and medical oxygen are included in the proposed amendments to Rule 12A-1.020, F.A.C.

The purpose of the proposed substantial rewording of Rule 12A-1.020, F.A.C. (Licensed Practitioners; Drugs, Medical Products and Supplies, and Prosthetic and Orthopedic Appliances), is to clarify the application of tax to items sold to hospitals, physicians, dentists, and other licensed practitioners for use in their practice of medicine and clarify the exemption for drugs, medicinal supplies, prosthetic and orthopedic appliances, and medical products, supplies, and devices. These rule amendments, when adopted, will provide: (1) a definition of the terms “licensed practitioner” and “prescription” for purposes of the rule”; (2) that hospitals and licensed practitioners are required to pay tax on taxable items or services consumed in providing medical services; (3) the exemption provided for prescription drugs and medical gases and opaque drugs; (4) the exemption provided for common household remedies recommended and generally sold for internal or external use in the cure, mitigation, treatment, or prevention of illness or disease in human beings and the taxability of cosmetics, toilet articles, and hygiene products; (5) that medical products and supplies are subject to tax, unless specifically exempt under Section 212.08(2), F.S.; (6) that medical products or supplies are exempt when dispensed

pursuant to a written prescription; (7) that medical products or supplies bearing the prescription labeling required under federal law are exempt when intended to be used one time only; (8) the exemption for medical products or supplies that are temporarily or permanently incorporated into a patient; (9) that medical trays bearing the federally required prescription labeling and that are intended to be used one time only are exempt from tax; (10) a suggested exemption certificate to be used to purchase tax-exempt medical products or supplies; (11) the taxability of chemical compounds and test kits, including a list of tax-exempt and a list of taxable chemical compounds and test kits; (13) the definition of “prosthetic or orthopedic appliances” and when such appliances are exempt from tax; (14) the exemption for parts or other items added to tangible personal property so that a handicapped person may use an item; (15) the exemption for orthopedic or corrective shoes; (16) the taxability of eyeglasses and lenses; (17) the exemption for stock lenses and a suggested exemption certificate to buy certain stock lenses tax-exempt; and (18) recordkeeping requirements.

The purpose of the proposed creation of Rule 12A-1.0205, F.A.C. (Veterinary Sales and Services), is to provide for the taxability of veterinary services, for the taxability of items used in the practice of veterinary medicine, for the exemptions provided for substances possessing curative or remedial properties, and for the taxability of medical supplies and products used in the treatment of animals. The proposed new rule, when adopted, will provide: (1) that professional services provided by veterinarians are not subject to tax; (2) that charges for hospitalization of animals are not subject to tax; (3) that charges for boarding and grooming services are not subject to tax, but items consumed in providing those services are subject to tax; (4) that prescription drugs, medical gases, and opaque drugs are exempt when containing the required federal labeling; (5) for the taxability of items used by veterinarians for treatment of animals and a list of items that are specifically exempt when purchased by veterinarians; (6) that medical products or supplies bearing the prescription labeling required under federal law are exempt when intended to be used one-time only; (7) that medical products that are temporarily or permanently incorporated into an animal are exempt; (8) that medical trays bearing the prescription labeling required under federal law and that are intended for a single use are exempt from tax; (9) when commonly recognized substances possessing curative or remedial properties purchased by veterinarians are exempt; (10) a suggested exemption certificate to be used to purchase tax-exempt substances and medical products or supplies; (11) how to purchase items tax-exempt for purposes of resale to clients; and (12) recordkeeping requirements.

The purpose of the proposed repeal of Rule 12A-1.021, F.A.C., is to move the provisions regarding the exemptions provided for prosthetic and orthopedic appliances and for prescribed parts and attachments to tangible personal property so that a

handicapped person can use them to the substantial rewording of Rule 12A-1.020, F.A.C. (Licensed Practitioners; Drugs, Medical Products and Supplies, and Prosthetic and Orthopedic Appliances).

The purpose of the proposed amendments to Rule 12A-1.097, F.A.C., is to adopt, by reference, changes to Form DR-46NT, Nontaxable Medical and General Grocery List, to include updated lists of tax-exempt Common Household Remedies and tax-exempt Prosthetic and Orthopedic appliances, as certified by the Department of Health on September 18, 2007.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the proposed changes to Rule Chapter 12A-1, F.A.C. (Sales and Use Tax), regarding: (1) the application of tax to items sold to hospitals, physicians, dentists, and other licensed practitioners for use in their practice of medicine and the taxability of chemical compounds and test kits, common household remedies, drugs, eyeglasses and lenses, medical gases, medical products and supplies, and prosthetic and orthopedic appliances; and (2) the application of tax to items used in the practice of veterinary medicine, including medical supplies and products used in the treatment of animals, and the exemptions provided for substances possessing curative or remedial properties.

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), (3), 213.06(1) FS.

LAW IMPLEMENTED: 92.525(1)(b), (3), 95.091, 212.02, 212.05, 212.06, 212.08(2), 212.085, 212.13, 212.18(2), (3) FS.

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

DATE AND TIME: May 19, 2008, 10:00 a.m.

PLACE: Room 118, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT 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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-1.002 Practitioners of the Healing Arts.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(14), (19), 212.05(1), 212.08(2), (7) FS. History—Revised 10-7-68, 6-16-72, Formerly 12A-1.02, Repealed

12A-1.015 Industrial Gases.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(14)(c), 212.05, 212.08(2), (6), (7)(o) FS. History—Revised 10-7-68, 6-16-72, Formerly 12A-1.15, Repealed

(Substantial Rewording of Rule 12A-1.020 follows. See Florida Administrative Code for present text.)

12A-1.020 Licensed Practitioners; Drugs, ~~Medicine and Medical Products and Supplies, and Prosthetic and Orthopedic Appliances.~~

(1) SCOPE.

(a) Section 212.08(2), F.S., provides an exemption for certain items used in the practice of medicine by hospitals, physicians, dentists, and other licensed practitioners. This rule is intended to clarify the application of tax to items sold to hospitals, physicians, dentists, and other licensed practitioners for use in their practice of medicine. This rule is also intended to clarify the exemption for chemical compounds and test kits, common household remedies, drugs, eyeglasses and lenses, medical gases, medical products and supplies, and prosthetic and orthopedic appliances.

(b) Rule 12A-1.0205, F.A.C. (Veterinary Sales and Services), is intended to provide guidance to veterinarians for items used in the practice of veterinary medicine, for the exemptions provided for substances possessing curative or remedial properties, and for medical supplies and products used in the treatment of animals.

(2) LICENSED PRACTITIONERS.

(a) For purposes of this rule, a “licensed practitioner” is any person who is duly licensed and authorized by laws of the State of Florida to administer, prescribe, or dispense, as appropriate, a drug or device for medical purposes.

(b) For purposes of this rule, the term “prescription” includes:

1. Any order for drugs or medicinal supplies written or transmitted by any means of communication by a duly licensed practitioner authorized by the laws of the State of Florida to prescribe such drugs or medicinal supplies that are intended to be dispensed by a pharmacist;

2. An orally transmitted order by the lawfully designated agent of a licensed practitioner;

3. An order written or transmitted by a practitioner licensed to practice in a jurisdiction other than this state, but only if the pharmacist called upon to dispense such order determines, in the exercise of his or her professional judgment, that the order is valid and necessary for the treatment of a chronic or recurrent illness;

4. A pharmacist's order for a product selected from the formulary created pursuant to Section 465.186, F.S., and Rule Chapters 64B8-36, 64B15-18, and 64B16-27, F.A.C.

