

**Section I**

**Notices of Development of Proposed Rules and Negotiated Rulemaking**

**DEPARTMENT OF LEGAL AFFAIRS**

**Division of Victim Services and Criminal Justice Programs**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
2A-2.002	Victim Compensation Claims
2A-2.014	Domestic Violence Relocation Assistance

2A-2.015 Sexual Battery Relocation Assistance

**PURPOSE AND EFFECT:** To clarify definitions, documentation, benefits and procedures for claims, filed pursuant to the Crimes Compensation Act, and add Sexual Battery Relocation Assistance.

**SUBJECT AREA TO BE ADDRESSED:** Definitions, benefits, and documentation requirements.

**RULEMAKING AUTHORITY:** 960.045(1)(b), 960.13(9)(b) FS.

**LAW IMPLEMENTED:** 960.065, 960.07, 960.12, 960.13, 960.15, 960.16, 960.17, 960.18, 960.195, 960.198, 960.199, 960.03 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: Michelle Crum, Chief of Victim Compensation, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, FL 32399-1050

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

**DEPARTMENT OF LEGAL AFFAIRS**

**Division of Victim Services and Criminal Justice Programs**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
2A-5.011	Enforcement

**PURPOSE AND EFFECT:** The Division proposes the development of a rule amendment to update guidelines for enforcement of convenience store program violations.

**SUBJECT AREA TO BE ADDRESSED:** Amendment to convenience business rules regarding voluntary compliance.

**RULEMAKING AUTHORITY:** 812.176 FS.

**LAW IMPLEMENTED:** 120.57, 812.173 FS.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rick Nuss, Chief, Bureau of Criminal Justice Programs, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

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

**DEPARTMENT OF LEGAL AFFAIRS**

**Division of Victim Services and Criminal Justice Programs**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
2A-9.001	Purpose
2A-9.002	General Provisions
2A-9.003	Definitions
2A-9.004	Grant Eligibility
2A-9.005	Application Procedures
2A-9.006	Funding Requirements

**PURPOSE AND EFFECT:** Provide purpose, general provisions, definitions, and other requirements for funding under the Crime Stoppers Trust Fund.

**SUBJECT AREA TO BE ADDRESSED:** Crime Stoppers Grants.

**RULEMAKING AUTHORITY:** 16.555(6) FS.

**LAW IMPLEMENTED:** 16.555-.556 FS.

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**DEPARTMENT OF EDUCATION**

**State Board of Education**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
6A-1.004	School District Budget Requirements
6A-1.0071	Fiscal Reporting Dates

**PURPOSE AND EFFECT:** The purpose of the rule development for Rule 6A-1.004, F.A.C., is to update Forms ESE 139, District Summary Budget; ESE 524, Resolution Determining Revenues and Millages Levied; and ESE 524(a), Resolution Determining Critical Needs Revenues and Millages Levied, as incorporated by reference. The purpose of the rule development for Rule 6A-1.0071, F.A.C., is to update Forms ESE 348, Report of Financial Data to the Commissioner of Education; ESE 145, Superintendent's Annual Financial

Report; ESE 374, Schedule of Maturities of Indebtedness; and ESE 523, Information Concerning Authorized Obligations Under Sections 1011.14 and 1011.15, F.S., which are incorporated by reference in the rule.

**SUBJECT AREA TO BE ADDRESSED:** Budget submission procedures and annual financial reporting submission procedures.

**RULEMAKING AUTHORITY:** 1001.02(1), 1011.03(4), 1011.60(1) FS.

**LAW IMPLEMENTED:** 200.065, 1011.01(3), 1011.03(4), 1011.60(1) FS.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mark Eggers, Bureau of School Business Services, Department of Education, 325 West Gaines Street, Room 814, Tallahassee, Florida 32399-0400, (850)245-0405. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or Lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT: <https://app1.fldoe.org/rules/default.aspx>.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
6A-4.00821	Florida Educational Leadership Examination

**PURPOSE AND EFFECT:** The purpose of this rule development is to review and update the competencies and skills for the Florida Educational Leadership Examination (FELE), to specify the effective dates for implementation of the new competencies and skills, update processes related to the test delivery format, and revise obsolete terminology within the rule. The effect will be changes to the FELE competencies and skills.

**SUBJECT AREA TO BE ADDRESSED:** Florida Educational Leadership Examination.

**RULEMAKING AUTHORITY:** 1012.56, 1012.59 FS.

**LAW IMPLEMENTED:** 1012.56 FS.

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

**DATE AND TIME:** August 17, 2012, 10:00 a.m. – 11:00 a.m.

**PLACE:** Florida Department of Education, Turlington Building, 325 West Gaines Street, Suite 414, Room 422B, Tallahassee, Florida 32399-0400, Conference Call: 1(888)808-6959, Conference Code: 7119110.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Phil Canto, Chief, Bureau of Postsecondary Assessment, Office of Assessment, Accountability, Research, and Measurement, 325 W. Gaines Street, Suite 414, Tallahassee, FL 32399, (850)245-0513. To submit a comment on this rule development go to: <https://app1.fldoe.org/rules/default.aspx>

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

**DEPARTMENT OF REVENUE**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
12-2.021	Purpose
12-2.027	System for Indexing Final Orders
12-2.028	Maintenance of Final Orders

**PURPOSE AND EFFECT:** The purpose of the proposed repeal of Rule 12-2.021, F.A.C. (Purpose), Rule 12-2.027, F.A.C. (System for Indexing Final Orders), and Rule 12-2.028, F.A.C. (Maintenance of Final Orders), is to remove unnecessary requirements and provisions regarding the indexing and handling of final orders that are redundant of Department of State, Rules 1B-32.001 and 1B-32.002, F.A.C., of Rule Chapter 1B-32, F.A.C. (Indexing, Management, and Availability of Final Orders).

**SUBJECT AREA TO BE ADDRESSED:** The proposed repeal of Rules 12-2.021, 12-2.027, and 12-2.028, F.A.C., to remove provisions for the indexing or listing of final orders that are redundant of other administrative rules.

**RULEMAKING AUTHORITY:** 120.533(1), 120.54(1), 213.06(1) FS.

**LAW IMPLEMENTED:** 119.041(2), 120.53(1), (2), (3), (4) 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:** August 8, 2012, 9:00 a.m.

**PLACE:** 2450 Shumard Oak Boulevard, Building One, Room 1220, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Tammy Miller at (850)617-8347. 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: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT'S INTERNET SITE AT: myflorida.com/dor/rules

**DEPARTMENT OF REVENUE**

**RULE NO.:** 12-3.006  
**RULE TITLE:** Designation of Official Reporter to Publish and Index Subject Matter Relating to Agency Orders

**PURPOSE AND EFFECT:** Subsection (3) of Rule 12-2.022(3), F.A.C. (Public Inspection and Copying), designates the Florida Administrative Law Reporter as the Department's official reporter for final orders, except for child support enforcement. The purpose of the proposed repeal of Rule 12-3.006, F.A.C. (Designation of Official Reporter to Publish and Index Subject Matter Relating to Agency Orders), is to remove this rule that is redundant of subsection 12-2.022(3), F.A.C., which also designates the official reporter of the Department for its final orders.

**SUBJECT AREA TO BE ADDRESSED:** The proposed repeal of Rule 12-3.006, F.A.C., to remove provisions regarding the Department's official reporter for final orders that are redundant of another administrative rule.

**RULEMAKING AUTHORITY:** 120.53(1)(c), (2)(a), 213.06(1) FS.

**LAW IMPLEMENTED:** 20.05, 120.53(1), (2) FS.

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Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610  
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**DEPARTMENT OF REVENUE**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
12-13.001	Scope of Rules
12-13.003	Request for Settlement or Compromise
12-13.004	Delegation of Authority to Determine Settlements or Compromises
12-13.0063	Grounds for Finding Department Delay in the Determination of an Amount Due
12-13.0064	Relief for Inadvertent Sales and Use Tax Registration Errors
12-13.007	Grounds for Reasonable Cause for Compromise of Penalties
12-13.0075	Guidelines for Determining Amount of Compromise
12-13.008	Procedures for Compromise and Settlement of Taxes, Interest, and Penalties
12-13.009	Closing Agreements

**PURPOSE AND EFFECT:** The purpose of the proposed amendments to Rule Chapter 12-13, F.A.C. (Compromise and Settlement), is to: (1) update provisions for the compromise or settlement of outstanding liabilities for tax, penalty, interest, and services fees to include changes to Sections 212.07(9), 212.12(14), 213.21, 213.24(3), and 215.34, F.S., since the last update to the rule chapter; (2) remove the requirement that a taxpayer's written request be required for the Department to settle or compromise such outstanding liabilities; and (3) remove unnecessary or redundant provisions.

The purpose of the proposed amendments to Rule 12-13.001, F.A.C. (Scope of Rules), is to provide that the rule chapter, as amended, includes provisions for the settlement or compromise of outstanding liabilities for tax, penalty, interest, and services fees, as provided in Sections 212.07(9), 212.12(14), 213.21, 213.24(3), and 215.34, F.S.

The purpose of the proposed repeal of Rule 12-13.003, F.A.C. (Request for Settlement or Compromise), is to remove provisions regarding a taxpayer's request for settlement or compromise that are redundant of Rule 12-13.008, F.A.C. (Procedures for Compromise and Settlement of Taxes, Interest, and Penalties), as amended, and to remove unnecessary provisions regarding requests for settlement or compromise that are not submitted to the Department in writing.

The purpose of the proposed amendments to Rule 12-13.004, F.A.C. (Delegation of Authority to Determine Settlements or Compromises), is to update the delegations of authority authorized by the Executive Director of the Department to settle or compromise a taxpayer's assessment to reflect the absorption of the Compliance Support Process by the Refunds and Distribution Process within the General Tax Administration Program.

The purpose of the creation of Rule 12-13.0063, F.A.C., (Grounds for Finding Department Delay in the Determination of an Amount Due), is to include the provisions of Section 213.21(3)(a), F.S., and provide when the Department will compromise interest to the extent that the delay in determining an amount due is attributable to the action or inaction of the Department.

