

reviewed and approved by the Engineer of Record for the Fire Protection System for conformity with the Engineer of Record's design intent and shall be included in the engineering design final set of documents prepared prior to submittal submitted to the owner to be filed for a building permit and Fire Marshal approval. Department installation permit, except when no building permit is required. When no building permit is required, the delegated engineering work bearing the seal of delegated engineer and approval of the Engineer of Record for the Fire Protection System shall be submitted together to the fire official for permitting.

Rulemaking Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.005(7), 471.033(2) FS. History--New 5-19-93, Formerly 21H-32.002, Amended 4-2-00, 6-26-01, 3-26-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Engineers
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 16, 2010
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 9, 2010

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."

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: RULE TITLE:
12A-19.021 Communications Services Tax Brackets

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 21, May 28, 2010 issue of the Florida Administrative Weekly.

In response to public written comments received by the Department and made a part of the public hearing held June 24, 2010, and in response to comments received by the Joint Administrative Procedures Committee, dated June 18, 2010, Rule 12A-19.021, F.A.C. (Communications Services Tax Brackets), has been changed, so that when adopted, that rule will read:

12A-19.021 Communications Services Tax Brackets.

The Department has prepared, for public use, a Communications Services Tax Rate Calculator (hereby incorporated by reference) that makes available the tax amounts applicable to each taxable sale. In addition, a Communications Services Tax Bracket Rate Card (hereby incorporated by reference) has been prepared to create a printable bracket rate card for each tax rate such that the tax collected results in a tax rate no less than the rate imposed under Chapters 202 and 203, F.S. (the Florida communications services tax and the local communications services tax). When the amount of tax due results in a fraction of a cent, the tax due must be rounded up to the next whole cent. The Communications Services Tax Rate Calculator and the Communications Services Tax Bracket Rate Card may be found on the Department's website at www.myflorida.com/dor/taxes/cst.html. For additional assistance, contact Taxpayer Services at (800)352-3671. Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331 or (850)922-1115.

The Communications Services Tax Rate Calculator has been changed, so that when adopted, the first paragraph and the "CST Rates" section will read:

Use this calculator to determine the communications services tax due amounts applicable to each taxable sale. Use the Bracket Rate Card worksheet to create a printable bracket rate card. When the amount of communications services tax due results in a fraction of a cent, the tax due must be rounded up to the next whole cent.

Chapter 2010-149, L.O.F., provides that for communications services billed on or after August 1, 2010, the communications services tax rate for certain services is reduced from 6.8 percent to 6.65 percent and the gross receipts tax rate on those services is increased from 2.37 percent to 2.52 percent. The "CST Rates" section of the Communications Services Tax Rate Calculator has been changed, so that when adopted, that section will read:

	CST Rates
State CST Rate	6.65%
Gross Receipts Rate (2.37% if Residential Exemption)	2.52%
Local CST Rate	Varies – select from jurisdiction Rate Table worksheet
Direct-to-Home Satellite	13.17

DEPARTMENT OF TRANSPORTATION

RULE NOS.:	RULE TITLES:
14-22.002	Regulations Covering Qualification of Contractors
14-22.003	Rating the Applicant
14-22.006	Current Capacity Rating
14-22.007	Joint Ventures

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 20, May 21, 2010 issue of the Florida Administrative Weekly.

In response of comments from the Joint Administrative Procedures Committee, Rule 14-22.015, F.A.C., Forms, is being repealed, and the forms incorporated by Rule 14-22.015, F.A.C., will now be incorporated into the rule in which they apply.

14-22.002(1)(a)

(a) Persons or firms who ~~request desire~~ to qualify ~~with the Department in order~~ to bid for the performance of road, bridge, or public transportation construction projects in excess of \$250,000, shall file ~~an annual annually with the Department an~~ Application for Qualification, (Online Web Application), Form 375-020-38, Rev. 11/07, hereby incorporated by reference 11/7/2007. An Application for Qualification shall be filed electronically at: <http://www.dot.state.fl.us/cc-admin/PreQualInfo/prequalified.shtm>. Information or assistance regarding the Application can be obtained ~~from by writing~~ to the Department at the address listed below. Persons or firms may obtain information on how to obtain a user name and password to use the Application filing process by contacting the Contracts Administration Office at the address below. The Application will consist of requested information on the Applicant, Applicant's stakeholder, Applicant's affiliates, and ~~shall would~~ include the Applicant firm's background, current and historical contract detail, construction experience, and expertise, financial information, and requested work classes. Persons or firms shall also file two copies of audited financial statements, one copy to ~~accompany be accompanied with~~ the electronic application, ~~and as well as~~ one hard copy as required by this section via hand delivery or mail to Department of Transportation, Contracts Administration Office, 605 Suwannee Street, MS 55, Room B-1, Haydon Burns Building, Tallahassee, Florida 32399-0455, (850)414-4000 or contracts.admin@dot.state.fl.us.

14-22.003(2)(a)1.b.

If the applicant has been qualified under this rule within the last two years, and ~~the Department has~~ three or more Contractor Past Performance Reports are on file for projects completed for the Department within five years of the application filing date, ~~and 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 ~~the this~~ sum by the number of scores used. Contractor Past Performance Reports shall reflect the applicant's organization, management, and demonstrated work performance, including work sublet to others, as set forth in Form 700-010-25, Rev. 09/05, hereby which is incorporated by reference ~~in Rule 14-22.015, F.A.C.~~

14-22.003(2)(b).

6. Debris Removal (Emergency) Contractor Additional Experience,* Form 375-020-70, hereby incorporated by reference.

14. Hot in Place Resurfacing Contractor Additional Experience,* Form 375-020-71, hereby incorporated by reference.

16. Intelligent Transportation Systems Contractor Additional Experience,* Form 375-020-73, hereby incorporated by reference.

18. Landscaping Contractor Additional Experience,* Form 375-020-72, hereby incorporated by reference.

14-22.006

(3) All bidders must certify their total dollar amount of work underway and submit Form 375-020-39, Certification of Current Capacity, hereby incorporated by reference, or a spreadsheet in a similar and accepted format prior to submitting a bid. This information must be submitted within thirty (30) days of submitting a bid or at least once during the month a bid is due via the "Work Underway" link in the Contractor Pre-Qualification System. Failure to submit the Certification of Work Underway shall result in the bidder being prohibited from receiving bidding documents, submitting bids, or receiving contract awards until the certification is submitted. If a Form 375-020-39 is submitted, and the contractor is awarded a contract during that month that exceeds 25% of the total dollar amount of work underway, a revised Form 375-020-39 must be submitted prior to submitting another bid during that month.