(c) Hospitals and licensed practitioners are required to pay tax at the time of purchase on taxable items or services used or consumed in providing medical services. See Rule 12A-1.038, F.A.C., for tax-exempt purchases by hospitals that hold a valid Consumer's Certificate of Exemption issued by the Department.

(3) MEDICINES AND DRUGS.

(a) The sale or use of medicines and drugs including samples, to or by hospitals, physicians, dentists, and other licensed practitioners in connection with medical treatment, is exempt. Drugs and medicines dispensed or administered in this manner are required by federal law to be labeled "Rx only" or to contain a federal warning, such as "Caution: Federal law prohibits dispensing without prescription."

(b) Opaque drugs, including X-ray opaques, and radiopaque, such as the various opaque dyes and barium sulphate, that are used in the connection with medical X-rays for the treatment of human bodies are exempt.

(4) MEDICAL GASES.

(a) Compressed medical gases and medical oxygen in compliance with the provisions of 21 C.F.R. Parts 200-299 and Rule 64F-12.007, F.A.C., are exempt. Compressed medical gases and medical oxygen are required by federal law to be labeled "Rx only" or to contain the federally required warning as a prescription drug or medicine.

(b) The charge for filling or refilling tanks containing compressed air or nitrox to be used for scuba diving is subject to tax.

(5) COMMON HOUSEHOLD REMEDIES; COSMETICS; TOILET ARTICLES; HYGIENE PRODUCTS.

(a)1. Common household remedies recommended and generally sold for internal or external use in the cure, mitigation, treatment, or prevention of illness or disease in human beings, according to a list prescribed and approved by the Department of Health and certified to the Department of Revenue, are exempt. This list is contained in Form DR-46NT, Nontaxable Medical and General Grocery List (incorporated by reference in Rule 12A-1.097, F.A.C.).

2. Common household items that are not intended to cure, mitigate, treat, or prevent illness or disease in human beings are subject to tax. For example, disinfectants used for the sterilization of glass, containers, utensils, or equipment are subject to tax; products used for the purification of air or for deodorants are subject to tax; chlorine used for the treatment of water in swimming pools is subject to tax.

(b) The exemption provided for common household remedies does not include cosmetics or toilet articles, even when the cosmetic or toilet article contains medicinal ingredients. Cosmetics and toilet articles, including those that contain medicinal ingredients, are subject to tax, except when dispensed pursuant to a prescription written by a licensed practitioner.

1. For purposes of this rule, "cosmetics" means any article intended to be rubbed, poured, sprinkled, sprayed on, introduced into, or otherwise applied to the human body for cleansing, beautifying, promoting attractiveness, or altering the appearance. The term includes articles intended for use as a compound of any such articles, such as cold creams, suntan products, makeup, and body lotions.

2. For purposes of this rule, "toilet articles" means any article advertised or held out for sale for grooming purposes and those articles which are customarily used for grooming purposes, regardless of the name by which they may be known, such as soaps, toothpastes, hair sprays, shaving products, colognes, perfumes, shampoos, deodorants, and mouthwashes.

(c) Personal hygiene products, except when dispensed pursuant to a prescription written by a licensed practitioner, are subject to tax.

(d) Contraceptive products, except when dispensed pursuant to a prescription written by a licensed practitioner, are subject to tax.

(e) Taxpayers who have a question regarding the taxable status of a product may submit a written description of the product, including the product name, ingredients, and recommended uses, to the Department. This request should be addressed to the Florida Department of Revenue, Technical Assistance and Dispute Resolution, Post Office Box 7443, Tallahassee, Florida 32314-7443.

(6) MEDICAL PRODUCTS, SUPPLIES, OR DEVICES.

(a) "Medical products, supplies, or devices" are any products, supplies, or devices that are intended or designed to be used for a medical purpose to treat, prevent, or diagnose human disease, illness, or injury. The purpose is assigned to a product, supply, or device by its label or its general instructions for use.

(b) Medical products, supplies, and devices that are dispensed according to an individual prescription written by a licensed practitioner, are exempt.

(c)1. The sale of medical products, supplies, or devices to hospitals and to licensed practitioners is subject to tax, unless specifically exempt, as provided in Section 212.08(2), F.S. (such as crutches, lithotripters, human organs, hypodermic needles, and hypodermic syringes), and in this rule.

2. Examples of medical products, supplies, or devices that are subject to tax include items such as: absorbent cotton; gloves, gowns, uniforms, masks, drapes, or towels; infusion pumps; reusable knives, needles, or scissors; scales; ear syringes; tongue depressors; specimen bags; instruments, equipment, and machines and their parts and accessories; microscopes; examination tables; hospital beds; X-ray machines; X-ray films and developing solutions; computerized axial tomography (CAT) machines; and magnetic resonance imaging (MRI) machines. This is not intended to be an exhaustive list.

(d)1. Medical products, supplies, or devices sold to hospitals, healthcare entities, or licensed practitioners are exempt when:

a. The medical product, supply, or device is required under federal law to bear a prescription legend that reads either "RX only," or "CAUTION: Federal law restricts this device to sale by or on the order of a _____ [designation of a licensed health care practitioner authorized to use or order the use of the device]"; and

b. The medical product, supply, or device is intended for a single patient use and is not intended to be reusable.

2. Medical trays containing medical products, supplies, or devices that are required under federal law to bear the required prescription label and are intended for a single patient use are exempt, even when the medical tray contains an item that, when sold separately, is subject to tax. For example, surgical kits and procedure kits that bear the required prescription label and are intended for a single patient use are exempt.

3. No exemption certificate is required to be obtained by the selling dealer from the purchasing hospital, healthcare entity, or licensed practitioner to document tax-exempt sales of medical products, supplies, or devices that bear the required prescription label. However, selling dealers are required to maintain documents in their records evidencing that the medical product, supply, or device sold to a hospital, healthcare entity, or licensed practitioner bears the prescription legend required under federal law.

(e)1. Medical products, supplies, and devices used in the cure, mitigation, alleviation, prevention, or treatment of injury, disease, or incapacity of a patient(s) that are temporarily or permanently incorporated into a patient(s) by a licensed practitioner are exempt. Such medical products, supplies, and devices may be purchased tax-exempt when the licensed practitioner, or an authorized representative of the licensed practitioner, extends an exemption certificate to the selling dealer certifying that the purchased medical products, supplies, or devices will be temporarily or permanently incorporated into a patient(s) for the cure, mitigation, alleviation, prevention, or treatment of injury, disease, or incapacity of a patient(s). The following is a suggested exemption certificate:

MEDICAL PRODUCTS, SUPPLIES, OR DEVICES
EXEMPTION CERTIFICATE

I, the undersigned individual, as a practitioner licensed in the State of Florida, or an authorized representative of a licensed practitioner, certify that the medical products, supplies, or devices purchased on or after (date) from _____ (Selling Dealer's Business Name) meet the definition of a medical product, supply, or device and will be dispensed according to a prescription or are purchased for use in the cure, mitigation, alleviation, prevention, or treatment of injury, disease, or incapacity of a patient and will be temporarily or permanently incorporated into a patient.

I understand that if I use the medical product, supply, or device for any nonexempt purpose, I must pay tax on the purchase price of the 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.

Under the penalties of perjury, I declare that I have read the foregoing Certificate and that the facts stated herein are true.

Licensed Practitioner's Name: _____

Florida License Number: _____

Licensed Practitioner's Address: _____

Name of Practitioner or Authorized Representative: _____

(Signature of Licensed Practitioner or Authorized Representative) _____

Title Date _____

(7) CHEMICAL COMPOUNDS AND TEST KITS.