The purpose of the creation of Rule 12-13.0064, F.A.C., (Relief for Inadvertent Sales and Use Tax Registration Errors), is to provide, consistent with the provisions of Section 212.07(9), F.S., when a vendor or purchaser qualifies to pay a mandatory penalty instead of the taxes, penalties, and interest that would otherwise be due on transactions for which the purchaser did not pay tax to the vendor. The failure to pay the tax to the vendor must be based on a good faith belief that the transaction was a tax-exempt purchase for resale or was a tax-exempt purchase by a tax-exempt organization.

The purpose of the proposed amendments to Rule 12-13.007, F.A.C. (Grounds for Reasonable Cause for Compromise of Penalties), is to remove requirements for taxpayers to submit the facts and circumstances of the exercise of ordinary care and prudence to the Department in writing, allowing the Department to document the facts and circumstances of the exercise of ordinary care and prudence by the taxpayer in the Department's records.

The purpose of the proposed amendments to Rule 12-13.0075, F.A.C. (Guidelines for Determining Amount of Compromise), is to: (1) provide when the Department is authorized under Section 213.21(10), F.S., to compromise sales tax penalties for failure to file a complete and accurate return, or for failure to timely pay the tax due on a return, when the taxpayer has one noncompliant filing event in the preceding 12-month period; (2) provide when the Department is authorized under Section 213.21(9), F.S., to settle or compromise any penalty imposed under Section 212.12, F.S., for failure to collect based on a good faith belief that the tax, surtax, or surcharge was not due; (3) provide when a dealer will not be held liable for tax, penalty, or interest under Section 212.12(14), F.S., when the dealer failed to apply the appropriate tax bracket system when collecting sales tax; (4) provide when the administrative collection processing fee imposed under Section 213.24(3), F.S., may be waived due to extraordinary circumstances; (5) provide when the service fee for returned payments imposed by Section 215.34(2), F.S., will be compromised for unintentional errors by the taxpayer, the financial institution, or

the Department; (7) clarify that the Department will compromise all penalties when payment of delinquent tax and interest results from voluntary, written self-disclosure; and (8) remove provisions redundant of subsection 12-13.007(9), F.A.C.

The purpose of the proposed amendments to Rule 12-13.008, F.A.C. (Procedures for Compromise and Settlement of Taxes, Interest, and Penalties), is to provide that a taxpayer will only be required to submit a written request for compromise or settlement of outstanding liabilities for tax, penalty, interest, or service fees when: (1) the request to settle or compromise is for an amount greater than \$30,000; (2) the complexity of the issues involved requires that the taxpayer submit a written request to explain the issues; or, (3) the taxpayer asks to submit the request in writing. Department employees authorized to settle or compromise such outstanding liabilities continue to be required to document the facts and circumstances of the settlement or compromise in the Department's records.

The purpose of the proposed amendments to Rule 12-13.009, F.A.C. (Closing Agreements), is to (1) remove provisions regarding the delegation of authority by the Executive Director of the Department that are redundant of Rule 12-13.004, F.A.C.; and (2) to remove the incorporation, by reference, of Form DR-812, Closing Agreement, which does not meet the definition of a "rule," as provided in Section 120.52(16), F.S., and is not required to be adopted as a rule.

**SUBJECT AREA TO BE ADDRESSED:** The subject area of the workshop is the proposed changes to Rule Chapter 12-13, F.A.C. (Compromise and Settlement), to update provisions for administering the Department's authority to compromise or settle outstanding liabilities for tax, penalty, interest, and services fees granted in Sections 212.07(9), 212.12(14), 213.21, 213.24(3), and 215.34, F.S.

**RULEMAKING AUTHORITY:** 212.07(9)(c), 213.06(1), 213.21(5), (9) FS.

**LAW IMPLEMENTED:** 212.07(9), 212.12(14), 213.05, 213.015(18), (20), 213.21, 213.24(3), 215.34(2) FS.

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**DEPARTMENT OF REVENUE**

RULE NOS.:           RULE TITLES:  
 12-15.001            Debt Collection Contracts  
 12-15.005            Confidentiality

PURPOSE AND EFFECT: The purpose of the proposed repeal of Rule Chapter 12-15, F.A.C. (Debt Collection Services), is to remove provisions that are redundant of Section 213.27, F.S., or are unnecessary. The repeal of the rule sections in Rule Chapter 12-15, F.A.C., will remove unnecessary rules on debt collections contracts authorized under Section 213.27, F.S.

SUBJECT AREA TO BE ADDRESSED: The proposed repeal of Rule Chapter 12-15, F.A.C., to remove unnecessary provisions regarding contracts with debt collection agencies to collect certain delinquent taxes authorized under section 213.27, F.S.

RULEMAKING AUTHORITY: 213.06(1) FS.

LAW IMPLEMENTED: 213.27 FS.

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**DEPARTMENT OF REVENUE**

RULE NO.:            RULE TITLE:  
 12-16.004            Delegation of Authority

PURPOSE AND EFFECT: Section 213.23, F.S., authorizes the Executive Director of the Department to designate positions within the Department that may enter into consent agreements with a taxpayer to extend the period during which an assessment may be issued or a claim for refund may be filed. These positions are currently delegated in Rule 12-16.004, F.A.C.

The purpose of the proposed amendments to Rule 12-16.004, F.A.C. (Delegation of Authority) is to update: (1) the delegations of authority positions authorized by the Executive Director of the Department of Revenue to enter into consent agreements with taxpayers; and (2) the organizational structure of the General Tax Administration Program's Refunds and Distribution Process.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the delegation of authority granted by the Executive Director of the Department to certain positions to enter into agreements with taxpayers, and the current organizational structure absorbing the Compliance Support Process into the Refunds and Distribution Process.

RULEMAKING AUTHORITY: 213.06(1) FS.

LAW IMPLEMENTED: 213.23 FS.

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**DEPARTMENT OF REVENUE**

RULE NO.: 12-18.008  
 RULE TITLE: Compensation for Vending Machine Violations

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12-18.008, F.A.C. (Compensation for Vending Machine Violations), is to update the notice to customers that must be affixed to a vending machine by the operator of the machine, as provided in Section 212.0515(3), F.S., as amended by Section 6, Chapter 2010-138, L.O.F., and provided in Rule 12A-1.044, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments to Rule 12-18.008, F.A.C. (Compensation for Vending Machine Violations), that reflect changes to the notice required to be placed on vending machines by operators.

RULEMAKING AUTHORITY: 212.0515(7), 213.06(1), 213.30(1) FS.

LAW IMPLEMENTED: 212.0515, 213.30 FS.

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**DEPARTMENT OF REVENUE**

RULE NO.: 12-19.001  
 RULE TITLE: Scope of Rule

PURPOSE AND EFFECT: The purpose of the proposed repeal of Rule 12-19.001, F.A.C. (Scope of Rule), is to remove unnecessary provisions that are redundant of provisions contained in Rule 12-19.002, F.A.C., regarding the reporting of large currency transactions pursuant to the Money Laundering Control Act.

SUBJECT AREA TO BE ADDRESSED: The proposed repeal of Rule 12-19.001, F.A.C., to remove unnecessary provisions regarding the reporting requirements of the Money Laundering Control Act.

RULEMAKING AUTHORITY: 896.102(3) FS.

LAW IMPLEMENTED: 896.102 FS.

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**DEPARTMENT OF REVENUE**

RULE NOS.:	RULE TITLES:
12-22.001	Scope of Rules
12-22.002	Definitions
12-22.003	Confidentiality of Tax Information
12-22.004	Access to Tax Information
12-22.005	Disclosure Procedures

PURPOSE AND EFFECT: Section 213.053, F.S., (Confidentiality and Information Sharing), provides that all information contained in returns, reports, accounts, or declarations received by the Department are confidential, except for official purposes. This section provides when confidential information may be made available to specified agencies for use in the performance of their official duties. In addition, federal tax information obtained by the Department from the Internal Revenue Service is held confidential pursuant to federal law and regulation.

The purpose of the proposed repeal of Rule 12-22.001, F.A.C. (Scope of Information), Rule 12-22.003, F.A.C. (Confidentiality of Tax Information), and Rule 12-22.004,

F.A.C. (Access to Tax Information), is to remove unnecessary rules redundant of the statutory provisions regarding the confidentiality of information received by the Department.

The purpose of the proposed amendments to Rule 12-22.002, F.A.C. (Definitions) is to: (1) update the definition of “return” to reflect the definition provided in Section 213.755(2)(a), F.S.; and (2) remove definitions of terms rendered unnecessary by the proposed repeal of Rules 12-22.003 and 12-22.004, F.A.C.

The purpose of the proposed amendments to Rule 12-22.005, F.A.C. (Disclosure Procedures), is to: (1) clarify that a Power of Attorney and Declaration of Representative (Form DR-835) must be executed by the taxpayer and the taxpayer’s representative for the Department to release tax information to the representative; (2) remove information redundant of Rule 12-6.0015, F.A.C., on how to obtain a copy of Form DR-835; (3) provide that Form DR-841, Request for Copy of Tax Return, may be utilized to request copies of tax returns and how to obtain the form from the Department; (4) provide how government agencies and officials may request tax information from the Department; (5) provide how to request information from the Department involving the administration of a bankruptcy estate; (6) provide where in the Department subpoenas for disclosure of reports of large currency transactions and criminal and RICO Act subpoenas are to be served; and (7) update the addresses contained in the rule.

**SUBJECT AREA TO BE ADDRESSED:** The proposed changes to Rule Chapter 12-22, F.A.C. (Confidentiality and Disclosure of Tax Information), is the proposed repeal of rules that are redundant of Section 213.053, F.S., and updates to rules providing how to request copies of tax information that may be released by the Department.