~~In order for the Department to have the information required to determine a bidder's Current Capacity, it is necessary that the bidder certify the total dollar amount of all work the bidder has underway. This certification shall be accomplished electronically by submitting the Certification of Work Underway (Online Web Application), Form 375-020-39, 11/7/2007, to the Department concurrently with the bid submittal for the first letting in the calendar month that the bidder submits a bid.~~

14-22.007(1)

(1) Two or more qualified bidders may bid jointly provided that each party has requested that the proposal document be issued to the joint venture; that the combined joint venture meets the requirements of subsection 14-22.008(1), F.A.C., and that the combined Current Capacity of the parties to the joint venture equals or exceeds the budget estimate of the project. The parties to a joint venture shall submit, prior to the issuance of the proposal document, a statement in the name of the joint venture signed by each party, indicating the percentage of proposed contract work to be debited against each one's Current Capacity. The total of these percentages must equal one hundred percent. No party in the joint venture may exceed its Current Capacity by virtue of the

~~percentage of work to be debited against its available capacity, as expressed on the signed statement and using the budget estimate as the comparison figure. To comply with this Section, the parties to a joint venture shall submit Form 375-020-18, Declaration of Joint Venture and Power of Attorney for Bidding on Specified Project(s), hereby incorporated by reference, and receive approval prior to the due date of the letter of interest, the request for proposal, or issuance of the proposal, whichever is due or occurs first. If any party exceed(s) its Current Capacity, by virtue of the percentage of the work to be debited against its available capacity, as expressed on the signed statement and using the budget estimate as the comparison figure, then the party must take action prior to the issuance of a proposal document in the name of the joint venture which results in their percentage being within their Current Capacity.~~

14-22.015 Forms. No change.

Rulemaking Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 337.11, 337.14, 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, 7-8-01, 6-27-04, 12-18-05, 5-15-06, 11-5-06, 1-23-08, Repealed _____.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Driver Licenses

RULE NOS.:	RULE TITLES:
15A-11.005	CDS Records Retention
15A-11.0095	Agent Identification Cards
15A-11.013	Cancellation or Suspension of CDS License, CDS, CTDS Instructor’s Certification or Agent’s Card
15A-11.014	Grounds for Cancellation and Suspension Matrix
15A-11.015	Forms

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 49, December 11, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Driver Licenses

RULE NOS.:	RULE TITLES:
15A-11.001	Definitions
15A-11.002	General Regulations
15A-11.003	CDS License Application and Renewal
15A-11.004	CDS Instruction Vehicles
15A-11.005	Program of Instruction
15A-11.006	CDS Instructor Certificate Application and Renewal
15A-11.007	Agent Identification Cards

15A-11.008	Driving Instruction Contracts
15A-11.009	CTDS Instructor Certificate Application and Renewal
15A-11.010	CTDS Instruction Vehicles
15A-11.011	Denial, Revocation or Suspension of CDS License, CDS, CTDS Instructor’s Certificate or Agent’s Card
15A-11.012	Forms

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. 35, No. 49, December 11, 2009 issue of the Florida Administrative Weekly.

15A-11.001 Definitions.

(1) Agent – A person who holds a valid identification card issued by the Department, pursuant to Chapter 488, Florida Statutes, indicating the individual is an agent for the CDS, or CTDS, and is authorized by the school to solicit on its behalf.

(2) Commercial Driving School (CDS) – A school licensed by the Department pursuant to Chapter 488, Florida Statutes, which is authorized to engage in driving instruction.

(3) Commercial Driving School License – A license issued to a school by the Department pursuant to Chapter 488, Florida Statutes, indicating that the school is authorized to engage in driving instruction.

(4) Commercial Motor Vehicle Driver Instructor Training Course (CMV-DITC) – ~~A 32-hour Teaching Commercial Motor Vehicle Driver and Traffic Safety Education Course for commercial truck driver instructors.~~

(5) Commercial Truck Driving School (CTDS) – A school licensed by the Commission for Independent Education CIE pursuant to Chapter 1005, Florida Statutes, which is authorized to engage in commercial motor vehicle driving instruction.

(6) Commission for Independent Education (CIE) – The Commission for Independent Education established by Chapter 1005, F.S., which establishes criteria for commercial truck driving schools.

(7) Department – The Department of Highway Safety and Motor Vehicles, Bureau of Driver Education and DUI Programs. The Department licenses the CDS and both CDS and CTDS instructors and agents, but not CTDS schools.

(8) Driver Instructor Training Course (DITC) – ~~A 32-hour Teaching Motor Vehicle Driver and Traffic Safety Education Course for driving instructors.~~

~~(9) Driver Performance Analysis System (DPAS) – The driver performance test that a potential instructor must pass to be temporarily certified to instruct commercial motor vehicle or motor vehicle driving instructions.~~

~~(9)(10)~~ Driving Instruction – Any activity for compensation related to on the road or classroom driving education.

~~(10)~~(11) Driving Instruction Contract – A written agreement between a CDS and each of its students to provide driving instruction.

~~(11)~~(12) Driver License Office – A driver licensing facility operated by or under the authority of the Division of Driver Licenses or local Tax Collector.

~~(12)~~(13) Immediate Family Member – A person's spouse, parents, grandparents, brothers, sisters and children, or the spouse's and parents, grandparents, brothers, sisters and children of the spouse.

~~(13)~~(14) Instructor – A person who holds a valid instructor certificate and engages in driving instruction on behalf of a commercial driving school licensed by the Department or the CIE.

~~(14)~~(15) Instructor Certificate – An instructor certificate issued to an individual instructor by the Department, pursuant to Chapter 488, Florida Statutes, indicating the individual is an instructor for a specific commercial driving school or commercial truck driving school.

~~(15)~~(16) Owner – The person or corporation who has the controlling financial interest of the CDS.

~~(16)~~(17) School Vehicle – A ~~motor~~ vehicle owned or leased used by the CDS or CTDS that is registered with the Department to engage in provide driving instruction.

~~(18) Solicitation – A request or offer directly or indirectly, to a person for driving instruction services or enrollment of a student in a CDS or CTDS.~~

~~(17)~~(19) Student – A person who receives driving instruction from a CDS or CTDS.

~~(20) Temporary Instructor Certificate – A temporary certificate issued by the Department based on satisfactory completion of the DPAS test.~~

~~(21) Vehicle Registration – A vehicle owned or leased by the CDS or CTDS that is registered with the department to provide driving instructions.~~

Rulemaking Authority 488.02 FS. Law Implemented 488.01 FS. History–New_____.