(a) The sale of chemical compounds and test kits used for the diagnosis or treatment of human disease, illness, or injury is exempt. The following is a nonexhaustive list of tax-exempt chemical compounds and test kits:

1. Allergy test kits that use human blood to test for the most common allergens;
2. Anemia meters and test kits;
3. Antibodies to Hepatitis C test kits;
4. Bilirubin test kits (blood or urine);
5. Blood analyzers, blood collection tubes, lancets, capillaries, test strips, tubes containing chemical compounds, and test kits to test human blood for levels of albumin, cholesterol, HDL, LDL, triglycerides, glucose, ketones, or other detectors of illness, disease, or injury;
6. Blood sugar (glucose) test kits, reagent strips, test tapes, and other test kit refills;
7. Blood pressure monitors, kits, and parts;
8. Breast self-exam kit;
9. Fecal occult blood tests (colorectal tests);
10. Hemoglobin test kits;
11. Human Immunodeficiency Virus (HIV) test kits and systems;
12. Influenza AB test kits;
13. Middle ear monitor;
14. Prostate Specific Antigen (PSA) test kits;
15. Prothrombin (clotting factor) test kits;
16. Thermometers, for human use;
17. Thyroid Stimulating Hormone (TSH) test kits;
18. Urinalysis test kits, reagent strips, tablets, and test tapes to test levels, such as albumin, blood, glucose, leukocytes, nitrite, pH, or protein levels, in human urine as detectors of illness, disease, or injury;

19. Urinary tract infection test kits; and

20. Vaginal acidity (pH) test kits.

(b) Chemical compounds and test kits that are not used to diagnose or treat human disease, illness, or injury are subject to tax. The following is a nonexhaustive list of chemical compounds and test kits that do not test for human illness, disease, or injury and are subject to tax:

1. Blood typing test kits for home use;

2. DNA tests (such as maternity tests, paternity tests, sibling ship tests, twin zygosity tests, ancestry testing, avuncular (grandparent, aunt, and uncle) tests, male lineage tests, or article tests);

3. Drug and alcohol (including nicotine) test kits;

4. Ethanol breathalyzer tests (alcohol intoxicification);

5. Follicle stimulating hormone (FSH) test kits;

6. Hazard chemicals detection kits;

7. Male fertility (semen analysis) test kits;

8. Menopause monitors and test kits;

9. Ovulation/leutinizing hormone (LH) test kits;

10. Personal wellness or body balance check test kits, such as those to measure hormone levels, cortisol levels, melatonin levels, mineral levels, or antioxidant levels; and

11. Pregnancy test kits;

(8) PROSTHETIC AND ORTHOPEDIC APPLIANCES.

(a) For purposes of this rule, "prosthetic and orthopedic appliances" means any apparatus, instrument, device, or equipment used to:

1. Replace or substitute for any missing part of the body;

2. Alleviate the malfunction of any part of the body; or

3. Assist any disabled person in leading a normal life by facilitating such person's mobility.

(b) Artificial eyes, artificial limbs, crutches, dentures, and hearings aids are specifically exempt prosthetic and orthopedic appliances. Prosthetic and orthopedic appliances prescribed and approved by the Department of Health and certified to the Department of Revenue are exempt and do not require a prescription to qualify for exemption. The list of tax-exempt prosthetic and orthopedic appliances is contained in Form DR-46NT, Nontaxable Medical and General Grocery List.

(c)1. Prosthetic and orthopedic appliances are exempt when sold or dispensed pursuant to an individual prescription or prescriptions written by a physician licensed under:

a. Chapter 458, F.S., Medical Practice;

b. Chapter 459, F.S., Osteopathic Medicine;

c. Chapter 460, F.S., Chiropractic Medicine;

d. Chapter 461, F.S., Podiatric Medicine;

e. Chapter 466, F.S., Dentistry, Dental Hygiene, and Dental Laboratories.

2. When a licensed physician prescribes an item to a patient that qualifies as a prosthetic or orthopedic appliance, the physician must indicate on the prescription the medical use of the item, or the medical condition that will be improved through the use of the item.

(d) Taxpayers who have a question regarding the taxable or exempt status of a prosthetic or orthopedic appliance may submit a written request to the Department, containing the name and a description of the appliance and its recommended use, for a determination of taxability of the appliance. The written request should be addressed to: Florida Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443.

(9) PRESCRIBED PARTS AND ATTACHMENTS.

(a) Parts, special attachments, special lettering, and other like items that are added to or attached to tangible personal property to assist a person with special needs are exempt when purchased pursuant to an individual prescription. When purchased without an individual prescription, these items are subject to tax. For example, items installed on motor vehicles to make them adaptable for use by persons with special needs, such as special controls, purchased pursuant to a written prescription are exempt; however, the motor vehicle and the standard or optional equipment available on the motor vehicle are subject to tax.

(b) If tangible personal property is sold with special controls, lettering, or devices, and the additional charge for the added features is separately stated on the sales invoice for the tangible personal property, that charge for the added features is exempt when purchased pursuant to an individual prescription.

(10) ORTHOPEDIC OR CORRECTIVE SHOES.

(a) Orthopedic shoes made to specifications prescribed by a podiatrist, orthopedist, or other physician for the purpose of treating or preventing illness or disease, or to correct physical incapacity are exempt from tax.

(b) Shoes made to order for special fitting problems, such as narrow or large feet, are subject to tax.

(c) When a shoe is modified to specifications prescribed by a podiatrist, orthopedist, or other physician by the insertion of a lift, a wedge, or an arch support for the purpose of treating or preventing illness or disease, or to correct physical incapacity, the charge for the shoe is subject to tax. However, any reasonable separately stated charge for the modification is exempt. If no separate charge is made for the modification, the entire charge is subject to tax.

(d) When a shoe is modified for a more comfortable fit (e.g., heel pad inserted or insole added), for improving the style, or for similar purposes, the total charge for the modification and the shoe is subject to tax.

(11) EYEGLASSES AND LENSES.

(a) Prescription eyeglasses, incidental items, and items that become a part of prescription eyeglasses, are exempt. Prescription eyeglasses include lenses, including contact

lenses, prescribed for the correction of a patient's refractive effort, for the improvement of a patient's vision, or for protective purposes. Incidental items include frames, component parts, carrying cases, contact lens cases, and other similar items.

(b) The sale of eyeglass lens cleaning solutions, contact lens cleaning solutions, and contact lens disinfectants are subject to tax.

(c) The sale of standard or stock eyeglasses, incidental items, or items that become a part of standard or stock eyeglasses, without a prescription, is subject to tax. Some examples are: frames and component parts, carrying cases, safety glasses, sunglasses, field glasses, opera glasses, and magnifying glasses.

(d) When the purchaser of one-time items that transfer essential optical characteristics to contact lenses has paid at least \$100,000 in tax (sales tax, plus discretionary sales surtax) in any calendar year on such purchases, the purchaser is exempt from tax on purchases of such items for the remainder of that calendar year. Purchasers who hold a valid Sales and Use Tax Direct Pay Permit issued by the Department may make tax-exempt purchases of these items when:

1. The purchaser extends a copy of a valid Sales and Use Tax Direct Pay Permit, as provided in Rule 12A-1.0911, F.A.C., to the selling dealer at the time of purchase; and

2. The purchaser pays to the Department each calendar year \$100,000 in tax due on purchases of one-time items that transfer essential optical characteristics to contact lenses during the calendar year.

(12) RECORDKEEPING REQUIREMENTS.

(a) Dealers must maintain copies of exemption certificates, Annual Resale Certificates, prescriptions, and any other documentation required under the provisions of this rule until tax imposed by Chapter 212, F.S., may no longer be determined and assessed under Section 95.091(3), F.S.