**RULEMAKING AUTHORITY:** 213.06(1), 213.22(4) FS.

**LAW IMPLEMENTED:** 24.108(5), 125.0104, 125.0108, 192.105, 193.074, 195.027, 195.084, 196.101, 201.022, 206.27, 211.125, 211.33, 212.0305(3)(d), 212.10(1), 212.084, 212.12, 212.13, 213.03, 213.05, 213.053, 213.0535, 213.054, 212.133, 213.21, 213.22, 213.27, 213.28, 213.30, 213.755(2)(a), 220.242, 336.025(2)(a), 370.07(3), 403.718, 403.7185, 403.7195, 538.11, 624.5092, 896.102 FS.

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

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**DEPARTMENT OF REVENUE**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
12-24.011	Public Use Forms
12-24.028	Alternative Storage Media
12-24.030	Records Retention – Time Period

**PURPOSE AND EFFECT:** Social security numbers are used by the Florida Department of Revenue as unique identifiers for the administration of Florida’s taxes. Social security numbers that are obtained for tax administration purposes continue to remain confidential under Sections 213.053 and 119.071, F.S., and are not subject to disclosure as public records. The purpose of proposed amendments to Rule 12-24.011, F.A.C. (Public Use Forms), is to adopt, by reference: (1) simplification of the tax types and filing method selections contained in Form DR-600 (Enrollment and Authorization for e-Services Program); and (2) changes that will update the privacy notice statement on Form DR-654 (Request for Waiver from Electronic Filing), used by the Department in the administration of the e-Services program.

The purpose of the proposed amendments to Rule 12-24.028, F.A.C. (Alternative Storage Media), is to change the reference regarding recordkeeping requirements to Section 213.35, F.S.

The purpose of proposed repeal of Rule 12-24.030, F.A.C. (Records Retention – Time Period), is to remove an unnecessary rule that only refers to a statutory provision.

**SUBJECT AREA TO BE ADDRESSED:** The proposed updates to forms used to enroll in the Department’s e-Services Program for purposes of paying and filing taxes, surtaxes, surcharges, and fees by electronic means and the proposed repeal of unnecessary provisions.

**RULEMAKING AUTHORITY:** 202.26(3)(a), 206.485(1), 213.06(1), 213.755(8), (9), 220.21(2), (3), 443.1317, 443.163(1) FS.

**LAW IMPLEMENTED:** 119.071(5), 202.30, 206.485, 212.08(5)(q), 213.34, 213.35, 213.755, 220.21(2), (3), 443.1317, 443.163 FS.

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**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NOS.:	RULE TITLES:
12A-1.003	Sales of Several Items to the Same Purchaser at the Same Time
12A-1.014	Refunds and Credits for Sales Tax Erroneously Paid
12A-1.034	Promotional Materials Exported from this State
12A-1.035	Funerals; Related Merchandise and Services
12A-1.0371	Sales of Coins, Currency, or Bullion
12A-1.038	Consumer's Certificate of Exemption; Exemption Certificates
12A-1.039	Sales for Resale
12A-1.044	Vending Machines
12A-1.056	Tax Due at Time of Sale; Tax Returns and Regulations
12A-1.059	Fuels

12A-1.064	Sales to Licensed Common Carriers Operating Motor Vehicles or Railroad Rolling Stock in Interstate and Foreign Commerce
12A-1.0641	Sales of Vessels Used in Interstate or Foreign Commerce or for Commercial Fishing Purposes
12A-1.068	Tire Recapping
12A-1.0911	Self-Accrual Authorization; Direct Remittance on Behalf of Independent Distributors
12A-1.097	Public Use Forms

PURPOSE AND EFFECT: Section 212.12(9), F.S., requires sales tax to be collected on the total price of admissions, license fees, rentals, communications or other services, or sales price of articles sold at any one time. The purpose of the proposed repeal of Rule 12A-1.003, F.A.C. (Sales of Several Items to the Same Purchaser at the Same Time), is to remove the unnecessary rule provisions requiring sales tax to be collected on each single sale.

The purpose of the proposed amendments to Rule 12A-1.014, F.A.C. (Refunds and Credits for Sales Tax Erroneously Paid), Rule 12A-1.034, F.A.C. (Promotional Materials Exported from this State), Rule 12A-1.064, F.A.C. (Sales to Licensed Common Carriers Operating Motor Vehicles or Railroad Rolling Stock in Interstate and Foreign Commerce), and Rule 12A-1.0641, F.A.C. (Sales of Vessels Used in Interstate or Foreign Commerce or for Commercial Fishing Purposes), is to remove obsolete provisions regarding when an application for refund must be filed with the Department for tax paid on or after October 1, 1994, and prior to July 1, 1999.

Chapter 2004-301, L.O.F., amended and renumbered Chapter 470, F.S. (Funeral Directing, Embalming, and Direct Disposition), to Part III, Chapter 497, F.S. (Funeral Directing, Embalming, and Related Services). The purpose of the proposed amendments to Rule 12A-1.035, F.A.C. (Funerals; Related Merchandise and Services), is to replace reference to persons previously licensed or registered under Chapter 470 or 497, F.S., to those persons licensed under Chapter 497, F.S.

The purpose of the proposed amendments to Rule 12A-1.0371 (Sales of Coins, Currency, or Bullion), is to correct the referenced value of a U.S. Double Eagle Coin.

The purpose of the proposed amendments to Rule 12A-1.038, F.A.C. (Consumer's Certificate of Exemption; Exemption Certificates), and Rule 12A-1.039, F.A.C. (Sales for Resale), is to: (1) remove obsolete provisions which required dealers to maintain blanket resale and exemption certificates and obsolete references to other suggested exemption certificates.

Section 6, Chapter 2010-138, L.O.F., amended Section 212.0515(3), F.S., to remove the operator's name, address, and identification number from the notice required to be placed on

vending machines. The purpose of the proposed amendments to Rule 12A-1.044, F.A.C. (Vending Machines), is to: (1) remove the requirement for churches, synagogues, and qualified sponsoring organizations to place their name and address on vending machines they operate; and (2) remove obsolete provisions regarding the application of tax to agreements between a vending machine owner and the owner of the location where the machine is placed for operation entered into prior to July 1, 1991.

The purpose of the proposed amendments to Rule 12A-1.056, F.A.C. (Tax Due at Time of Sale; Tax Returns and Regulations), is to remove provisions regarding the imposition of interest on tax due prior to January 1, 2000.

The purpose of the proposed amendments to Rule 12A-1.059, F.A.C. (Fuels), is to: (1) remove provisions regarding the filling of 22-pound liquefied petroleum gas tanks that are no longer available; and (2) provide that the charge for filling liquefied petroleum gas tanks with gas to be used for purposes of residential heating, cooking, lighting, or refrigeration is tax-exempt when the selling dealer documents the tax-exempt use of the gas on the customer's invoice or other written evidence of sale.

The purpose of the proposed repeal of Rule 12A-1.068, F.A.C. (Tire Recapping), is to repeal an unnecessary rule regarding the recapping of tires and the sale of recapped tires. The provisions for repairs to tangible personal property in Rule 12A-1.006, F.A.C. (Charges by Dealers Who Adjust, Apply, Alter, Install, Maintain, Remodel, or Repair Tangible Personal Property), apply to charges for recapping tires or for sales of recapped tires.

The purpose of the proposed amendments to Rule 12A-1.0911, F.A.C. (Self-Accrual Authorization; Direct Remittance on Behalf of Independent Distributors), is to remove the requirement for holders of direct pay permits to submit an annual report of the amount of total purchases by county.

The purpose of the proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms), is to adopt, by reference, updates to Form DR-231, Certificate of Exemption for Entertainment Industry Qualified Production Company, to remove obsolete taxpayer contact information and to correctly title the Florida Office of Film and Entertainment.

**SUBJECT AREA TO BE ADDRESSED:** The subject area of the rule development workshop is:

- The proposed repeal of the unnecessary rule restating the statutory requirement to collect tax on each single sale;
- The proposed removal of obsolete provisions regarding refund applications for tax paid on or after October 1, 1994, and prior to July 1, 1999;
- The proposed amendments to correct the value of a U.S. Double Eagle Coin from \$40 to \$20.
- The proposed amendments necessary to reflect the transfer of Chapter 470, F.S., to Chapter 497, F.S., as provided in Chapter 2004-301, L.O.F.;

- The proposed removal of obsolete provisions which required dealers to maintain blanket resale and exemption certificates;
- The proposed amendments to remove the requirement for churches, synagogues, and qualified sponsoring organizations to place their name and address on vending machines they operate;

– The proposed removal of obsolete provisions regarding the application of tax to agreements between a vending machine owner and the owner of the location where the machine is placed for operation entered into prior to July 1, 1991;

- The proposed removal of obsolete provisions regarding the imposition of interest;

--The proposed repeal of provisions regarding the charge for filling 22-pound liquefied petroleum gas tanks that are obsolete;

- The proposed removal of unnecessary provisions regarding the taxability of tires repaired or altered by recapping;

– The proposed removal of the requirement for holders of direct pay permits to submit an annual report of the amount of total purchases by county; and

- The proposed updates to the Certificate of Exemption for Entertainment Industry Qualified Production Company.

**RULEMAKING AUTHORITY:** 212.0515, 212.07(1)(b), 212.17(6), 212.18(2), 212.183, 213.06(1) FS.

**LAW IMPLEMENTED:** 95.091, 212.02(2), (4), (9), (10)(g), (14), (15), (16), (19), (20), (24), 212.031, 212.05(1), 212.0515, 212.054(1), (2), (3)(l), 212.055, 212.0598, 212.06(1), (11), (16), 212.0601, 212.07(1), (2), 212.08(1), (2), (4)(a), (5)(m), (6), (7), (8), (9), 212.085, 212.11(1), 212.12(2), (3), (4), (6), (9), (13), 212.13(1), 212.13(5)(c), (d), 212.17(1), 212.18(2), (3), 212.183, 212.21(2), (3), 213.053(1), 213.255(1), (2), (3), 213.35, 215.26(2) FS.