15A-11.002 General Regulations.

(1) No employee of the Department or immediate family member of a Department employee shall be connected in any capacity with any CDS or CTDS in accordance with Section 112.313(7), Florida Statutes.

(2) A CDS shall not indicate that its program is in any way endorsed by the Department, except to say that it is "licensed."

(3) A CDS shall not utilize advertising that indicates, in any way, the school can issue or guarantee the issuance of a driver license or imply that the CDS can in any way influence the Department in the issuance of a driver license, or imply preferential or advantageous treatment from the Department can be obtained.

(4) The CDS must notify the Department in writing within ten (10) days of any change in the school owner's name, the school owner's address, the school's name, or the school's principal place of business address or telephone number.

(5) A duplicate school license or vehicle registration may be issued to a school by submitting a request to the Department on a completed form HSMV 77074S (Rev. 9/10), which is available as provided in Rule 15A-11.012 ~~44 F.A.C.~~ An affidavit stating that the original document was physically destroyed or lost must accompany the form HSMV 77074S (Rev. 9/10). The fee for issuance of a duplicate certificate shall be two dollars (\$2).

(6) All instructors shall ascertain, before giving driving instruction, that the student possesses a valid learner's permit issued by the Department or another jurisdiction for the purpose of learning how to drive.

~~(7)~~(6) A CDS shall sufficiently train its students that do not have a Class "E" driver license to better enable students to safely operate a motor vehicle. The Department may require performance evaluations of a CDS, if the Department determines the school's driving instruction does not meet this standard.

Rulemaking Authority 488.02 FS. Law Implemented 488.01 FS. History–New_____.

15A-11.003 CDS License Application and Renewal.

(1) The Department oversees and licenses all CDS, except CTDS licensed by the CIE. All private (non-public) CTDS are required to be licensed pursuant to Chapter 1005, F.S. No person, group, organization, institution, business entity, or corporate entity may engage in the business of operating a driver's school without first obtaining a license from the Department or from CIE pursuant to Chapter 1005, F.S.

(2) All owners or all officers or partners, desiring to engage in the business of conducting a CDS shall, prior to engaging in such business, secure a License from the Department by filing an application on form HSMV77074S(Rev. 29/10), which is available as provided in Rule 15A-11.012, F.A.C. ~~in the manner prescribed by these rules.~~ Prior to the license being issued, all driving instructors employed by the school must be at least 21 years of age and have successfully completed one of the following:

(a) ~~A Department approved 32-hour DITC in driver education, or the equivalent.~~

(b) ~~A Department approved DPAS examination for a temporary instructor certificate.~~

(3) Every owner, officer, or partner of the school shall provide one set of finger prints for a fingerprint-based criminal background check, the cost of which is borne by the applicant. Before any license is issued, an application shall be made in writing on form HSMV77074S, which is available as provided in Rule 15A-11.014, F.A.C., and provide the following:

~~(a) A driving record from previous state of residence, if a Florida resident for less than one (1) year.~~

~~(b) A complete Florida Department of Law Enforcement (FDLE) background check on each owner, partner or officer of the school. Each FDLE background check must have been issued within one year of the date of the school application.~~

~~(c) If the applicant has been a Florida resident for less than one (1) year, in addition to the FDLE background check, a complete criminal background check from the previous state of residence must accompany the application and must be issued within one year of the date of the school application.~~

~~(d) Conviction of a crime within the last 7 years shall not automatically bar any applicant or licensee from obtaining or continuing a certification. The Department shall consider the type of crime committed, the relevancy to the driver training industry, and the length of time since the conviction, in accordance with Section 112.01(1)(b), F.S.~~

(4) Every application for a license must be accompanied by a non-refundable application fee of fifty dollars (\$50) along with a license fee of two hundred dollars (\$200) and shall be paid by money order, certified check or company check, to the Department.

(5) Each original license shall be valid for a period of one year from the date of issuance.

(6) The license shall not be transferable in the event of a change of school ownership. Application for a new license shall be made by the new owner and the old license and all instructor certificates previously issued shall be surrendered to the Department before a license will be issued to the new owner. Additionally, if the school is a previously licensed CTDS, a copy of the new CIE license must be furnished to the Department.

~~(7) Before granting approval, the Department may conduct an investigation of the applicant. As a part of its investigation, the Department shall determine if there are any complaints pending against the company being purchased or the owner or owners proposed to operate the purchased driver school.~~

~~(7)(8) The license or a legible copy must be retained conspicuously displayed in the Licensee's principal, and each additional, place of business operated by the CDS at all times.~~

~~(8)(9) A CDS license is only operational at the address listed in the license. The CDS or CTDS shall agree to permit the Department and its representatives to inspect the school, its public facilities, equipment and records that are required to be maintained in the operation of the school.~~

(10) The CDS or CTDS shall notify the Department in writing within ten (10) days of any change in the address or employment of the owner, partner, officer, or driving instructor of any CDS or CTDS. Failure to inform the Department of any changes shall be grounds for the Department to issue an order to suspend or cancel the school's license. In cases involving a CTDS the Department shall notify CIE of the change.

~~(9)(H) Application for renewal of a CDS license shall be made at least forty-five (45) days prior to the certificate's expiration date on form number HSMV 77074S (Rev. 9/10), which is available as provided in Rule 15A-11.01214, F.A.C., and accompanied by a fee of one hundred dollars (\$100) payable to the Department by money order, personal check, certified check or company check. The renewal period for a CDS license is one year. Owners who permit their license to expire shall not be permitted to operate their school and shall have to apply for a new license as set forth above.~~

Rulemaking Authority 488.02 FS. Law Implemented 488.01, 488.06 FS. History—New _____.