(b) Electronic storage by the selling dealer of the required certificates, prescriptions, and other documentation through use of imaging, microfiche, or other electronic storage media will be sufficient compliance with the provisions of this subsection.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 95.091(3), 212.08(2), 212.085, 465.186, 465.187 FS. History—Revised 10-7-68, Amended 1-17-71, Revised 6-16-72, Amended 5-27-75, 5-10-77, 6-26-78, 2-26-79, 6-3-80, 12-31-81, 8-28-84, Formerly 12A-1.20, Amended 12-8-87, _____.

12A-1.0205 Veterinary Sales and Services.

(1) VETERINARY SERVICES.

(a) Services, such as examinations, treatment, or vaccinations of animals rendered by veterinarians are not subject to tax.

(b) Charges for hospitalization as part of the veterinarian's treatment for a diagnosed health disorder are not subject to tax.

(2) BOARDING AND GROOMING SERVICES.

(a) Charges for boarding animals or for grooming animals are not subject to tax.

(b) Items purchased for use in providing boarding services or grooming services are subject to tax. For example, food (i.e. cat, dog, or bird food), nail care items, clippers, shears, brushes, combs, soaps, detergents, deodorizers, and colognes are subject to tax. Disinfectants used to clean kennels, cages, equipment, or other items used for boarding or grooming animals are subject to tax.

(3) DRUGS AND MEDICAL GASES.

(a) The sale or use of medicines and drugs, including samples, to or by veterinarians or veterinary hospitals in connection with medical treatment is exempt. Drugs and medicines dispensed or administered in this manner are required by federal law to be labeled "Rx only" or to contain a federal warning, such as "Caution: Federal law prohibits dispensing without prescription."

(b) Compressed medical gases or medical oxygen in compliance with the provisions of 21 C.F.R. Parts 200-299 and Rule 64F-12.007, F.A.C., which bear one of the legends required by federal law, are exempt when sold to a licensed veterinarian.

(c) Opaque drugs, including X-ray opaques, and radiopaque, such as the various opaque dyes and barium sulphate, that are used in the connection with medical X-rays for the treatment of animals are exempt.

(4) ITEMS PURCHASED FOR TREATMENT.

(a) Veterinarians are required to pay tax at the time of purchase on taxable items and services used or consumed in rendering veterinary services. Some examples of taxable items used or consumed by veterinarians in their practice are: gloves, gowns, uniforms, masks, drapes, or towels; infusion pumps; reusable, knives, needles, or scissors; scales; ear syringes; specimen bags; instruments, equipment, and machines and their parts and accessories; microscopes; examination tables; X-ray machines; X-ray films and developing solutions; computerized axial tomography (CAT) machines; magnetic resonance imaging (MRI) machines; rabies tags; identification chips; disposable medical restraint collars and muzzles; and chemical compounds and test kits used for the diagnosis or treatment of animals' disease, illness, or injury. This is not intended to be an exhaustive list.

(b) The following items sold to veterinary clinics or hospitals or licensed veterinarians are exempt:

1. Antiseptics;
2. Absorbent cotton;
3. Gauze for bandages;
4. Hypodermic needles and syringes;
5. Lotions;
6. Vitamins; and
7. Worm remedies.

(c)1. Medical products and supplies sold to veterinary clinics or hospitals or licensed veterinarians are exempt when:

a. The medical product or supply bears one of the prescription legends required under federal law for drugs, medicines, and medicinal supplies dispensed by licensed veterinarians, as provided in paragraph (3)(c); and

b. The product or supply is intended for a single use and is not intended to be reusable.

2. Medical trays containing medical products, supplies, or devices that are required under federal law to bear the required prescription label and are intended for a single animal use are exempt, even when the medical tray contains an item that, when sold separately, is subject to tax. For example, surgical kits and procedure kits that bear the required prescription label and are intended for a single animal use are exempt.

3. No exemption certificate is required to be obtained by the selling dealer from the purchasing veterinary clinic or hospital or licensed veterinarian to document tax-exempt sales of medical products, supplies, or devices that bear the required prescription label. However, selling dealers are required to maintain documents in their records evidencing that the medical product, supply, or device sold to a veterinary clinic or hospital or licensed veterinarian bears the prescription legend required under federal law.

(d) Medical products and supplies used in the cure, mitigation, alleviation, prevention, or treatment of injury, disease, or incapacity of an animal(s) that are temporarily or permanently incorporated into an animal(s) are exempt. Such medical products and supplies may be purchased tax-exempt when the veterinarian, or an authorized representative of the licensed veterinarian, extends an exemption certificate to the selling dealer certifying that the purchased medical products or supplies will be temporarily or permanently incorporated into an animal(s) for the cure, mitigation, alleviation, prevention, or treatment of injury, disease, or incapacity of an animal(s). A suggested exemption certificate is provided in paragraph (f).

(e)1. Commonly recognized substances possessing curative or remedial properties are exempt when:

a. A licensed veterinarian prescribes the substance, or orders and dispenses the substance, as treatment for a diagnosed health disorder of an animal; and

b. The substance is applied to, or consumed by, animals for the alleviation of pain or the cure or prevention of sickness, disease, or suffering.

2. Examples: Transdermal medications, sprays, or powders designed to prevent or treat flea or tick infestation, and prescription or therapeutic pet foods, are exempt when they are prescribed by, or ordered and dispensed by, a licensed veterinarian as part of treatment of a diagnosed health disorder of an animal. When these items are dispensed or sold without an order or prescription issued by a licensed veterinarian, the charges for such items are subject to tax.

3. Commonly recognized substances possessing curative or remedial properties may be purchased tax-exempt when the licensed veterinarian, or an authorized representative of the licensed veterinarian, extends an exemption certificate to the selling dealer certifying that the purchased substance possessing curative or remedial properties will be applied to, or consumed by, an animal(s) for the alleviation of pain or the cure or prevention of sickness, disease, or suffering of an animal(s). A suggested exemption certificate is provided in paragraph (f).

(f) The following is a suggested exemption certificate:

EXEMPTION CERTIFICATE

MEDICAL PRODUCTS AND SUPPLIES
SUBSTANCES POSSESSING CURATIVE OR REMEDIAL
PROPERTIES

I, the undersigned individual, as a veterinarian licensed in the State of Florida, or an authorized representative of a licensed veterinarian, certify that the items indicated below, purchased _____ on _____ or after _____ (date) from _____ (Selling Dealer's Business Name), are for the exempt purpose indicated below. The option checked below applies to this purchase:

() Medical products or supplies that will be temporarily or permanently incorporated into an animal for use in the cure, mitigation, alleviation, prevention, or treatment of injury, disease, or incapacity of an animal(s).

() Substances possessing curative or remedial properties that will be prescribed, ordered, or dispensed as treatment for the alleviation of pain or the cure or prevention of sickness, disease, or suffering of an animal(s).

I understand that if I use the medical product or supply or substance for any nonexempt purpose, I must pay tax on the purchase price of the 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.

Under the penalties of perjury, I declare that I have read the foregoing Certificate and that the facts stated herein are true.

Licensed Veterinarian's Name: _____

Veterinarian's Address _____

Veterinarian's Florida License No. _____

Name of Veterinarian's Authorized Representative: _____

(Signature of Veterinarian or Authorized Representative) Title

Date _____

(5) ITEMS PURCHASED FOR RESALE.