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**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NOS.:	RULE TITLES:
12A-1.005	Admissions
12A-1.0144	Refund of Tax Paid on Purchases of Equipment, Machinery, and Other Materials for Renewable Energy Technologies
12A-1.055	Sale or Discontinuation of Business
12A-1.056	Tax Due at Time of Sale; Tax Returns and Regulations
12A-1.087	Exemption for Power Farm Equipment; Suggested Exemption Certificate for Items Used for Agricultural Purposes
12A-1.096	Industrial Machinery and Equipment for Use in a New or Expanding Business
12A-1.097	Public Use Forms

**PURPOSE AND EFFECT:** The purpose of the proposed amendments to Rule 12A-1.005, F.A.C. (Admissions), is to provide that charges for individuals traveling in air commerce, such as skydiving, helicopter, or untethered hot air balloon rides, are not subject to the tax imposed on admissions.

The purpose of the proposed creation of Rule 12A-1.0144, F.A.C. (Refund of Tax Paid on Purchases of Equipment, Machinery, and Other Materials for Renewable Energy Technologies), is to provide taxpayers information on how to obtain a refund of previously paid sales and use tax on purchases of equipment, machinery, and other materials for renewable energy technologies, as provided in Section 212.08(7)(hhh), F.S., as created by Section 4, Chapter 2012-117, L.O.F., effective July 1, 2012.

Section 213.758, F.S., created by Section 8, Chapter 2010-166, L.O.F., and amended by Section 1, Chapter 2012-55, L.O.F., provides for the transfer of tax liability. Sections 3 and 4, Chapter 2012-55, L.O.F., repeal Sections 202.31 and 212.10, F.S., respectfully, regarding the sale of a business and the transfer of liability for communications services tax and for sales and use tax. The purpose of the proposed repeal of Rule 12A-1.055, F.A.C. (Sale or Discontinuation of Business), is to remove the rule containing obsolete provisions relating to the transfer of liability for sales and use tax when a person transfers or quits a business.

The purpose of the proposed amendments to Rule 12A-1.056, F.A.C. (Tax Due at Time of Sale; Tax Returns and Regulations), is to implement the provisions of Section 2, Chapter 2012-145, L.O.F., which continues to allow a

collection allowance for only those sales and use tax dealers who file electronic tax returns and remit the amounts due on the returns by electronic means for sales tax returns due on or after July 1, 2012. Effective July 1, 2012, dealers who report or remit sales and use tax by any means other than by electronic means will not be entitled to a collection allowance.

The purpose of the proposed amendments to Rule 12A-1.087, F.A.C. (Exemption for Power Farm Equipment; Electricity Used for Certain Agricultural Purposes; Suggested Exemption Certificate for Items Use for Agricultural Purposes), is to include the amendments to Section 212.08(5)(e)2., F.S., as amended by Section 8, Chapter 2012-32, L.O.F., which, effective January 1, 2013: (1) provides an exemption for electricity used in packinghouses where fruits, vegetables, or meat from cattle or hogs are prepared for market or for shipment in fresh form for wholesale distribution; and (2) expands the exemption for production or processing agricultural farm products on the farm to include packing agricultural farm products on the farm. The title of the rule is changed to reflect the provisions regarding electricity used for certain agricultural purposes.

The purpose of the proposed amendments to Rule 12A-1.096, F.A.C. (Industrial Machinery and Equipment for Use in a New or Expanding Business), is to incorporate the provisions of Section 8, Chapter 2012-32, L.O.F., which, effective January 1, 2013, reduces from 10 percent to 5 percent the increase in productive output needed for expanding businesses to qualify for a sales tax exemption for machinery and equipment.

The purpose of the proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms), is to adopt, by reference, updates and changes to sales and use tax returns necessary to incorporate the provisions of Section 2, Chapter 2012-145, L.O.F., which continues to allow only those sales and use tax dealers who file electronic tax returns and remit the amounts due on the returns by electronic means may claim a collection allowance for sales tax returns due on or after July 1, 2012.

**SUBJECT AREA TO BE ADDRESSED:** The subject of the rule workshop is: (1) the proposed repeal of the obsolete rule on the transfer of tax liability when a dealer sells or discontinues a business; (2) the proposed amendments to provide that charges to individuals traveling in air commerce are not subject to the tax imposed on admissions; (3) the procedures to obtain a refund of previously paid sales and use tax on purchases of equipment, machinery, and other materials for renewable energy technologies; (4) the proposed updates to the rule and sales and use tax returns to provide that only those dealers who file sales and use tax returns and remit the amounts due on the returns by electronic means for returns due after July 1, 2012, may claim a collection allowance; (5) the proposed updates to include the exemption for electricity used in packing agricultural farm products on the farm and the exemption for electricity used in packinghouses where fruits, vegetables, or meat from cattle or hogs are prepared for market



**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

**RULE NO.:** 12A-1.061  
**RULE TITLE:** Rentals, Leases, and Licenses to Use Transient Accommodations

**PURPOSE AND EFFECT:** The purpose of the proposed amendments to Rule 12A-1.061, F.A.C. (Rentals, Leases, and Licenses to Use Transient Accommodations), is to: (1) provide that the rule governs the administration of sales tax and any locally-imposed discretionary sales surtax, convention development tax, tourist development tax, or tourist impact tax imposed on transient accommodations; and (2) remove obsolete references and unnecessary effective dates.

**SUBJECT AREA TO BE ADDRESSED:** The proposed application of the Department’s Rule 12A-1.061, F.A.C. (Rentals, Leases, and Licenses to Use Transient Accommodations), to any locally-imposed convention development tax, tourist development tax, or tourist impact tax on transient accommodations.

**RULEMAKING AUTHORITY:** 125.0104(3)(k), 125.0108(2)(e), 212.0305(3)(f), 212.17(6), 212.18(2), 213.06(1) FS.

**LAW IMPLEMENTED:** 92.525(1)(b), 119.071(5), 212.02(2), (10)(a)-(g), (16), 212.03(1), (2), (3), (4), (5), (7), 212.031, 212.054(3)(h), 212.055, 212.08(6), (7)(i), (m), 212.11(1), (2), 212.12(7), (9), (12), 212.13(2), 212.18(2), (3), 213.37, 213.756 FS.

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**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

**RULE NOS.:** 12A-3.001, 12A-3.002, 12A-3.006  
**RULE TITLES:** Scope of Rules; Imposition of the Tax; Taxable Status of Guests or Tenants on the Effective Date of the Levy of the Tax; Rents Involving Fractions of a Dollar; Computation of Tax

**PURPOSE AND EFFECT:** The proposed repeal of Rule 12A-3.001, F.A.C. (Scope of Rules; Imposition of the Tax), removes provisions: (1) redundant of Rule 12A-1.061, F.A.C. (Rentals, Leases, and Licenses to Use Transient Accommodations), as amended to clarify that Rule 12A-1.061, F.A.C., applies to the local-option taxes imposed on transient accommodations; and (2) registration and reporting requirements that are redundant of Rules 12A-1.060 and 12A-1.056, F.A.C., and would not be applicable to requirements for registration and reporting adopted by the county self-administering the tax.

The proposed repeal of Rule 12A-3.002, F.A.C. (Taxable Status of Guests or Tenants on the Effective Date of the Levy of the Tax), removes provisions redundant of the provisions of subsection (15) of Rule 12A-1.061, F.A.C.

The proposed repeal of Rule 12A-3.006, F.A.C. (Rents Involving Fractions of a Dollar; Computation of Tax), removes unnecessary provisions regarding the imposition of the tourist development tax at 1 percent or 2 percent of each dollar and major fraction of each dollar, as provided in Section 125.0104(3)(c), F.S.

**SUBJECT AREA TO BE ADDRESSED:** The proposed repeal of Rule Chapter 12A-3, F.A.C. (Tourist Development Tax).

**RULEMAKING AUTHORITY:** 125.0104(3)(k), 212.17(6), 212.18(2), 213.06(1) FS.

**LAW IMPLEMENTED:** 125.0104, 125.0108, 212.03(1), (2), (3), (4), (5), (7) FS.

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**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NOS.:	RULE TITLES:
12A-8.001	Scope of Rules; Imposition of Tax
12A-8.002	Rate of Tax

**PURPOSE AND EFFECT:** The proposed repeal of Rule 12A-8.001, F.A.C. (Scope of Rules; Imposition of the Tax), removes provisions: (1) redundant of Rule 12A-1.061, F.A.C. (Rentals, Leases, and Licenses to Use Transient Accommodations), as amended to clarify that Rule 12A-1.061, F.A.C., applies to the local-option taxes imposed on transient accommodations; and (2) registration and reporting requirements that are redundant of Rules 12A-1.060 and 12A-1.056, F.A.C., and would not be applicable to requirements for registration and reporting adopted by the county self-administering the tax.

The proposed repeal of Rule 12A-8.002, F.A.C. (Rate of Tax), removes unnecessary provisions regarding the imposition of the convention development tax at 2 percent of each dollar and major fraction of each dollar, as provided in Section 212.0305(4)(a)1., F.S.

**SUBJECT AREA TO BE ADDRESSED:** The proposed repeal of Rule 12A-8.001, F.A.C. (Scope of Rules; Imposition of the Tax), and Rule 12A-8.002, F.A.C. (Rate of Tax), is to remove provisions regarding the imposition of the tourist development tax on transient rentals that are redundant of the provisions of Rule 12A-1.061, F.A.C. (Rentals, Leases, and Licenses to Use Transient Accommodations), as amended, or are unnecessary.

**RULEMAKING AUTHORITY:** 212.0305(3)(f), 212.17(6), 212.18(2), 213.06(1) FS.

**LAW IMPLEMENTED:** 212.03(1), (2), (3), (4), (5), (7), 212.0305 FS.

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

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**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NOS.:	RULE TITLES:
12A-9.001	Scope of Rules; Imposition of Tax
12A-9.002	Rate of Tax

**PURPOSE AND EFFECT:** The proposed repeal of Rule 12A-9.001, F.A.C. (Scope of Rules; Imposition of the Tax), removes provisions: (1) redundant of Rule 12A-1.061, F.A.C. (Rentals, Leases, and Licenses to Use Transient Accommodations), as amended to clarify that Rule 12A-1.061, F.A.C., applies to the local-option taxes imposed on transient accommodations; and (2) registration and reporting requirements that are redundant of Rules 12A-1.060 and 12A-1.056, F.A.C., and would not be applicable to requirements for registration and reporting adopted by the county self-administering the tax.