~~15A-11.004 CDS Instruction Vehicles Offices and Instruction Facilities.~~

~~(1) No vehicle shall be used for instruction unless the licensee has obtained a school vehicle identification certificate from the Department, unless the student has signed a waiver to use their personal vehicle. The registration shall be carried in the vehicle at all times while driving instructions are being given. When a vehicle is no longer being used by a school, the school shall notify the Department in writing within ten (10) days.~~

~~A CDS shall operate from an office in the following manner:~~

~~(a) It must establish and maintain a principal place of business in the State of Florida which shall not be connected to any residence. A CDS must establish and maintain a permanent mailing address.~~

~~(b) It shall ensure that its principal place of business is safe and meets all requirements of state and federal law and local ordinances.~~

~~(c) No CDS facility shall be established within 300 feet of any government building or portion thereof used for the purpose of conducting driver license examinations.~~

~~(d) It must permit the Department to inspect its meeting facilities upon reasonable notice. A CDS must permit the Department to inspect its classrooms, offices, vehicles, and records at the discretion of the Department.~~

~~(e) All classroom facilities must have a minimum of 200 square feet of space or 20 feet of space per student, whichever is greater.~~

~~(f) When a CDS advertises or lists a different phone or address, other than the main office, it shall be necessary to establish an additional office in this location.~~

(2) The school must complete the vehicle section of the school application form HSMV77074S (Rev. 9/10) or the vehicle registration form HSMV77071S (Rev. 2/10), which are available as provided in Rule 15A-11.012, F.A.C. The application shall include evidence of sufficient security in accordance with Chapter 324 and Section 627.7275, F.S., as evidence of Financial Responsibility and in compliance with Florida Motor Vehicle No-Fault Law and the Florida Financial Responsibility Law. No CDS shall use, or conduct any

business under a name without the approval of the Department. The school shall not use the word "State" in any part of the school.

(3) Each school shall be required to pay a non-refundable fee of fifteen dollars (\$15) payable to the Department by money order, company check or certified check for each motor vehicle being registered. The vehicle registration shall be valid for one year from the date of approval. Additional offices.

~~(a) A CDS desiring to open an additional office shall notify the Department in writing and provide proof of ownership, occupancy, or lease of such location. The Department shall be notified and the new location must be approved. The license must be conspicuously displayed in each additional place of business at all times.~~

~~(b) Each additional office shall be equipped to and shall perform substantially the same services as the principal place of business. If an additional office is discontinued, the additional office license shall be surrendered to the Department.~~

~~(c) Where the owner of a CDS desires to conduct business in an additional office under an adopted name and the additional office is to be located a county other than that in which the principal place of business is located, the owner must submit with his application, a certificate of adopted business name registered with the Department of State.~~

(4) Each school must pay the Department a non-refundable fee of ten dollars (\$10) for each motor vehicle registration being renewed. The vehicle registration shall be valid for one year from the date of approval.

Rulemaking Authority 488.02 FS. Law Implemented 488.05 FS., 49 CFR s. 396.17. History—New _____.

Proposed as Rule 15A-11.0045:

15A-11.005 Program of Instruction and Requirements.

(1) All programs of instruction offered by a CDS shall be consistent with and subject to the Florida Uniform Traffic Control Law, Chapter 316, F.S., and the laws concerning licensing of drivers, Chapter 322, F.S. A CDS shall make available theoretical or practical instruction.

(2) No CDS or CTDS instructor, employee or agent shall be permitted to use the driving route, on or off the premises, of any driver license examining office during the hours when driving tests are being conducted. Theoretical instruction shall include subject matter relating to rules and regulations of the road, safe driving practices, pedestrian safety and the driver's responsibility.

(3) No CDS or CTDS instructor, employee or agent shall accompany any student into a driver license examining office to assist the student during the actual taking of a driver's license examination. Practical instruction shall include a minimum of two hours of driving providing demonstration of

and actual instruction in stopping, starting, shifting, turning, backing, parking and steering in a dual controlled vehicle which meets the Department's requirements

~~(4) All instructors shall ascertain, before giving driving instruction, that the student possesses a valid learner's or instruction permit issued by the Department or another jurisdiction for the purpose of learning to drive. No CDS or CTDS instructor, employee or agent shall be permitted to use the driving route, on or off the premises of any driver license examining office during the hours when driving tests are being conducted. Violation of this section may be grounds for cancellation or suspension.~~

~~(5) No CDS or CTDS instructor, employee or agent shall accompany any student into a driver license examining office to assist the student during the actual taking of a driver's license examination. Violation of this section may be grounds for cancellation or suspension.~~

~~(6) All instructors shall ascertain, before giving driving instruction, that the student possesses a valid learner's permit issued by the Department or another jurisdiction for the purpose of learning to drive.~~

Rulemaking Authority 488.02 FS. Law Implemented 488.01, 322.07, 322.2615 FS. History—New _____.

15A-11.006 CDS Instructor Certificate Application and Renewal Driving Instruction Contracts.

(1) All CDS instructors must submit an application and possess a valid instructor's certificate issued by the Department, which shall be carried in the instructional vehicle at all times while driving instructions are being given. The application shall be on form number HSMV 77073S (Rev. 9/10), which is available as provided in Rule 15A-11.012, F.A.C. Contracts between the school and students shall be executed in duplicate with the student receiving the original.

(2) Instructor qualifications. A standard contract is hereby adopted including the terminology to be used with a space provided for the advertisement of the school. All driving instruction contracts issued by a CDS shall use the terminology outlined on form HSMV77072S, which is available as provided in Rule 15A-11.014, F.A.C.

(a) Instructors who teach students having a learner's or instructional permits shall be at least twenty-one (21) years of age.

(b) Every instructor shall have a valid Class E driver license.

(c) Every instructor must maintain, during any consecutive three year period, a driving record which does not include more than three (3) chargeable motor vehicle crashes or violations as defined in Chapter 316, F.S. Any traffic or other violation resulting in suspension or revocation of the driving privilege will automatically cause the suspension of the instructor's certificate.

(d) An instructor shall not have any physical or mental impediments that prohibit the instructor from satisfactorily providing driving instruction.

(e) Every instructor shall provide one set of finger prints for a fingerprint-based criminal background check, the cost of which is borne by the applicant.

(3) All instructors shall have successfully completed a DITC in driver education or the equivalent approved by the Department prior to the instructor's certificate being issued. Documentation of such training shall accompany the application.

(4) CDS instructor's certificates shall be valid for a period of one year from their date of issuance and shall be renewed yearly by applying to the Department on form HSMV77073S (Rev. 9/10) at least forty-five (45) days prior to the certificate's expiration date.

(5) Each original instructor application shall be accompanied by a non-refundable fee of twenty-five dollars (\$25) payable to the Department by money order, certified check or company check. The renewal application shall be accompanied by a non-refundable fee of ten dollars (\$10) payable to the Department.

Rulemaking Authority 488.02 FS. Law Implemented 488.0404, 488.06 FS. History—New _____.

15A-11.007 Agent Identification Cards CDS Instruction Vehicles.

(1) Upon application to the Department, an agent shall be issued a card identifying him as an agent of a particular driving school to be used while acting on behalf of the school, if the agent is otherwise in compliance with these rules. All applications for agent identification cards must be answered completely on form number HSMV 77073S (Rev. 9/10), which is available as provided in Rule 15A-11.012, F.A.C. No vehicle shall be used for instruction unless it has been registered with the Department. The registration shall be carried in the vehicle at all times while driving instructions are being given. When a vehicle is no longer being used by a school, the school shall notify the Department in writing within ten (10) days.