(a) Veterinarians who sell, lease, or rent items of tangible personal property, such as pet carriers, crates, kennels, houses, cages, clothing, bedding, toys, collars, leashes, leads, tie-outs, feeders, bowls, dishes, gates, or doors, are required to register as a dealer and collect and remit the applicable tax to the Department. This is not intended to be an exhaustive list.

(b) As a registered dealer, the veterinarian may provide a copy of the dealer's Annual Resale Certificate to purchase taxable items of tangible personal property for resale in lieu of paying tax to the selling vendor, as provided in Rule 12A-1.039, F.A.C.

(6) RECORDKEEPING REQUIREMENTS.

(a) Veterinarians must maintain copies of records indicating the prescription or orders for and the dispensing of drugs, medicines, medical products and supplies, and substances possessing curative or remedial properties in their records until tax imposed by Chapter 212, F.S., may no longer be determined and assessed under Section 95.091(3), F.S.

(b) Electronic storage by the veterinarian of the orders or prescriptions through use of imaging, microfiche, or other electronic storage media will be sufficient compliance with the provisions of this subsection.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(14), (19), 212.05, 212.08(2), 212.085, 212.18(3), 465.186, 465.187 FS. History--New _____.

12A-1.021 Prosthetic and Orthopedic Appliances.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.08(2) FS. History--Revised 10-7-68, 1-7-70, Amended 1-17-71, Revised 6-16-72, Amended 6-9-76, 6-26-78, 12-31-81, Formerly 12A-1.21, Amended 12-8-87, Repealed _____.

12A-1.097 Public Use Forms.

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

(a) through (b) No change.

Form Number	Title	Effective Date
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(2) through (14) No change.

(15)(a) No change.

(b) DR-46NT Nontaxable Medical and General Grocery List

(R. ____ r. 02/92).

(16) through (23) No change.

Specific Authority 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (7), 212.11(5)(b), 212.12(1)(b)2., 212.17(6), 212.18(2), (3), 213.06(1), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2), (7) FS. Law Implemented 92.525(1)(b), (3), 95.091, 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 201.17(1)-(5), 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305,

212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1), (4), (5), 212.12(1), (2), (9), (13), 212.13, 212.14(5), 212.17, 212.18(2), (3), 213.235, 213.29, 213.37, 219.07, 288.1258, 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7) FS. History--New 4-12-84, Formerly 12A-1.97, Amended 8-10-92, 11-30-97, 7-1-99, 4-2-00, 6-28-00, 6-19-01, 10-2-01, 10-21-01, 8-1-02, 4-17-03, 5-4-03, 06-12-03, 10-1-03, 9-28-04, 6-28-05, 5-1-06, 4-5-07, _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-102.201 RULE TITLE: Notice of Proposed Rules

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to update and clarify the means by which notices of proposed rule activities are communicated to affected persons. The proposed rule provides for publication of notices on the internet, eliminates unnecessary hard-copy posting, and reflects the correct names of the facilities where inmates are housed.

SUBJECT AREA TO BE ADDRESSED: Posting of proposed rule notices.

SPECIFIC AUTHORITY: 120.54(3)(a) FS.

LAW IMPLEMENTED: 120.54(3)(a) 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-102.201 Notice of ~~Proceedings~~ and Proposed Rules.

(1) No change.

(2) Notice to those directly affected by a proposed rule shall be by:

(a) through (b) No change.

(c) Posting notice of the intended action on the Department of Corrections website bulletin board in the Central Office in Tallahassee.

(d) Posting by memorandum notice of the intended action on the inmate ~~and personnel~~ bulletin boards of all major institutions, annexes, work camps, road prisons, and work release community correctional centers, community vocational centers and offices throughout the state directing that complete proposed rules are available in each institutional library or office. A copy of the notice shall be circulated among the inmates in all disciplinary, administrative and ~~or~~ close management confinement areas of all facilities.

Specific Authority 120.54(3)(a) FS. Law Implemented 120.54(3)(a) FS. History--New 10-8-76, Amended 5-2-85, Formerly 33-12.01, Amended 8-13-97, Formerly 33-12.001, Amended _____.

DEPARTMENT OF CORRECTIONS

RULE NOS.:	RULE TITLES:
33-104.201	Representation of News Media at Executions
33-104.202	Procedures to be Applied to News Media Representatives Attending Executions
33-104.203	News Media Access to Inmates Under Sentence of Death

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Rules 33-104.201, 33-104.202, and 401.203, F.A.C., to replace obsolete titles, require designated representatives and alternate names be received by the department at least seven (7) working days prior to the execution, prohibit bringing cell phones into the execution observation room, remove the requirement that news media representatives make prior arrangements where state holidays fall on normal visitation days and give the decision of whether to allow media interviews on those days to the Warden, require that inmates request group and individual interviews within one week after his or her execution date is set, and for consistency.

SUBJECT AREA TO BE ADDRESSED: News media representation, procedures and access under sentence of death.

SPECIFIC AUTHORITY: 922.11, 944.09, 944.23 FS.

LAW IMPLEMENTED: 922.11, 944.23 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: Jamie Leigh Jordan, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 33-104.201 Representation of News Media at Executions.
- (1) No change.

(a) The Director Florida Editor of the Florida Radio Network United Press International Wire Service may designate one news reporter to be its media representative.

(b) through (d) No change.

(2) The names of the news reporters who will represent each of the above-mentioned classes of news media and designated alternates shall be sent in writing to the Secretary of the Department of Corrections and signed by the person authorized to make the designation. Only properly designated representatives or their designated alternates whose names are received by the Secretary at least seven working days 72 hours prior to the execution, or a shorter time period when determined necessary by the Secretary, shall be admitted to witness the execution. In the event that any designee fails to appear as set out in Rule 33-104.202, F.A.C., the next available alternate designated for such class shall be admitted to attend in the absent designee's place.

(3) No change.

(4) In the event of a stay, the same media witnesses will be retained so long as the execution is rescheduled and held within sixty days.

Specific Authority 922.11, 944.09, 944.23 FS. Law Implemented 922.11, 944.23 FS. History--New 10-11-77, Amended 3-10-80, Formerly 33-15.01, 33-15.001, Amended _____.

33-104.202 Procedures to be Applied to News Media Representatives Attending Executions.

(1) The following procedures shall apply to representatives of the news media who are selected to witness executions:

(a) No change.

(b) No electronic or mechanical devices, including but not limited to still, moving picture or video-tape cameras, tape recorders or similar devices, cell phones, or artistic paraphernalia, will be permitted in the execution observation room.

(c) No change.

(2) through (4) No change.

Specific Authority 922.11, 944.09, 944.23 FS. Law Implemented 922.11, 944.23 FS. History--New 10-11-77, Amended 3-10-80, Formerly 33-15.02, 33-15.002, Amended _____.

33-104.203 News Media Access to Inmates Under Sentence of Death.

(1) Regularly scheduled news media interviews with inmates under sentence of death will be permitted each week on Tuesday, Wednesday, and Thursday, between the hours of 1:00 p.m. and 3:00 p.m., and will be contingent upon the consent of the inmate. If a state holiday falls on Tuesday, Wednesday, or Thursday, the warden may set interviews on another day during the week at his discretion. The warden may authorize additional visits if staff are available and the need exists. ~~News media representatives who have made prior~~

arrangements with the Office of Public Affairs may be allowed admittance to regularly scheduled news media interviews to the extent that accommodations are available and security risks are not created.

(2) through (3) No change.

(4)(a) During the calendar week of the execution, the offender sentenced to death will be allowed to have one group interview with a total of thirty media representatives and one (1) individual interview with a news media representative selected by the offender sentenced to death, provided the inmate requests said interviews in writing no later than one week after an execution date is set.