The proposed repeal of Rule 12A-9.002, F.A.C. (Rate of Tax), removes unnecessary provisions regarding the imposition of the convention development tax at 2 percent or 3 percent of each dollar and major fraction of each dollar, as provided in Section 212.0305(4), F.S.

**SUBJECT AREA TO BE ADDRESSED:** The proposed repeal of Rule 12A-9.001, F.A.C. (Scope of Rules; Imposition of the Tax), and Rule 12A-9.002, F.A.C. (Rate of Tax), is to remove provisions regarding the imposition of the tourist development tax on transient rentals that are redundant of the provisions of Rule 12A-1.061, F.A.C. (Rentals, Leases, and Licenses to Use Transient Accommodations), as amended, or are unnecessary.

**RULEMAKING AUTHORITY:** 212.0305(3)(f), 212.17(6), 212.18(2), 213.06(1) FS.

**LAW IMPLEMENTED:** 212.03(1), (2), (3), (4), (5), (7), 212.0305 FS.

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**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
12A-10.001	Scope of Rules; Imposition of Tax
12A-10.002	Rate of Tax

**PURPOSE AND EFFECT:** The proposed repeal of Rule 12A-10.001, F.A.C. (Scope of Rules; Imposition of the Tax), removes provisions: (1) redundant of Rule 12A-1.061, F.A.C. (Rentals, Leases, and Licenses to Use Transient Accommodations), as amended to clarify that Rule 12A-1.061, F.A.C., applies to the local-option taxes imposed on transient accommodations; and (2) registration and reporting requirements that are redundant of Rules 12A-1.060 and 12A-1.056, F.A.C., and would not be applicable to requirements for registration and reporting adopted by the county self-administering the tax.

The proposed repeal of Rule 12A-10.002, F.A.C. (Rate of Tax), removes unnecessary provisions regarding the imposition of the convention development tax at 2 percent or 3 percent of each dollar and major fraction of each dollar, as provided in Section 212.0305(4), F.S.

**SUBJECT AREA TO BE ADDRESSED:** The proposed repeal of Rule 12A-10.001, F.A.C. (Scope of Rules; Imposition of the Tax), and Rule 12A-10.002, F.A.C. (Rate of Tax), is to remove provisions regarding the imposition of the tourist development tax on transient rentals that are redundant of the provisions of Rule 12A-1.061, F.A.C. (Rentals, Leases, and Licenses to Use Transient Accommodations), as amended, or are unnecessary.

**RULEMAKING AUTHORITY:** 212.0305(3)(f), 212.17(6), 212.18(2), 213.06(1) FS.

**LAW IMPLEMENTED:** 212.03(1), (2), (3), (4), (5), (7), 212.0305 FS.

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**Sales and Use Tax**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
12A-12.001	New Tire Fee
12A-12.0011	Battery Fee

**PURPOSE AND EFFECT:** The purpose of the proposed amendments to Rule 12A-12.001, F.A.C. (New Tire Fee), is to: (1) reorganize the rule to improve readability and simplify provisions regarding the new tire fee; (2) clarify that the fee is applicable when a new motor vehicle tire is sold to a governmental entity or a tax-exempt entity; (3) provide that the fee is not to be marked up beyond the statutory rate; (4) clarify the term "motor vehicle" for purposes of the fee, providing examples of various types of vehicles and whether the tires sold for use on such vehicles are subject to the fee; (5) provide that tires used on racing vehicles that are not operated on Florida highways are not subject to the new tire fee; (6) revise the suggested exemption certificate used to purchase tires for vehicles that are not subject to the fee; and (7) put dealers on notice of the requirement to maintain the exemption certificates in their records.

The purpose of the proposed amendments to Rule 12A-12.0011, F.A.C. (Battery Fee), is to: (1) reorganize the rule to improve readability and simplify provisions regarding the lead-acid battery fee; (2) clarify that the fee is applicable when a battery is sold to a governmental entity or a tax-exempt entity; (3) provide that the fee is not to be marked up beyond

the statutory rate; (4) adopt the revised provisions of Rule 12A-12.001, F.A.C., regarding the definition of “motor vehicle” for purposes of the fee; and (5) clarify the definition of a “new” lead-acid battery and a “remanufactured” lead-acid battery for purposes of the fee.

**SUBJECT AREA TO BE ADDRESSED:** The subject area of the workshop is the proposed amendments to Rule 12A-12.001, F.A.C. (New Tire Fee), and Rule 12A-12.0011, F.A.C. (Battery Fee), to clarify the application of the new tire fee and the battery fee.

**RULEMAKING AUTHORITY:** 212.07(1)(b), 212.17(1)(a), (6), 212.18(2), 213.06(1), 403.718(3)(b), 403.7185(3)(b) FS.

**LAW IMPLEMENTED:** 212.07(1)(b), 212.12, 212.17(1)(a), 403.717, 403.718, 403.7185 FS.

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**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Jeffery Soff, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7347

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**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
12A-13.001	Scope of Rules
12A-13.002	Collection and Remittance of Fee

**PURPOSE AND EFFECT:** The purpose of the proposed repeal of Rule 12A-13.001, F.A.C. (Scope of Rules), is to: (1) remove the provisions of subsection (1) that are redundant of the provisions of subsection (2) of Rule 12A-13.002, F.A.C.; and (2) move provisions regarding the definition of “motor vehicle” to Rule 12A-13.002, F.A.C., governing the collection and remittance of the fee on the sale or lease of motor vehicles imposed under Section 681.117, F.S.

The purpose of the proposed amendments to Rule 12A-13.002, F.A.C. (Collection and Remittance of Fee), is to: (1) provide that the term “motor vehicle” for purposes of the fee on the sale or lease of motor vehicles is defined in Section 681.102(14) F.S.; (2) clarify when private tag agencies are to remit the fee to the Department; and (3) update information on how to obtain copies of the fee return from the Department.

**SUBJECT AREA TO BE ADDRESSED:** The proposed updates to Rule Chapter 12A-13, F.A.C. (Fee on the Sale or Lease of Motor Vehicles), to remove redundant provisions and to update information on how to obtain copies of the fee return from the Department.

**RULEMAKING AUTHORITY:** 213.06(1) FS.

**LAW IMPLEMENTED:** 219.07, 320.27(1)(c), 681.102(14), 681.117 FS.

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**Sales and Use Tax**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
12A-17.001	Scope of Rules
12A-17.003	Registration
12A-17.005	Public Use Forms

**PURPOSE AND EFFECT:** The purpose of the proposed repeal of Rule 12A-17.001, F.A.C. (Scope of Rules), is to remove an unnecessary rule regarding the administration, enforcement, and recordkeeping requirements imposed on secondhand dealers and secondary metals recyclers that is redundant of the provisions in Section 538.11, F.S.

To meet the requirements of Sections 538.09(2) and 538.25(1), F.S., and provide the information necessary for the Florida Department of Law Enforcement to complete a state and federal criminal history record check, fingerprints are now required to be submitted electronically. In addition, effective July 1, 2012, Section 1, Chapter 2012-179, L.O.F., requires any person purchasing, consigning, or trading secondhand goods at a flea market to register as a secondhand dealer and limits the exemption from the registration requirement for auction businesses to only those businesses engaged in buying and selling estates, business inventory, surplus merchandise, or liquidations.

The purpose of the proposed amendments to Rule 12A-17.003, F.A.C. (Registration), and Rule 12A-17.005, F.A.C. (Public Use Forms), is to: (1) update procedures for secondhand dealers and secondary metals recyclers regarding fingerprinting requirements when applying for a secondhand dealer's or secondary metals recycler's certificate of registration; and (2) include in the Registration Application for Secondhand Dealers and/or Secondary Metals Recyclers (Form DR-1S) the registration requirements for persons purchasing, consigning, or trading secondhand goods at a flea market and for auction businesses engaged in buying and selling estates, business inventory, surplus merchandise, or liquidations.

**SUBJECT AREA TO BE ADDRESSED:** The subject area of the workshop is updated registration requirements for secondhand dealers and secondary metals recyclers.

**RULEMAKING AUTHORITY:** 213.06(1), 538.11, 538.37 FS.  
**LAW IMPLEMENTED:** 213.053(9), (11), 538.09, 538.25, 538.31, 538.32, 539.002 FS.

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**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NOS.:	RULE TITLES:
12A-19.010	Registration
12A-19.041	Sales of Communications Services to a Residential Household
12A-19.070	Assignment of Service Addresses to Local Taxing Jurisdictions; Liability for Errors; Avoidance of Liability Through Use of Specified Methods; Reduction in Collection Allowance for Failure to Use Specified Methods
12A-19.100	Public Use Forms

**PURPOSE AND EFFECT:** Effective July 1, 2012, sections 2 and 6, Chapter 2012-70, L.O.F.: (1) redefines "cable service" as "video service"; (2) provides that communications services dealers who utilize one of the approved methods for assigning service addresses to a local jurisdiction cannot be denied the dealer's collection allowance solely as a result of incorrect address assignments; and (3) provides when communications services dealers may be held liable for the net aggregate underpayment of tax and associated interest and penalties for incorrectly assigning a service address to a local taxing jurisdiction.

Sales of communications services to transient public lodging establishments, as defined by Section 509.013, F.S., are subject to tax. Effective October 1, 2012, Chapter 2012-165, L.O.F., revises the definition of "public lodging establishments" in Section 509.013, F.S., to remove roominghouses, boardinghouses, or other living or sleeping facility not otherwise classified as a hotel, motel, vacation rental, nontransient apartment, bed and breakfast inn, or transient apartment under Section 509.242, F.S.

The purpose of the proposed amendments to Rule 12A-19.010, F.A.C. (Registration), and Rule 12A-19.041, F.A.C. (Sales of Communications Services to a Residential Household), is to update the references from "cable service" to "video service."

The purpose of the proposed amendments to Rule 12A-19.041, F.A.C. (Sales of Communications Services to a Residential Household), is to update the references from "cable service" to "video service" and to remove "roominghouses" as an example of a transient public lodging establishment.