(2) Every agent shall provide one set of finger prints for a fingerprint-based criminal background check, the cost of which is borne by the applicant. The school must complete the vehicle section of the school application form HSMV77074S or the vehicle registration form HSMV77071S, which are available as provided in Rule 15A-11.014, F.A.C. The owner shall file with the Department evidence of insurance with a company authorized to do business in this state. The driving school shall furnish evidence of such insurance coverage in the form of a certificate from the carrier, which shall stipulate that the Department shall be notified when the policy expires or if it is cancelled, and shall include make, model, and vehicle

identification number. This insurance certificate must reflect the school name as the insured. The insurance certificate must list the Department as the certificate holder.

(3) Each original application shall be accompanied by a non-refundable fee of twenty-five dollars (\$25) payable to the Department by money order, certified check, ~~or~~ company check or personal check. The renewal application shall be accompanied by a non-refundable fee of ten dollars (\$10) payable to the Department. A CDS must exhibit, on all motor vehicles registered by the Department, a sign identifying the name of the school. This identification may be painted on the front, side or rear of the motor vehicle in at least 2 inch letters. If the identification is not painted on the rear of the motor vehicle, a portable sign with at least 2 inch letters shall be attached securely to the rear bumper or to the top of the motor vehicle so as to be visible from the rear.

(4) The card shall be valid for a period of one year from its date of issuance and shall be renewed by applying to the Department upon the proper form at least forty-five (45) days prior to the expiration date of the card. Every motor vehicle used for practical driver training shall be registered by the Department unless the student has signed a waiver to use their personal vehicle.

(5) A CDS may provide the option for a student to use their personal vehicle for driving instruction. The Instructor must conduct an inspection of the vehicle and verify that the vehicle has valid registration and insurance coverage. The inspection of the vehicle includes verification that the following items are operable: windshield wipers, glass (clear view from the front, sides and back), horn, rearview mirror, directional signals, head lights, tail lights, brakes lights, brakes, valid license plate, emergency brake, steering wheel (no more than 3" play), tires (that are not bald), and muffler exhaust system firmly attached to the vehicle.

(6) Each school shall be required to pay a non refundable fee of fifteen dollars (\$15) payable to the Department by money order, company check, or certified check for each motor vehicle being registered. The vehicle registration shall be valid for one year from the date of approval.

(7) Each school must pay the Department a nonrefundable fee of ten dollars (\$10) for each motor vehicle registration being renewed. The vehicle registration shall be valid for one year from the date of approval.

Rulemaking Authority 488.02 FS. Law Implemented 488.045, 488.06 FS. History—New _____.

15A-11.008 Driving Instruction Contracts Soliciting and Advertising.

(1) The CDS is authorized, but not required, to use form HSMV77072S (Rev.2/10), which is available as provided in Rule 15A-11.012, F.A.C. A school shall not use any name other than its licensed name for advertising or publicity purposes, nor shall a school advertise or imply that it is

~~“supervised”, “recommended” or “endorsed” by the Department. The CDS shall not use the word “STATE” in any part of the school name. Violation of this section may be grounds for cancellation or suspension.~~

~~(2) An owner, instructor, agent or employee of a driving school shall not give the impression to a student that upon completion of their course, they will guarantee the securing of a driver license to operate a motor vehicle.~~

~~(3) No CDS or CTDS instructor, agent or employee shall solicit business on the premises rented, leased or owned by the Department, including parking lots adjoining driver license examining offices or parking lots used by driver license applicants.~~

~~(4) No person shall solicit or act in behalf of any CDS or CTDS without displaying upon request, a valid agent’s identification card or instructor certification issued to such agent by the Department.~~

~~(5) School advertisements appearing in publications published outside the county in which the school is located shall specify the address of the school. Violation of this section may be grounds for cancellation or suspension.~~

Rulemaking Authority 488.02 FS. Law Implemented 488.02 FS. History—New_____.

15A-11.009 CTDS Instructor Certificate Application and Renewal.

~~(1) No person shall perform any instructional duties for any CDS or CTDS licensed under Chapter 1005, F.S., unless such person shall meets the qualifications for instructors as herein provided. All instructional personnel must submit an application and possess a valid instructor’s certificate issued by the Department, which shall be carried in the instructional vehicle at all times while driving instructions are being given. An application shall be made on form number HSMV 77073S (Rev. 9/10), which is available as provided in Rule 15A-11.012, F.A.C.~~

~~(2) Instructor qualifications.~~

~~(a) Every Instructor in a school who teaches students having a learner’s or instructional permits shall be at least twenty-one (21) years of age.~~

~~(b) Every instructor shall have a valid Class A E driver license before making application for an instructor’s certificate.~~

~~(c) Every instructor must maintain, during any consecutive three year period, a driving record which does not include more than three (3) chargeable motor vehicle crashes or violations as defined in Chapter 316, F.S. Any traffic or other violation resulting in suspension or revocation of the driving privilege will automatically cause the suspension of the instructor’s certificate.~~

~~(d) Every instructor shall have a minimum of three years of driving experience as a Class A CDL driver prior to application for an instructor’s license. An instructor shall not have any physical or mental impediments that prohibit the instructor from satisfactorily providing driving instruction.~~

~~(e) An instructor shall not have any physical or mental impediments that prohibit the instructor from satisfactorily providing driving instruction.~~

~~(f) Every instructor shall provide one set of finger prints for a fingerprint-based criminal background check, the cost of which is borne by the applicant.~~

~~(3) All CTDS instructors shall have successfully completed a driver education course consisting of written examinations and road tests or the equivalent approved by the Department prior to the instructor’s certificate being issued. Documentation of such training shall accompany the application. All applications for an instructor’s certificate must be answered completely on form number HSMV 77073S, which is available as provided in Rule 15A-11.014, F.A.C., and accompanied by a notarized statement from the owner (unless the owner is making application) of the school listing the person’s name in full, his address, and that said person is or will be employed by the school.~~

~~(4) CTDS instructor’s certificates shall be valid for a period of one year from their date of issuance and shall be renewed yearly by applying to the Department on form number HSMV 77073S (Rev. 9/10) at least forty-five (45) days prior to the certificate’s expiration date. A CDS Instructor must submit a driving record from previous state of residence, if Florida resident for less than one (1) year.~~