(b) The group and individual ~~Said~~ interviews shall ~~will~~ be conducted within forty-eight hours prior to the scheduled time of execution at a place and time designated by the warden of Florida State Prison and shall not exceed one hour each in duration.

(c)(b) Within a reasonable period of time prior to the scheduled group interview, the Secretary or a person designated by the Secretary will notify the office of the ~~Director Florida Editor of the Florida Radio Network United Press International Wire Service,~~ the office of the Florida Bureau Chief of the Associated Press Wire Service, the Florida Association of Broadcasters, and the Florida Press Association of the date, time and place of the group interview. A total of thirty media representatives will be permitted to attend the group interview. The Florida Radio Network United Press International and the Associated Press will each be entitled to two representatives at the group interview. The Florida Association of Broadcasters and the Florida Press Association will each be permitted to designate thirteen representatives and designated alternates. Such representatives may include photographers, cameramen and sound operators, and they may bring and use a reasonable amount of appropriate equipment and paraphernalia.

(d)(e) ~~A print media R~~representatives selected for the individual interview, including print media, radio and television representatives, may use the following: a tape recorder, camera, and sound equipment. Representatives and may designate the following to assist during the interview: a bona fide still photographer, ~~to participate in the interview.~~ A radio representative selected may use a tape recorder and may designate a technical assistant, ~~for the interview.~~ A television representative selected may designate a camera operator, and sound operator ~~to assist during the interview.~~

(5) No change.

Specific Authority 922.11, 944.09, 944.23 FS. Law Implemented 922.11, 944.23 FS. History—New 3-10-80, Formerly 33-15.03, 33-15.003, Amended 3-22-05, _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-203.201
 RULE TITLE: Inmate Trust Fund

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Rule 33-203.201, F.A.C., to clarify that the fee exemption for honorably discharged veterans – requires the inmate to provide notification and documentation of honorable discharge and correct the reference to provision of Florida Statutes providing for unclaimed funds to escheat to the state and the time period for retention before funds escheat. SUBJECT AREA TO BE ADDRESSED: Inmate trust fund.

SPECIFIC AUTHORITY: 944.09, 944.516 945.091, 945.215 FS.

LAW IMPLEMENTED: 57.085, 717.113, 944.09, 944.516 945.091, 945.215 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: Jamie Leigh Jordan, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-203.201 Inmate Trust Fund.

(1) The following are the policies of the Department with respect to money received for the personal use or benefit of inmates:

(a) through (g) No change.

(h) Pursuant to Section 944.516, F.S., each inmate shall be charged an administrative processing fee of no more than \$6.00 per month for banking services. The fee shall be based upon account activity for the month. An inmate whose account has no activity for the month shall not be assessed a fee for that month. Inmates shall be charged one percent of their total weekly canteen purchases and \$0.50 for each deposit. Inmates housed at Work Release Centers (WRC's) will be assessed a \$1.00 fee for each weekly cash draw. These fees are waived for Veterans of the United States Armed Forces who notify and provide documentation to the department that they have been honorably discharged.

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

(c) Deposits sent by mail are processed using an advanced high-speed processing machine which requires the use of the deposit form; the form should not be photocopied. Attempts will be made to process deposits sent without the accompanying form, but the absence of the form could cause a delay of up to 30 days to process. If staff are unable to determine to which inmate the money is being sent, the money

will be returned to the sender with a request for additional information necessary to process the deposit. If staff are unable to determine to which inmate the money is being sent and are unable to return the money because the sender did not provide a valid return address, the money will be held in a clearing account until the sender or receiving inmate is identified. If the inmate remains unidentified for 1 5 years the funds shall escheat to the state as unclaimed funds held by a government agency fiduciaries in accordance with Section 717.113 Chapter 717, F.S.

(d) No change.

(3) through (4) No change.

(5) When an inmate is released from the control of the department, and his or her inmate trust account balance exceeds \$1.00, the inmate's balance in the inmate trust fund at the time of discharge shall be mailed by the Bureau of Finance and Accounting, Inmate Trust Fund Section, within 45 days of the inmate's release to the address provided by the inmate during the release process. However, if deposits of checks, money orders or other negotiable instruments have been made to the inmate's account but have not cleared the account of the payer by the time the inmate is discharged, funds equal to the amount of the uncleared deposits shall be retained in the inmate's trust fund account. Immediately after the deposits have cleared, the balance due the inmate shall be forwarded by mail to the inmate. Inmates being released will be provided with cash for travel and related expenses. For inmates who meet eligibility requirements set forth in Rule 33-601.502, F.A.C., this money shall be in the form of a discharge gratuity. For inmates who are not eligible for discharge gratuities, a hold will be placed on the inmate's trust account and any remaining account balance shall be forwarded as indicated above. Pursuant to Section 717.113 Chapter 717, F.S., in the event that funds are unclaimed after a period of one five years, the balance shall escheat to the state as unclaimed funds held by a government agency fiduciaries.

(6) No change.

(7) When an inmate escapes and is not captured within 30 days, any balance in his Inmate Trust Fund account, in excess of \$1.00, shall be forwarded to the person designated on the inmate's notification record. If this person cannot be located after reasonable efforts, the funds shall be held for one five years and, if unclaimed, shall escheat to the state pursuant to Section 717.113 Chapter 717, F.S.

(8) through (12) No change.

Specific Authority 944.09, 944.516 945.091, 945.215 FS. Law Implemented 57.085, 717.113, 944.09, 944.516 945.091, 945.215 FS. History—New 1-27-86, Amended 7-16-89, 5-1-90, 3-2-92, 6-2-92, 8-25-92, 10-19-92, 4-13-93, 5-28-96, 6-15-98, Formerly 33-3.018, Amended 5-7-00, 7-13-03, 10-20-03, 1-23-05, 5-12-05, 11-13-06,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-5.020
 RULE TITLE: Provider Requirements

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the revised Florida Medicaid Provider General Handbook, July 2008. The handbook revisions include the new Medicaid fiscal agent's contact information, updated Medicaid provider enrollment procedures, and updated Medicare-Medicaid crossover policies. The revised handbook also includes the time standard for claim submission and special billing requirements. The effect of the rule amendment to Rule 59G-5.020, F.A.C., will be to incorporate by reference in rule the Florida Medicaid Provider General Handbook, July 2008.

SUBJECT AREA TO BE ADDRESSED: Provider Requirements.

SPECIFIC AUTHORITY: 409.919, FS.

LAW IMPLEMENTED: 409.902, 409.905, 409.906, 409.907, 409.908, 409.912, 409.913 FS.

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

DATE AND TIME: Tuesday, April 29, 2008, 1:30 p.m. – 2:30 p.m.

PLACE: Agency for Health Care Administration, 2728 Fort Knox Boulevard, Building 3, Conference Room D, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen Girard, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)488-9711, girardk@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-5.020 Provider Requirements.

(1) All Medicaid providers enrolled in the Medicaid program and billing agents who submit claims to Medicaid on behalf of an enrolled Medicaid provider must comply with the provisions of the Florida Medicaid Provider General Handbook, July 2008 January 2007, which is incorporated by reference and available from the fiscal agent's website at <http://mymedicaid-Florida.com> ~~floridamedicaid.aes-inc.com~~. Click on Provider Support, and then on Handbooks. A pPaper copy of the handbook may be obtained by calling the Medicaid fiscal agent Provider Enrollment at (800)289-7799 and selecting Option 4 377-8216.