The purpose of the proposed amendments to Rule 12A-19.070, F.A.C. (Assignment of Service Addresses to Local Taxing Jurisdictions; Liability for Errors; Avoidance of Liability

Through Use of Specified Methods; Reduction in Collection Allowance for Failure to Use Specified Methods), is to incorporate the provisions of Chapter 2012-70, L.O.F.

The purpose of the proposed amendments to Rule 12A-19.100, F.A.C. (Public Use Forms), is to incorporate the provisions of Chapter 2012-70, L.O.F., and to update the tax returns to include local communications services tax rates that will become effective January 1, 2013.

**SUBJECT AREA TO BE ADDRESSED:** The subject of the rule workshop is the Department’s proposed change to update communications services tax rules to reflect the changes made by Chapters 2012-70 and 2012-165, L.O.F., and to update the tax rates on the communications services tax return.

**RULEMAKING AUTHORITY:** 175.1015(5), 185.085(5), 202.151, 202.16(2), 202.17(3)(a), 202.22(6)(a), 202.26(3), 202.27(1), (7), 202.28(1) FS.

**LAW IMPLEMENTED:** 119.071(5), 175.1015, 185.085, 202.11(1), (3), (5), (8), (10)-(13), 202.12(1), (3), 202.125(1)-(4), 202.13(2), 202.151, 202.16(2), (4), 202.17(1)-(4), (6), 202.19(1), (7), (10), 202.22(1), (4)-(6), (8), 202.23, 202.26(2), 202.27, 202.28, (2), 202.29, 202.30(3), 202.33, 202.34(1)(a), (3), (4)(c), 202.35(1)-(4) FS.

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**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
12A-19.050	Notification of Local Communications Services Tax Rate Changes and Permit Fee Elections
12A-19.100	Public Use Forms

**PURPOSE AND EFFECT:** The purpose of the proposed amendments to Rule 12A-19.050, F.A.C. (Notification of Local Communications Services Tax Rate Changes and Permit Fee Elections), and to Form DR-700021 (Local Communications Services Tax Notification of Tax Rate Change), adopted by reference, in Rule 12A-19.100, F.A.C. (Public Use Forms), is to clarify provisions applicable to emergency local tax rate changes for the period October 1, 2001, through September 30, 2002, and to remove obsolete rate change provisions for the adoption of emergency tax rate ordinances on February 20, 2002.

**SUBJECT AREA TO BE ADDRESSED:** The proposed rule changes and form changes to remove obsolete provisions regarding emergency local tax rate changes.

**RULEMAKING AUTHORITY:** 202.28(1)(b)2. FS.  
**LAW IMPLEMENTED:** 202.20(2)(a), 202.21, 337.401(3)(c), (j) FS.

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**DEPARTMENT OF REVENUE**

**Miscellaneous Tax**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
12B-4.013	Conveyances Subject to Tax
12B-4.014	Conveyances Not Subject to Tax
12B-4.054	Exempt Transactions

**PURPOSE AND EFFECT:** The Supreme Court of the United States concluded that 11 U.S.C. Section 1146(a) affords a stamp-tax exemption only to transfers made pursuant to a Chapter 11 bankruptcy plan that has been confirmed under 11 U.S.C. Section 1129 (Florida Department of Revenue v. Piccadilly Cafeterias, Inc., 554 U.S. 33 (2008)).

The purpose of the proposed amendments to Rule 12B-4.013, F.A.C. (Conveyances Subject to Tax), and Rule 12B-4.014, F.A.C. (Conveyances Not Subject to Tax), is to clarify that a document that transfers Florida real property pursuant to a bankruptcy plan under 11 U.S.C. Section 1129 delivered after the bankruptcy plan has been confirmed is not subject to documentary stamp tax. Transfers prior to confirmation of the plan are subject to tax.

The purpose of the proposed amendments to Rule 12B-4.054, F.A.C. (Exempt Transactions), is to clarify that a promissory note or other written obligation to pay money, bond, mortgage, trust deed, security agreement, or other evidence of indebtedness filed or recorded in Florida issued pursuant to a bankruptcy plan under 11 U.S.C. Section 1129 after the plan has been confirmed is not subject to documentary stamp tax.

**SUBJECT AREA TO BE ADDRESSED:** The subject of this rule development workshop is the application of documentary stamp tax to the issuance, transfer, or exchange of a security, or the making or delivery of an instrument of transfer pursuant to Section 1146(a) under a bankruptcy plan confirmed under 11 U.S.C. Section 1129.

**RULEMAKING AUTHORITY:** 201.11, 213.06(1) FS.

**LAW IMPLEMENTED:** 201.01, 201.02, 201.08, 201.09, 201.10, 201.11, 201.21, 201.22, 201.23, 201.24, 517.32 FS.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tim Phillips, Revenue Program Administrator, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7224

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**DEPARTMENT OF REVENUE**

**Miscellaneous Tax**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
12B-5.020	Definitions; Specific Exemptions
12B-5.130	Refunds
12B-5.150	Public Use Forms

**PURPOSE AND EFFECT:** Section 13, Chapter 2012-117, L.O.F., effective July 1, 2012, defines the term “alternative fuel.” The purpose of the proposed amendments to Rule 12B-5.020, F.A.C. (Definitions; Specific Exemptions), is to update the definition of “gasohol” to be consistent with this definition of alternative fuel.

The purpose of the proposed amendments to Rule 12B-5.130, F.A.C. (Refunds), is to clarify that, consistent with the provisions of Section 206.41(4)(c)2., F.S., motor fuel used in motor vehicles licensed as goats qualifies for a refund of the highway fuel taxes paid.

The purpose of the proposed amendments to Rule 12B-5.150, F.A.C. (Public Use Forms), is to adopt, by reference, changes to forms used by the Department in the administration of taxes imposed on fuels and pollutants.

**SUBJECT AREA TO BE ADDRESSED:** The subject of the rule workshop is the proposed: (1) update to definitions that define the term “alternative fuel,” as amended by section 13, Chapter 2012-117, L.O.F.; (2) clarify that motor fuel used in motor vehicles licensed as goats qualifies for a refund of the highway fuel taxes paid; and (3) update changes to forms used by the Department in the administration of the taxes imposed on fuels and pollutants.

**RULEMAKING AUTHORITY:** 206.14(1), 206.485(1), 206.59(1), 206.62(10), 206.87(1)(e)2., 213.06(1), 213.755(8), 526.206 FS.

**LAW IMPLEMENTED:** 119.071(5), 206.02, 206.021, 206.022, 206.025, 206.026, 206.027, 206.028, 206.05, 206.055, 206.06, 206.095, 206.11, 206.404, 206.41, 206.43, 206.44, 206.485, 206.62, 206.64, 206.86, 206.874, 206.8745, 206.877, 206.90, 206.91, 206.92, 206.97, 206.9835, 206.9865, 206.9931, 206.9942, 206.9943, 212.0501, 213.255, 213.755, 215.26, 526.203 FS.

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DATE AND TIME: August 8, 2012, 9:00 a.m.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ronald Gay, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-6745

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**DEPARTMENT OF REVENUE**

**Miscellaneous Tax**

RULE NOS.:	RULE TITLES:
12B-5.090	Local Government Users
12B-5.100	Mass Transit Systems
12B-5.150	Public Use Forms
12B-5.200	Wholesalers of Alternative Fuel

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-5.090, F.A.C. (Local Government Users), and to Rule 12B-5.100, F.A.C. (Mass Transit Systems), is to remove reference to the incorporation of a refund permit that does not meet the definition of a "rule" and is not incorporated by reference.

The purpose of the proposed amendments to Rule 12B-5.150, F.A.C. (Public Use Forms), is to remove Form DR-179 (Corporate Surety Bond Form for Refund Permit Application), which is no longer used by the Department.

The purpose of the proposed amendments to Rule 12B-5.200, F.A.C. (Retailers of Alternative Fuel), is to clarify that it is unlawful to put alternative fuel into a vehicle that does not have the decal required by Section 206.877, F.S., attached to the vehicle.

SUBJECT AREA TO BE ADDRESSED: The proposed clarification of the decal requirements for placing alternative fuel into a vehicle and the proposed removal of obsolete or unnecessary provisions.

RULEMAKING AUTHORITY: 206.14(1), 206.485(1), 206.59(1), 206.87(1)(e)2., 206.877, 213.06(1), 213.755(8), 526.206 FS.

LAW IMPLEMENTED: 119.071(5), 206.02, 206.021, 206.022, 206.025, 206.026, 206.027, 206.028, 206.05, 206.055, 206.06, 206.095, 206.11, 206.404, 206.41, 206.43, 206.44, 206.485, 206.86, 206.874, 206.8745, 206.877, 206.89, 206.90, 206.91, 206.92, 206.9835, 206.9865, 206.9931, 206.9942, 206.9943, 212.0501, 213.255, 213.755, 526.203 FS.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ryan Marlar, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7670

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**DEPARTMENT OF REVENUE**

**Miscellaneous Tax**

RULE NOS.:	RULE TITLES:
12B-7.003	Definitions
12B-7.004	Rate of Tax; Oil, Gas and Sulfur
12B-7.008	Public Use Forms
12B-7.022	Definitions
12B-7.026	Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed repeal of Rule 12B-7.003, F.A.C. (Definitions), and Rule 12B-7.022, F.A.C. (Definitions), is to remove unnecessary definitions of terms for which statutory definitions are provided or terms that are no longer used in the administration of the tax on the production of oil, gas, or sulfur or on the severance of solid minerals, heavy minerals, or phosphate rock.

The purpose of the proposed amendments to Rule 12B-7.004, F.A.C. (Rate of Tax; Oil, Gas and Sulfur), is to provide for the reporting of the tax on the production mature field recovery oil, imposed by Section 211.02, F.S., as amended by Section 6, Chapter 2012-32, L.O.F.

The purpose of the proposed amendments to Rule 12B-7.008, F.A.C. and Rule 12B-7.026, F.A.C. (Public Use Forms) is to adopt changes to tax returns used in the administration of the tax on oil production in Florida.