~~(5) Each original instructor application shall be accompanied by a non-refundable fee of twenty-five (\$25) dollars payable to the Department by money order, or certified check. The renewal application shall be accompanied by a non-refundable fee of ten dollars (\$10) payable to the Department as set forth above. If the applicant has been a Florida resident for less than one (1) year, in addition to the FDLE background check, a complete criminal background check from the previous state of residence must accompany the application and must have been issued within one year of the date of the instructor application. Conviction of a crime within the last 7 years shall not automatically bar any applicant or licensee from obtaining or continuing a certification. The Department shall consider the type of crime committed, the relevancy to the driver training industry, and the length of time since the conviction in accordance with Section 112.01(1)(b), F.S.~~

~~(6) All instructors shall have successfully completed a 32 hour DITC in driver education or the equivalent approved by the Department prior to the instructor’s certificate being issued. Documentation of such training shall accompany the application.~~

~~(7) Temporary Instructor’s Certificate.~~

(a) In the event no 32-hour DITC is available, the Department shall issue the instructor a temporary certificate based on satisfactory completion of the DPAS test. The temporary certificate shall be valid until the next 32-hour DITC is offered and shall authorize the instructor to perform practical instructional duties only during this period for a school licensed by the Department. The temporary certificate shall be valid for a maximum of six (6) months from the date of issuance. The Department shall not issue any extensions of the six-month term limit, unless written proof of the extenuating circumstance is provided and approved by the Department. The Department shall issue only one, six-month temporary certificate per instructor candidate.

(b) Temporary certificate holders shall be required to take a 32-hour DITC in driver education approved by the Department. Upon successful completion of this course and upon meeting all other instructor qualifications set out by these rules and by Chapter 488, F.S., the Department shall issue to the applicant a regular instructor's certificate. Failure to complete the required 32-hour DITC will result in the cancellation of the temporary instructor's certificate.

(8) CDS instructor's certificates shall be valid for a period of one year from their date of issuance and shall be renewed yearly by applying to the Department on form HSMV77073S at least forty-five (45) days prior to the certificate's expiration date.

(9) Each original instructor application shall be accompanied by a non-refundable fee of twenty-five dollars (\$25) payable to the Department by money order, certified check or company check. The renewal application shall be accompanied by a non-refundable fee of ten dollars (\$10) payable to the Department.

(10) All instructors shall be required to attend an eight (8) hour Driver Instructor Refresher Course every five (5) years.

Rulemaking Authority 488.02 FS. Law Implemented 488.04, 488.06 FS. History—New _____.

15A-11.010 CTDS Instruction Vehicles Commercial Truck Driver Schools.

(1) No vehicle shall be used for instruction unless it has been issued a federally approved safety inspection in accordance with Title 49 of the Code of Federal Regulations, section 396.17 (June 17, 2009) and a motor vehicle registration by the Department. The safety inspection and vehicle registration must be carried in the vehicle at all times while driving instructions are being given. When a vehicle is no longer being used by a school, the school shall give the Department written notice of this fact. All CTDS shall be required to be licensed pursuant to Chapter 1005, F.S., and additionally shall be subject to the provisions of Sections 488.04 and 488.05, F.S. No person, group, organization, institution, business entity, or corporate entity may engage in

the business of operating a CTDS without first obtaining a license thereof from the Commission for Independent Education pursuant to Chapter 1005, F.S.

(2) CTDS must submit the vehicle registration form HSMV77071S (Rev. 2/10), which is available as provided in Rule 15A-11.012, F.A.C. The owner shall file with the Department evidence of sufficient security in accordance with Chapter 324 and Section 627.7275, F.S., as evidence of Financial Responsibility and in compliance with Florida Motor Vehicle No-Fault Law and the Florida Financial Responsibility Law.

(3) Each school shall be required to pay a non-refundable fee of fifteen dollars (\$15) payable to the Department by money order, or certified check for each motor vehicle being registered. The vehicle registration shall be valid for one year from the date of approval.

(4) Each school must pay to the Department, a non-refundable fee of ten dollars (\$10) for each motor vehicle registration being renewed. The renewed vehicle registration shall be valid for one year from the date of approval.

Rulemaking Authority 488.02 FS. Law Implemented 488.05 FS., 49 CFR s. 396.17. History—New _____.

15A-11.011 Denial, Revocation or Suspension of CDS License, CDS, CTDS Instructor's Certificate or Agent's Card CTDS Instructor Certificate Application and Renewal.

(1) Any license, certificate or agent identification card will be denied, revoked or suspended by the Department for the following reasons: No person shall perform any instructional duties for any CTDS licensed under Section 1005, F.S., unless such person shall meet the qualifications for instructors as herein provided. All instructional personnel must submit an application and possess a valid instructor's certificate issued by the Department, which shall be carried with the instructor at all times while driving instructions are being given.

(a) The violation of any provision of Chapter 488, F.S., or of any of these rules.

(b) The conviction of, the plea of no contest to, or the adjudication withheld for, any felony or misdemeanor offense as shown by a fingerprint-based criminal background check conducted by the Department. Applicants with any convictions must wait at least 5 years after the conviction date to be considered. Applicants with convictions that directly relates to the business of conducting a commercial driver training school, including convictions that directly relate to the personal safety of a student will not be considered. DUI convictions or personal use drug convictions outside the five year period will not automatically disqualify an applicant if the applicant has served their revocation period and has a full unrestricted driver's license.

(c) The employment of instructors, teachers or agents who have not been approved and certified or issued identification cards by the Department, or giving driving instruction without being certified by the Department.

(d) The instruction of students contrary to the restrictions imposed on the students' driver licenses.

(e) Business solicitation on any premises, including parking areas, used by the Department or a tax collector for the purpose of licensing.

(f) Committing fraud or willful misrepresentation in applying for or obtaining a license.

(2) The Department will take emergency suspension or revocation action, without preliminary hearing whenever any school or instructor has knowingly been involved in assisting anyone to obtain a driver license fraudulently. Instructor qualifications:

(a) Every instructor in a CTDS shall be at least twenty-one (21) years of age.

(b) Every instructor shall have a valid Class A CDL license before making application for an instructor's certificate.

(c) Every instructor must maintain, during the most recent consecutive three year period, a driving record which does not include more than three (3) chargeable motor vehicle crashes or violations as defined in Chapter 316, F.S. Any violation, resulting in suspension or revocation of the driving privilege will automatically cause the suspension of the instructor's certificate.

(d) Every instructor shall have a minimum of three years of driving experience as a Class A CDL driver prior to application for an instructor's license.