(2) The following form is incorporated by reference: AHCA Form 2200-0004, March 2008 ~~January 2007~~, Medicaid Provider Change Declaration of Service Address Request, one page. The form is available from the Medicaid fiscal agent's website at <http://mymedicaid-Florida.com> ~~floridamedicaid.aes-inc.com~~. Click on Provider Support, and then on Enrollment. The form may also be obtained from the Medicaid fiscal agent by calling Provider Enrollment at (800)289-7799 and selecting Option 7 377-8216.

(3) The following forms that are included in the Florida Medicaid Provider General Handbook are incorporated by reference. In Chapter 3, Temporary Emergency Medicaid Identification Card, January 2007; one page; CF-ES 2681, Feb 2003, Notice and Proof of Presumptive Eligibility for Medicaid for Pregnant Women, one page; CF-ES Form 2014, Feb 2003, Authorization for Medicaid/Medikids Eligibility, one page; AHCA Form 5240-006, Unborn Activation Form, January 2007, one page; CF-ES 2039, Sep 2002, Medical Assistance Referral, two pages.; In Chapter 3, ~~and the~~ CTEC-07, Revised March 2003, Crossover with TPL Claim and/or Adjustment Form, one page. In Chapter 6, Florida Medicaid Authorization Request, PA01 04/2002, one page; Medically Needy Billing Authorization, DF-ES 2902, June 2003, one page; State of Florida, Sterilization Consent Form, SCF 7/94, one page; State of Florida, Hysterectomy Acknowledgment Form, HAF 07/1999, one page; State of Florida, Exception to Hysterectomy Acknowledgment Requirement, ETA 07/2001, one page; State of Florida, Abortion Certification Form, AHCA-Med Serv Form 011, August 2001, one page and the Healthy Start Prenatal Risk Screening Instrument, DH 3134, 9/97, one page. The CF-ES forms are available from the Department of Children and Family Services. The Healthy Start Prenatal Risk Screening Instrument is available from the local County Health Department. The other forms are available from the Medicaid fiscal agent's website at <http://mymedicaid-Florida.com> ~~floridamedicaid.aes-inc.com~~. Click on Provider Support, and then on Handbooks. Paper copies of the forms may be obtained by calling the Medicaid fiscal agent Provider Enrollment at (800)289-7799 and selecting Option 7 377-8216.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.906, 409.907, 409.908, 409.912, 409.913 FS. History--New 9-22-93, Formerly 10P-5.020, Amended 7-8-97, 1-9-00, 4-24-01, 8-6-01, 10-8-03, 1-19-05, 5-24-07,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.:	RULE TITLE:
61G6-5.008	Public Liability and Workers' Compensation Insurance

PURPOSE AND EFFECT: The purpose and effect is to revise and clarify the existing language pertaining to requirements for obtaining public liability, property damage and workers' compensation insurance.

SUBJECT AREA TO BE ADDRESSED: Fees.

SPECIFIC AUTHORITY: 489.507(2), 489.510, 489.511(4), 489.515 FS.

LAW IMPLEMENTED: 489.507(2), 489.510, 489.511(4), 489.515, 489.517(5), 489.537 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: Anthony B. Spivey, Executive Director, Electrical Contractors' Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G6-5.008 Public Liability and Workers' Compensation Insurance.

(1) As a prerequisite to the initial issuance, or a change in the status of an active certificate or registration, the applicant shall attest that the applicant will obtain ~~submit evidence the applicant has obtained~~ public liability and property damage insurance, in the amounts stated herein ~~in the form of a Certificate of Insurance~~. It shall be a violation of this rule for any licensee to fail to continually maintain liability and property damage insurance in amounts set forth herein. The Certificate of Insurance shall be prepared by an insurance agency and must contain the following information:

(a) through (l) No change.

(2) As a prerequisite to the initial issuance, or a change in the status of an active certificate or registration, the applicant shall attest the applicant will obtain workers' compensation insurance or an appropriate exemption pursuant to Chapter 440, F.S. ~~submit evidence the applicant has obtained workers' compensation insurance in the form of a Certificate of Insurance or an appropriate exemption pursuant to Chapter 440, F.S.~~ It shall be a violation of this rule for any licensee to fail to continually maintain workers' compensation coverage or an appropriate exemption as required.

(3) through (5) No change.

Specific Authority 489.507(2), 489.510, 489.511(4), 489.515 FS. Law Implemented 489.507(2), 489.510, 489.511(4), 489.515, 489.517(5), 489.537 FS. History--New 1-2-80, Formerly 21GG-5.08, Amended 5-20-92, Formerly 21GG-5.008, Amended 9-22-97, 3-29-99, 3-19-02, 12-27-04,_____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: 64B4-5.006 RULE TITLE: Probable Cause Panel

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to add new language to clarify who will serve on the probable cause panels and when they shall meet.

SUBJECT AREA TO BE ADDRESSED: Probable cause panels.

SPECIFIC AUTHORITY: 456.073, 491.004(5) FS.

LAW IMPLEMENTED: 456.073 FS.

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

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

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

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NOS.: 64B4-6.002 RULE TITLES: Approved Courses for Continuing Education
64B4-6.0025 Approved Continuing Education Course for Supervisory Training
64B4-6.004 Approval of Continuing Education Providers

PURPOSE AND EFFECT: The Board proposes to review the rules to delete any unnecessary language and add language to update and clarify approved courses for continuing education, approved continuing education course for supervisory training and for approved continuing education providers.

SUBJECT AREA TO BE ADDRESSED: Approved courses for continuing education, continuing education course for supervisory training and continuing education providers.

SPECIFIC AUTHORITY: 456.013(6), 491.004(5), 491.0085 FS.

LAW IMPLEMENTED: 456.013(6), 491.007, 491.0085 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.: 64B12-15.001 RULE TITLE: Continuing Education for License Renewal

PURPOSE AND EFFECT: The Board proposes the rule amendment to add language to clarify continuing education for the first renewal to include Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS).

SUBJECT AREA TO BE ADDRESSED: Continuing education for license renewal.

SPECIFIC AUTHORITY: 456.013(8), (9), 484.005, 484.008(3) FS.

LAW IMPLEMENTED: 456.013(8), (9), 484.008(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Foster, Executive Director, Board of Opticianry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3253
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.: 64B12-15.003 RULE TITLE: Standards for Continuing Professional Education

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to add language to clarify when continuing education must include Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS).

SUBJECT AREA TO BE ADDRESSED: Standards for continuing professional education.

SPECIFIC AUTHORITY: 456.013(7),(9), 484.005, 484.008(3) FS.

LAW IMPLEMENTED: 456.013(6),(7),(9), 484.008(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Foster, Executive Director, Board of Opticianry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3253 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-18.002
 RULE TITLE: Formulary of Topical Ocular Pharmaceutical Agents

PURPOSE AND EFFECT: The purpose and effect is to add medications to the Formulary of Topical Ocular Pharmaceutical Agents at the request of the Florida Optometric Association as approved by the TOPA Committee Members.

SUBJECT AREA TO BE ADDRESSED: Formulary of Topical Ocular Pharmaceutical Agents.

SPECIFIC AUTHORITY: 463.005, 463.0055(2)(a) FS.

LAW IMPLEMENTED: 463.0055 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: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-18.002 Formulary of Topical Ocular Pharmaceutical Agents.