**SUBJECT AREA TO BE ADDRESSED:** The proposed changes to Rule Chapter 12B-7, F.A.C. (Severance Taxes, Fees, and Surcharges), to repeal unnecessary definitions of terms and to adopt changes to forms used in the administration of the severance taxes, fees, and surcharges.

**RULEMAKING AUTHORITY:** 211.075(2), (3), 211.125, 211.33(1), (6), 213.06(1), 373.41492(4)(b), 1002.395(13) FS.

**LAW IMPLEMENTED:** 92.525(1)(b), (2), (3), (4), 211.01, 211.02, 211.025, 211.0251, 211.026, 211.04, 211.06, 211.075, 211.076, 211.125, 211.30, 211.31, 211.3103, 211.3106, 211.33, 212.11(1)(b), 212.12(2), 212.17(1)(c), 213.235(2), 213.255, 213.37, 213.755(1), 215.26, 373.41492, 1002.395 FS.

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**DEPARTMENT OF REVENUE**

**Miscellaneous Tax**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
12B-8.002	Tax on Wet Marine and Transportation Insurance
12B-8.003	Tax Statement; Overpayments

**PURPOSE AND EFFECT:** The purpose of the proposed repeal of Rule 12B-8.002, F.A.C. (Tax on Wet Marine and Transportation Insurance), is to remove an unnecessary rule that is redundant of Section 624.510, F.S.

The purpose of the proposed amendments to Rule 12B-8.003, F.A.C. (Tax Statement; Overpayments), is to adopt, by reference, changes to forms used by the Department in the administration of the insurance premium taxes, fees, and surcharges.

**SUBJECT AREA TO BE ADDRESSED:** The proposed repeal of a rule that is redundant of Section 624.510, F.S., and changes to forms used by the Department in the administration of the insurance premium taxes, fees, and surcharges.

**RULEMAKING AUTHORITY:** 213.06(1) FS.

**LAW IMPLEMENTED:** 92.525, 175.041, 175.101, 175.1015, 175.111, 175.121, 175.141, 175.151, 185.02, 185.03, 185.08, 185.085, 185.09, 185.10, 185.12, 185.13, 213.05, 213.053, 213.235, 213.37, 220.183, 220.19, 220.191, 252.372, 288.99 (2010), 440.51, 443.1216, 624.11, 624.402, 624.4094, 624.4621, 624.4625, 624.475, 624.501, 624.509, 624.5091, 624.5092, 624.50921, 624.5094, 624.510, 624.5105, 624.51055, 624.5107, 624.511, 624.515, 624.516, 624.518, 624.519, 624.520, 624.521, 624.601, 624.610, 626.7451(11), 627.311, 627.351, 627.3512, 627.357(9), 627.7711, 627.943, 628.6015, 629.401, 629.5011, 632.626, 634.131, 634.313(2), 634.415(2), 636.066, 642.0301, 642.032 FS.

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**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Terrence Branch, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-6196

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**DEPARTMENT OF REVENUE****Miscellaneous Tax**

RULE NO.: 12B-12.007  
 RULE TITLE: Refunds and Credits; Recordkeeping Requirements

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-12.007, F.A.C. (Refunds and Credits; Recordkeeping Requirements), is to remove obsolete provisions regarding when an application for refund must be filed with the Department for tax paid on or after October 1, 1994, and prior to July 1, 1999.

SUBJECT AREA TO BE ADDRESSED: The proposed removal of obsolete provisions regarding refund applications for tax paid on or after October 1, 1994, and prior to July 1, 1999.

RULEMAKING AUTHORITY: 212.17(6), 212.18(2), 213.06(1), 376.75(9)(b) FS.

LAW IMPLEMENTED: 376.75(11) FS.

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**DEPARTMENT OF REVENUE****Corporate, Estate and Intangible Tax**

RULE NO.: 12C-1.013  
 RULE TITLE: Adjusted Federal Income Defined

PURPOSE AND EFFECT: Chapter 2011-229, L.O.F., amends Section 220.13(1)(e), F.S., to require adjustments for I.R.C. section 179 expense and bonus depreciation. These provisions

were added to the Internal Revenue Code by the Small Business Jobs Act of 2010, and the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010.

The proposed amendments to Rule 12C-1.013, F.A.C. (Adjusted Federal Income Defined), are necessary to update the provisions for adjustments to federal income for Florida income tax purposes and to establish procedures for reporting the additions and claiming the subtractions required by Section 220.13(1)(e), F.S., and provide procedures for filing amended Florida corporate income tax returns.

When in effect, the proposed amendments provide: (1) the additions that taxpayers are required to add back for the amount of the federal deduction claimed under I.R.C. section 179 that exceeds \$250,000 (for tax years beginning in 2010) and \$128,000 (for tax years beginning in 2011 and 2012) and under I.R.C. sections 167 and 168(k) for bonus depreciation (assets placed in service between January 1, 2010, and December 31, 2012); (2) the subtractions that are available in each of seven tax years beginning with the year an addition is made under Section 220.13(1)(e), F.S.; (3) that taxpayers are required to maintain a schedule reflecting all adjustments made under Section 220.13(1)(e), F.S.; (4) that these adjustments do not affect the basis of the property; and (5) when the subtractions under Section 220.13(1)(e), F.S., and when the deductions allowed under I.R.C. section 179 are not required to be included in a taxpayer's Florida corporate income tax return.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the proposed procedures for taxpayers subject to the adjustments contained in Section 220.13(1)(e), F.S., for I.R.C. section 179 expense in excess of: \$250,000 (for tax years beginning in 2010) and \$128,000 (for tax years beginning in 2011 and 2012) and bonus depreciation under I.R.C. sections 167 and 168(k) (assets placed in service between January 1, 2010, and December 31, 2012).

RULEMAKING AUTHORITY: 213.06(1), 220.51 FS., s., 3, Ch. 2009-18, s. 4, Ch. 2009-192, s. 3, Ch. 2011-229 L.O.F.

LAW IMPLEMENTED: 220.02(3), 220.03(5), 220.13, 220.131(1), 220.43(1), (3) FS.

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**DEPARTMENT OF REVENUE**

**Corporate, Estate and Intangible Tax**

RULE NOS.:	RULE TITLES:
12C-1.0191	Capital Investment Tax Credit Program
12C-1.0193	Florida Renewable Energy Production Credit
12C-1.0221	Returns, Notices, and Elections; Signing and Verification
12C-1.051	Forms

PURPOSE AND EFFECT: Section 1, Chapter 2011-223, L.O.F., allows certain unused capital investment tax credits to be carried forward through the 30th tax year after commencement of operations. The purpose of the proposed amendments to Rule 12C-1.0191, F.A.C. (Capital Investment Tax Credit Program), is to add this provision to the rule.

Section 7, Chapter 2012-117, L.O.F., effective July 1, 2012, requires an application to be filed with the Department of Agriculture and Consumer Services for an allocation of an annual tax credit against corporate income tax based on the taxpayer's production and sale of electricity from a Florida renewable energy facility. The purpose of the proposed amendments to Rule 12C-1.0193, F.A.C. (Florida Renewable Energy Production Credit), and to Rule 12C-1.051, F.A.C. (Forms), is to update the Department's rules and form to include the provisions of Section 7, Chapter 2012-117, L.O.F., and to remove the obsolete application for the tax credit previously submitted to the Department of Revenue.

The purpose of the proposed amendments to Rule 12C-1.0221, F.A.C. (Returns, Notices, and Elections; Signing and Verification), is to adopt, by reference, updates to Treasury Department Circular Number 230.

The purpose of the proposed amendments to Rule 12C-1.051, F.A.C. (Forms), is to: (1) adopt, by reference: (1) annual changes to update Florida corporate income tax returns to reflect law changes; (2) updates to the application used to notify the Department of a transfer of a tax credit to another taxpayer; and (3) to remove an application for the Florida

renewable energy tax credit that will be administered by the Florida Department of Agriculture and Consumer Services beginning July 1, 2012.

SUBJECT AREA TO BE ADDRESSED: The subject of the rule workshop is the: (1) proposed changes to Rule 12C-1.0191, F.A.C. (Capital Investment Tax Credit Program), to incorporate the provisions of Section 1, Chapter 2011-223, L.O.F.; (2) proposed changes to Rule 12C-1.0193, F.A.C., and Form F-1193T (Notice of Intent to Transfer A Florida Energy Tax Credit) to incorporate the provisions of Section 7, Chapter 2012-117, L.O.F., effective July 1, 2012, and to remove the obsolete application for a Florida renewable energy tax credit; and (3) updates to materials and forms used to administer the Florida corporate income tax.

RULEMAKING AUTHORITY: 213.06(1), 220.191(8), 220.192(5), (7), 220.193, 220.196(4), 220.51, 1002.395(13) FS.

LAW IMPLEMENTED: 119.071(5), 212.08(5)(p), 213.35, 213.755, 220.02(3), (8), 220.03(1), 220.11, 220.12, 220.13(1), (2), 220.131, 220.14, 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.1875, 220.1895, 220.1896, 220.19, 220.191, 220.192, 220.193, 220.196, 220.21, 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, 220.31, 220.32, 220.33, 220.34, 220.41, 220.42, 220.43, 220.44, 220.51, 220.721, 220.723, 220.725, 220.737, 220.801, 220.803, 220.805, 220.807, 220.809, 221.04, 624.5105, 624.51055, 1002.395 FS.

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**DEPARTMENT OF REVENUE**

**Corporate, Estate and Intangible Tax**

RULE NO.: 12C-1.318  
 RULE TITLE: Rules for Recognition of Taxpayers and Their Representatives

PURPOSE AND EFFECT: The purpose of the proposed repeal of Rule 12C-1.318, F.A.C. (Rules for Recognition of Taxpayers and Their Representatives), is to remove provisions that are addressed in other administrative rules and forms. Rule 12-6.005, F.A.C. (Criteria for Qualified Representatives), and Form DR-835 (Power of Attorney and Declaration of Representative), provide the qualifications and requirements of taxpayer representatives. Rule 12-22.005, F.A.C. (Disclosure Procedures), provide the requirements for taxpayer representatives to receive confidential taxpayer information from the Department.