(e) An instructor shall not have any physical or mental impediments that prohibit the instructor from satisfactorily providing driving instruction.

(3) The Department shall notify CIE if negative action is taken against a truck driver training school or its instructors. All applications for a CTDS instructor's certificate must be answered completely on form number HSMV 77073S, which is available as provided in Rule 15A 11.014, F.A.C., and meet all the above qualifications and provide a notarized statement from the owner (unless the owner is making application) of the school listing the person's name in full, his address, and that said person is or will be employed by the school.

(4) A CTDS Instructor must submit a driving record from previous state of residence, if Florida resident for less than one (1) year.

(5) If the applicant has been a Florida resident for less than one (1) year, in addition to the FDLE background check, a complete criminal background check from the previous state of residence must accompany the application and must have been issued within one year of the date of the instructor application. Conviction of a crime within the last 7 years shall not automatically bar any applicant or licensee from obtaining or

continuing a certification. The Department shall consider the type of crime committed, the relevancy to the driver training industry, and the length of time since the conviction in accordance with Section 112.01(1)(b), F.S.

(6) All CTDS instructors shall have successfully completed a 32 hour CMV DITC in driver education or the equivalent approved by the Department prior to the instructor's certificate being issued. Documentation of such training shall accompany the application.

(7) Temporary Instructor's Certificate.

Prior to acceptance of a Temporary Instructors Certificate the school must verify that the instructor meets the qualification of an instructor as indicated above.

(a) In the event, no 32 hour CMV DITC is available, the Department shall issue the instructor a temporary certificate based on satisfactory completion of the DPAS test. The temporary certificate shall be valid until the next 32 hour CMV DITC is offered and shall authorize the instructor to perform practical instructional duties only during this period for a school licensed by the Department. The temporary certificate shall be valid for a maximum of six (6) months from the date of issuance. The Department shall not issue any extensions of the six month term limit, unless written proof of the extenuating circumstance is provided and approved by the Department. The Department shall issue only one, six month temporary certificate per instructor candidate.

(b) Temporary certificate holders shall be required to take a 32 hour CMV DITC in driver education approved by the Department. Upon successful completion of this course and upon meeting all other instructor qualifications set out by Chapter 488 or 1005, F.S., the Department shall issue to the applicant a regular instructor's certificate. Failure to complete the required 32 hour CMV DITC will result in the cancellation of the temporary instructor's certificate.

(8) CTDS instructor's certificates shall be valid for a period of one year from their date of issuance and shall be renewed yearly by applying to the Department on the prescribed form at least forty-five (45) days prior to the certificate's expiration date.

(9) Each original instructor application shall be accompanied by a non refundable fee of twenty five (\$25) dollars payable to the Department by money order, or certified check. The renewal application shall be accompanied by a non refundable fee of ten dollars (\$10) payable to the Department as set forth above.

(10) All instructors shall be required to attend an eight (8) hour CMV Driver Instructor Refresher Course every five (5) years.

Rulemaking Authority 488.02 FS. Law Implemented 488.0604, 112.011(1)(b) FS. History--New _____.

15A-11.012 Forms CTDS Instruction Vehicles.

The forms identified by this rule are listed below by number, title, and effective date. Each form is incorporated by reference. Copies may be obtained by contacting the Bureau of Driver Education and DUI Programs Section, Neil Kirkman Building, Tallahassee, Florida 32399-0571. The following forms are available via our website at <http://www.flhsmv.gov/ddl/comschool.html>.

(1) Vehicle Registration Application Form, HSMV Form 77071S (Rev. 2/10), ~~No vehicle shall be used for instruction unless it has been issued a federally approved safety inspection in accordance with 49 CFR, section 396.17 and a motor vehicle registration by the Department. The safety inspection and vehicle registration must be carried in the vehicle at all times while driving instructions are being given. When a vehicle is no longer being used by a school, the school shall give the Department written notice of this fact.~~

(2) Student Contract Form, HSMV Form 77072S (Rev. 2/10).

(3) Instructor/Agent Application Form, HSMV Form 77073S (Rev. 9/10).

(4) Driver Training School Application Form, HSMV Form 77074S (Rev. 9/10).

~~(2) To be issued a motor vehicle registration, the school CTDS must submit the vehicle registration form HSMV 77071S (Rev. 2/10), which is available as provided in Rule 15A-11.012, F.A.C., and comply with the following:~~

~~(a) The owner shall file with the Department evidence of insurance with a company authorized to do business in this state. The driving school shall furnish evidence of such insurance coverage in the form of a certificate from the carrier, which shall stipulate that the Department shall be notified when the policy expires or if it is cancelled, and shall include make, model, and vehicle identification number. This insurance certificate must reflect the school name as the insured. The insurance certificate must list the Department as the certificate holder.~~

~~(b) Every motor vehicle used for truck driver training shall be owned or leased by the school.~~

~~(c) Every motor vehicle used for truck driver training shall be registered by the Department.~~

~~(3) The driving school must exhibit, on all motor vehicles registered by the Department, a sign identifying the name of the school licensed by the Commission for Independent Education. This identification may be painted on the front, side or rear of the truck and/or trailer in at least 2 inch letters. If the identification is not painted on the rear of the motor vehicle, a portable sign with at least 2 inch letters shall be attached securely to the rear bumper or to the top of the motor vehicle so as to be visible from the rear.~~

~~(4) Each school shall be required to pay a non-refundable fee of fifteen dollars (\$15) payable to the Department by money order, or certified check for each motor vehicle being registered. The vehicle registration shall be valid for one year from the date of approval.~~

~~(5) Each school must pay to the Department, a non-refundable fee of ten dollars (\$10) for each motor vehicle registration being renewed. The vehicle registration shall be valid for one year from the date of approval.~~

Rulemaking Authority 488.02 FS. Law Implemented 488.0105 FS. History--New_____.

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."

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-4.160	Outpatient Hospital Services

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 21, May 28, 2010 issue of the Florida Administrative Weekly.

The amendment to Rule 59G-4.160, Outpatient Hospital Services, incorporates by reference in rule the Florida Medicaid Hospital Services Coverage and Limitations Handbook, January 2010. A notice of change was published in the Vol. 36, No. 26, July 2, 2010 issue of the Florida Administrative Weekly. The following changes have been made to the handbook referenced in the Vol. 36, No. 26, July 2, 2010 issue of the Florida Administrative Weekly.