The topical ocular pharmaceutical formulary consists of pharmaceutical agents which a certified optometrist is qualified to administer and prescribe in the practice of optometry pursuant to Section 463.0055(2)(a), F.S. The topical ocular pharmaceutical agents in the formulary include the following legend drugs alone or in combination in concentrations up to those specified, or any lesser concentration that is commercially available:

- (1) through (3) No change.
- (4) ANTIBACTERIAL
 - (a) through (l) No change.
 - (m) Moxifloxacin – 0.5%; ~~and~~
 - (n) Sodium sulfacetamide – 10.0% (alone and in combination); ~~and~~-
 - (o) Azasite.
- (5) through (8) No change.
- (9) MISCELLANEOUS
 - (a) through (c) No change.
 - (d) Polyvinyl pyrrolidone – drops 2.0%

Specific Authority 463.005, 463.0055(2)(a) FS. Law Implemented 463.0055 FS. History–New 3-30-87, Amended 4-5-88, 5-7-90, Formerly 21-18.002, Amended 5-10-92, 1-29-93, Formerly 21Q-18.002, Amended 8-31-93, 7-30-94, Formerly 61F8-18.002, Amended 2-11-96, 4-21-96, 1-12-97, 6-8-97, Formerly 59V-18.002, Amended 6-15-00, 6-7-05, 6-10-06, _____.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.: 64E-2.018
 RULE TITLE: Trauma Registry

PURPOSE AND EFFECT: To notice proposed revisions to the Florida Trauma Registry Manual dated December 2005. This document is incorporated by reference in Rule 64E-2.018, F.A.C., pursuant to Section 395.404(1)(a), Florida Statutes. The proposed amendment to Rule 64E-2.018, F.A.C., changes the date of the Trauma Registry Manual to February 2008.

SUBJECT AREA TO BE ADDRESSED: Trauma Registry.

SPECIFIC AUTHORITY: 395.405 FS.

LAW IMPLEMENTED: 395.3025(4)(f), 395.401, 395.4015, 395.402, 395.4025, 395.404, 395.4045, 395.405, 401.30, 401.35 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: Susan McDevitt, Director, Office of Trauma, Department of Health, 4052 Bald Cypress Way, Bin C-18, Tallahassee, FL 32399-1738, (850)245-4440,

Ext. 2760, email: susan_mcdevitt@doh.state.fl.us; Fax: (850)488-2512. A copy of the proposed revisions to the Registry Manual can be obtained at: <http://www.doh.state.fl.us/demo/trauma/notices.htm>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64E-2.018 Trauma Registry.

Instructions for completing and submitting data are defined in the Florida Trauma Registry Manual, February 2008 ~~December 2005~~, which is incorporated by reference and available from the department, as defined by subsection 64E-2.001(8), F.A.C.

Specific Authority 395.405, ~~401.35~~ FS. Law Implemented 395.3025(4)(f), 395.401, 395.4015, 395.402, 395.4025, 395.404, 395.4045, 395.405, 401.30, 401.35 FS. History—New 8-3-88, Amended 12-10-92, 11-30-93, Formerly 10D-66.103, Amended 7-14-99, 11-19-01, 6-3-02, 6-9-05, 4-25-06, _____.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.:	RULE TITLES:
64E-11.002	Definitions
64E-11.013	Certificates and Fees

PURPOSE AND EFFECT: The purpose is to increase food hygiene program fees within the statutory limits. The effect will be to reduce the program’s operating deficit. Existing terms related to program fees will be defined, and new definitions will be added. The effect of this change will be to better clarify what establishments are subject to fees and when and how fees should be applied.

SUBJECT AREA TO BE ADDRESSED: Food hygiene program fees.

SPECIFIC AUTHORITY: 381.0072 FS.

LAW IMPLEMENTED: 381.0072 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Leslie L. Harris, Environmental Administrator, Bureau of Community Environmental Health, Department of Health, 4052 Bald Cypress Way, BIN A08, Tallahassee, Florida 32399-1712, (850)245-4277. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

Harris, Environmental Administrator, Bureau of Community Environmental Health, Department of Health, 4052 Bald Cypress Way, BIN A08, Tallahassee, Florida 32399-1712, (850)245-4277

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

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NO.:	RULE TITLE:
64F-12.015	Licensing, Application, Permitting

PURPOSE AND EFFECT: The Department intends to review this section to make changes to all aspects of permitting licensing and inspection requirements. This will include, but not be limited to adding requirements for permits that have been created by statute since the last changes to this rule section were made and revising and updating application forms.

SUBJECT AREA TO BE ADDRESSED: Permitting, licensing and inspections.

SPECIFIC AUTHORITY: 499.01, 499.012, 499.0121(1), 499.0122, 499.013, 499.014, 499.028, 499.04, 499.041, 499.05, 499.62, 499.63, 499.64, 499.66, 499.67, 499.701 FS.

LAW IMPLEMENTED: 499.01, 499.012, 499.0121, 499.0122, 499.013, 499.028(6), 499.04, 499.004, 499.041, 499.05, 499.06, 499.006, 499.007, 499.052, 499.062, 499.063, 499.064, 499.066, 499.067 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: Rebecca Poston R. Ph., Drugs, Devices and Cosmetics Program, 4052 Bald Cypress Way, Mail Bin C-04, Tallahassee, Florida 32399, (850)245-4292

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

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NOS.:	RULE TITLES:
69A-37.403	Compliance with Other Applicable Laws, Rules
69A-37.404	Requirements for Live Fire Training for Certified Personnel
69A-37.405	Requirements for Live Fire Training During Recruit Training
69A-37.406	Certification Prerequisites for Live Fire Training Instructor Training

69A-37.407 Live Fire Training Instructor Training

69A-37.408 Live Fire Training Instructor Certification and Renewal

69A-37.409 Instructor Certification Revocation

PURPOSE AND EFFECT: To remove references to Firefighter I and II categories and adopt Parts I and II of the latest National Fire Protection Association standards for training.

SUBJECT AREA TO BE ADDRESSED: Firefighter I and updated training standards.

SPECIFIC AUTHORITY: 633.38(1)(a), 633.45(2)(a) FS.

LAW IMPLEMENTED: 633.35, 633.35(2), 633.38, 633.45, 633.45(1)(a), (b), 633.45(2)(a),(i), 633.101(1) FS.

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

DATE AND TIME: May 1, 2008, 6:00 p.m. – 9:30 p.m.

PLACE: Robert L. F. Sikes Public Library, 1445 Commerce Drive, Crestview, FL 32539, phone: (850)682-4432 or (850)682-8776, fax: (850)689-4778

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Charlie Brush at (352)369-2856. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lesley Mendelson, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399 (850)413-3604

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

Section II Proposed Rules

DEPARTMENT OF COMMUNITY AFFAIRS
Division of Housing and Community Development

RULE NO.: 9B-3.050 RULE TITLE: Statewide Amendments to the Florida Building Code

PURPOSE AND EFFECT: To account for a new process by which the Florida Building Commission may amend the Florida Building Code utilizing only rule adoption procedures of Chapter 120, Florida Statutes, and to update the form for

submission of proposed amendments to accommodate additional capabilities and features of the Building Code Information System.

SUMMARY: The rule is amended to reflect an updated form for submission of code amendments, adding specific information about the effect of the proposed amendment on Code provision applicable to the High Velocity Hurricane Zone; and to accommodate the new statutory process for adopting amendments meeting specified criteria; specifically, eliminating the requirement for publication of amendments for 45 days before they are considered by a committee or the Commission.

Form for submission of code amendments and expedited code amendment process.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 553.73(3), (6), (7), (8) FS.

LAW IMPLEMENTED: 553.73(3), (6), (7), (8) FS.

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

DATE AND TIME: May 7, 2008, 8:30 a.m., or as soon thereafter as the matter is brought before the Commission in accordance with its agenda

PLACE: Crowne Plaza Hotel, Melbourne-Oceanfront, 2605 N. A1A Highway, Melbourne, Florida 32903

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-3.050 Statewide Amendments to the Florida Building Code.

(1) through (3) No change.