CHAPTER 2

Page 2-2 Medicaid Reimbursement: Delete the following paragraph:

In the outpatient hospital setting, the federal Emergency Medical Treatment and Labor Act (EMTALA) screening is reimbursed the Medicaid established technical component of \$24, not the line item rate. This service is identified by revenue code 0451 and HCPCS 99281.

APPENDIX B: 045X EMERGENCY ROOM

Page B-7 0450 General Classification: The following bullets are changed to read:

- Use General Classification code 0450 when recipients require emergency room care beyond the EMTALA emergency medical screening services. Code 0450 cannot be used in conjunction with 0451(99281).

- All other appropriate and covered outpatient revenue codes can be billed with 0450 to reflect services rendered to the patient during the course emergency room treatment.

Page B-8 0451(99281) EMTALA Emergency Medical Screening Services (Effective 7/1/96).

The following bullet is changed to read:

- Report the EMTALA Medical Screening code 0451 (99281) when, following the screening and exam, no further emergency room care or treatment is necessary. If ancillary services are necessary to determine whether or not emergency care or further treatment is required, report the ancillary charges using the appropriate revenue center codes in conjunction with code 0451 (99281). Note that 0451(99281) cannot be used in conjunction with 0450.

The following bullet is deleted:

- The federal EMTALA screening is reimbursed the Medicaid established technical component of \$24, not the line item rate.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE NO.:	RULE TITLE:
61G7-5.005	Deficiency in Tangible Accounting and Accounting Net Worth; Guaranty Form Acceptable to Board; Sufficient Evidence of Guarantor's Adequate Resources

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 17, April 30, 2010 issue of the Florida Administrative Weekly.

This correction are being made in response to comments received from the Joint Administrative Procedures Committee on July 22, 2010. The correction is as follows:

This is an amendment to the Statement of Estimated Regulatory Costs (SERC).

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.

This correction does not affect the substance of the rule as it appeared in the Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THIS NOTICE IS: Richard Morrison, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

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 JUVENILE JUSTICE

Program Accountability

RULE NOS.:	RULE TITLES:
63L-2.001	Purpose and Scope
63L-2.002	Definitions
63L-2.003	Frequency of Reviews
63L-2.004	Program Notification and Review Preparation
63L-2.005	Conducting Reviews
63L-2.006	Indicators, Standards and Ratings
63L-2.007	Certified Reviewers
63L-2.008	Challenges to Program Reports
63L-2.009	Failed Standards
63L-2.010	Internal Review Board
63L-2.011	Deemed Status

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 19, May 14, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.:	RULE TITLE:
64B17-4.003	Licensure by Endorsement

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 27, July 9, 2010 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

The revision date of form DH-MQA 1142, which is referenced in the rule, will be changed to 02/10.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

DEPARTMENT OF HEALTH

Division of Emergency Medical Operations

RULE NOS.:	RULE TITLES:
64J-2.011	Trauma Center Requirements
64J-2.012	Process for the Approval of Trauma Centers
64J-2.013	Extension of Application Period
64J-2.014	Certificate of Approval
64J-2.015	Process for Renewal of Trauma Centers
64J-2.016	Site Visits and Approval
64J-2.017	Application by Hospital Denied Approval

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 30, July 30, 2010 issue of the Florida Administrative Weekly.

The following rule numbers were inadvertently omitted from the July 30 Notice of Proposed Rule Development: Rules 64J-2.012, 2.013, 2.014, 2.015, 2.016 and 2.017, F.A.C. These rules include reference to forms that are associated with the Trauma Center Standards, DOH, Pamphlet 150-9, which is incorporated by reference in Rule 64J-2.011, F.A.C. If changes to the Department of Health Pamphlet 150-9 are proposed, this will also require technical amendments to change the date of the pamphlet and all related forms where referenced in these rules.

**Section IV
Emergency Rules**

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.:	RULE TITLE:
12AER10-6	Florida Communications Services Tax Returns for Services Billed On or After August 1, 2010

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Chapter 2010-149, L.O.F., provides that for communications services billed on or after August 1, 2010, the state portion of the Florida communications services tax rate for certain services is reduced 0.15 percent from 6.8 percent to 6.65 percent, and the gross receipts tax rate on those services has increased 0.15 percent from 2.37 percent to 2.52 percent. Communications services billed to a residential household on or after August 1, 2010, will be subject to the 2.37 percent gross receipts tax and will remain exempt from the 6.65 percent state portion of the tax. Such services will also be exempt from the additional gross receipts tax rate of 0.15 percent, ensuring that no person will pay any additional tax.

Section 4, Chapter 2010-138, L.O.F., clarifies that the residential exemption from the communications services tax does not include any transient public lodging establishment.

Effective July 1, 2010, Chapter 2010-83, L.O.F., allows communications services tax dealers to use a proportionate method to allocate bad debts bases on current gross taxes due to determine the amount of bad debt that is attributable to the state and to the local jurisdiction or another reasonable allocation method that has been approved by the Department. Dealers report the bad debt credit on Form DR-700016, Florida Communications Services Tax Return, by deducting the bad debt credit from the state tax or from the local jurisdiction tax due to the Department. The amount of the credit deducted and reported on the return is limited to the amount of state tax due or the amount of local jurisdiction tax due.

Section 6, Chapter 2010-149, L.O.F., authorizes the Department of Revenue, and all conditions are deemed met, to adopt an emergency rule to promulgate forms and instructions necessary to report the communications services tax. The law allows a communications services dealer to collect a combined 6.8 percent tax rate comprised of the state tax rate of 6.65 percent and the additional gross receipts tax rate of 0.15 percent if the components of the tax collected are properly shown on the dealer’s tax return. To provide communications services tax dealers and taxpayers who pay tax directly to the Department the necessary form changes to report and remit tax due on communications services beginning August 1, 2010, an emergency rule to incorporate updated tax returns ensures that the public is notified of these law changes by the most appropriate and expedient means. This emergency rule incorporates, by reference, Form DR-700016, Florida Communications Services Tax Return, and Form DR-700019, Communications Services Use Tax Return, effective August 2010, and the instructions to report tax due on communications services billed, including the residential exemption, and to report bad debt credits consistent with the provisions of Chapter 2010-83, L.O.F.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized in Section 6, Chapter 2010-149, L.O.F., the promulgation of an emergency rule by the Department to provide forms and instructions to report and remit tax due on communications services billed on or after August 1, 2010. The promulgation of this emergency rule, incorporating by reference forms used to report and remit Florida communications services tax and local communications services tax, ensures that the public is notified by the most appropriate and expedient means regarding changes to the tax returns used by the Department for properly reporting the components of the tax collected on the return and for allocating bad debt credits to state and local jurisdictions.