SUBJECT AREA TO BE ADDRESSED: The proposed repeal of Rule 12C-1.318, F.A.C. (Rules for Recognition of Taxpayers and Their Representatives).

RULEMAKING AUTHORITY: 213.06(1), 220.51 FS.

LAW IMPLEMENTED: 213.053, 220.731 FS.

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**DEPARTMENT OF REVENUE**

**Corporate, Estate and Intangible Tax**

RULE NOS.: 12C-2.004  
 RULE TITLES: Property Subject to Tax – Government Leasehold Estates and Nonrecurring

12C-2.010 Valuations  
 12C-2.0115 Public Use Forms  
 PURPOSE AND EFFECT: Sections 1 and 2, Chapter 2012-32, L.O.F., expanded the public purpose exemption from ad valorem taxes to the governmental leasehold intangible tax. The exemption applies retroactively to all governmental leaseholds in existence on January 1, 2011. The purpose of the proposed amendments to Rule 12C-2.004, F.A.C. (Property Subject to Tax – Governmental Leasehold Estates and Nonrecurring), Rule 12C-2.010, F.A.C. (Valuations), and to Rule 12C-2.0115, F.A.C. (Public Use Forms), is to: (1) include the provisions of Sections 1 and 2, Chapter 2012-32, L.O.F.; (2) provide that the Valuation Factor Tables used to calculate the annual tax on governmental leasehold estates will be published annually in Taxpayer Information Publications and posted to the Department's Internet site; and (3) adopt, by reference, updates to the tax return used to report the annual tax on governmental leasehold estates that reflect law changes and to remove provisions that limit the tax return to a single tax year.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the proposed changes to include the provisions of Sections 1 and 2, Chapter 2012-32, L.O.F., and to adopt, by reference, changes to the tax return used to report the annual tax on governmental leasehold estates.

RULEMAKING AUTHORITY: 199.202, 213.06(1) FS.

LAW IMPLEMENTED: 119.071(5), 196.199(2), 199.032 (2005), 199.042 (2005), 199.103(7), 199.133, 199.135 (2005), 199.143, 199.145, 199.155, 199.183, 199.202, 199.232, 199.282 (2005), 199.292, 213.24(3), 215.26 FS.

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**DEPARTMENT OF REVENUE**

**Corporate, Estate and Intangible Tax**

RULE NOS.:	RULE TITLES:
12C-2.0115	Public Use Forms
12C-2.012	Refunds

PURPOSE AND EFFECT: Forms DR-350111 (Intangible Tax Self-Audit Worksheet) and DR-350112 (Taxpayer Affidavit) used in the administration of the annual intangible personal property prior to its repeal are now obsolete. The purpose of the proposed amendments to Rule 12C-2.0115, F.A.C. (Public Use Forms), is to repeal the adoption, by reference, of obsolete Forms DR-350111 and DR-350112.

Form DR-26I (Application for Refund-Intangible Personal Property Tax) is obsolete. Taxpayers seeking refunds of intangible personal property tax that is not automatically refunded by the Department must apply using Form DR-26 (Application for Refund). The purpose of the proposed amendments to Rule 12C-2.012, F.A.C. (Refunds), is to update the application to be used by taxpayers to obtain a refund of intangible personal property tax overpaid or paid when no tax was due.

SUBJECT AREA TO BE ADDRESSED: The proposed changes to the form used by the Department in the administration of refunds of intangible tax and the repeal of obsolete forms.

RULEMAKING AUTHORITY: 199.202, 213.06(1) FS.

LAW IMPLEMENTED: 119.071(5), 196.199(2), 199.032 (2005), 199.042 (2005), 199.103(7) (2005), 199.135 (2005), 199.202, 199.232, 199.282 (2005), 199.292, 213.24(3), 213.255(2), (3), 215.26 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: August 8, 2012, 9:00 a.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1220, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Tammy Miller at (850)617-8347. 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: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT'S INTERNET SITE AT: [myflorida.com/dor/rules](http://myflorida.com/dor/rules)

**DEPARTMENT OF REVENUE**

**Corporate, Estate and Intangible Tax**

RULE NO.:	RULE TITLE:
12C-3.010	Final Certificate and Nontaxable Certificate Mailing Procedure

PURPOSE AND EFFECT: Section 1, Chapter 2011-86, L.O.F., extends the expiration of the period of exemption from filing a Florida Estate Tax Return for decedents who die after December 31, 2004, and prior to January 1, 2013. The purpose of the proposed amendments to Rule 12C-3.010, F.A.C. (Final Certificate and Nontaxable Certificate Mailing Procedure), is to update the rule to provide the statutory period for the exemption from the requirement to file a Florida Estate Tax Return.

SUBJECT AREA TO BE ADDRESSED: The proposed changes to incorporate the provisions of Section 1, Chapter 2011-86, L.O.F., into Rule 12C-3.010, F.A.C.

RULEMAKING AUTHORITY: 198.08, 213.06(1) FS.

LAW IMPLEMENTED: 198.13(2), 198.19 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: August 8, 2012, 9:00 a.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1220, Tallahassee, Florida

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, 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)717-7610

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT'S INTERNET SITE AT: [myflorida.com/dor/rules](http://myflorida.com/dor/rules)

**DEPARTMENT OF REVENUE**

**Division of Child Support Enforcement**

RULE NOS.:	RULE TITLES:
12E-1.001	General
12E-1.002	Services Provided
12E-1.003	Conditions of Eligibility
12E-1.004	Application for Services, Application Forms and Fee
12E-1.005	Collection and Distribution of Payments
12E-1.009	Enforcement of Income Deduction in IV-D Cases Where No Income Deduction Order Currently Exists
12E-1.013	Release of Information
12E-1.015	Reciprocity Requests
12E-1.016	Child Support Guidelines
12E-1.017	Expedited Process
12E-1.019	Judgments by Operation of Law
12E-1.020	Genetic Testing
12E-1.024	Business or Professional License or Certification Suspension or Application Denial
12E-1.025	Procurement of Legal Services
12E-1.026	Central Depository Electronic Transmission of Information

**PURPOSE AND EFFECT:** The purpose of the proposed repeal of Rule 12E-1.001, F.A.C. (General), is to remove rule provisions that repeat provisions in several statutes and include obsolete terminology.

The purpose of the proposed repeal of Rule 12E-1.002, F.A.C. (Services Provided), is to remove rule provisions that repeat statutes, are inconsistent with the Child Support Enforcement Title IV-D State plan, contain obsolete terminology, and are no longer necessary.

The purpose of the proposed repeal of Rule 12E-1.003, F.A.C. (Conditions of Eligibility), is to remove rule provisions that repeat statutes, are contrary to current law in some ways, incorporate obsolete forms, contain obsolete terminology, and are no longer necessary.

The purpose of the proposed repeal of Rule 12E-1.004, F.A.C. (Application for Services, Application Forms and Fee), is to remove rule provisions that deviate from current law, incorporate obsolete forms, contain obsolete terminology, and are no longer needed.

The purpose of the proposed repeal of Rule 12E-1.005, F.A.C. (Collection and Distribution of Payments), is to eliminate an unnecessary rule about the collection and distribution of support payments that contains obsolete information and references obsolete forms.

The purpose of the proposed repeal of Rule 12E-1.009, F.A.C. (Enforcement of Income Deduction in IV-D Cases Where No Income Deduction Order Currently Exists), is to remove a rule that substantially restates Section 61.1301, Florida Statutes, includes outdated provisions, and is unnecessary.

The purpose of the proposed repeal of Rule 12E-1.013, F.A.C. (Release of Information), is to remove a rule that substantially repeats Section 409.2579, Florida Statutes, and is no longer needed.

The purpose of the proposed amendment of Rule 12E-1.015, F.A.C. (Reciprocity Requests), is to remove a provision that is inconsistent with the Child Support Enforcement Title IV-D State plan and is no longer needed, and correct the cite to rulemaking authority and law implemented in the history notes. The amendment lists the foreign jurisdictions with which Florida has reciprocal agreements for child support enforcement services and will provide a hyperlink members of the public can use to access a copy of reciprocal agreements.

The purpose of the proposed repeal of Rule 12E-1.016, F.A.C. (Child Support Guidelines), is to remove a rule that repeats Section 61.30, Florida Statutes, and is no longer necessary.

The purpose of the proposed repeal of Rule 12E-1.017, F.A.C. (Expedited Process), is to remove a rule that repeats statutes, incorporates superseded federal regulations, cites as rulemaking authority a statute that has been repealed, and is no longer needed because expedited process is provided by rule of the Florida Family Law Rules of Procedure (Rule 12.491).

The purpose of the proposed repeal of Rule 12E-1.019, F.A.C. (Judgments by Operation of Law), is to eliminate a rule that repeats Section 61.14, Florida Statutes, cites as rulemaking authority a statute that has been repealed, and is no longer necessary.

The purpose of the proposed repeal of Rule 12E-1.020, F.A.C. (Genetic Testing), is to remove rule provisions about genetic testing for paternity establishment that repeat Section 742.12, Florida Statutes, contain obsolete information, and are no longer necessary.

The purpose of the proposed repeal of Rule 12E-1.024, F.A.C. (Business or Professional License or Certification Suspension or Application Denial), is to remove obsolete information that has been superseded by statutory changes in Section 409.2598, Florida Statutes.

The purpose of the proposed repeal of Rule 12E-1.025, F.A.C. (Procurement of Legal Services), is to remove rule provisions that cite as rulemaking authority a statute that has been repealed, unnecessarily restate federal regulations, and are unnecessary.

The purpose of the proposed repeal of Rule 12E-1.026, F.A.C. (Central Depository Electronic Transmission of Information), is to remove obsolete and unnecessary rule provisions that substantially repeat statute and reference a terminated contract between the Department of Revenue, the Florida Association of Court Clerks, and the county court depositories.

**SUBJECT AREA TO BE ADDRESSED:** The proposed addition of a rule provision listing the foreign jurisdictions with which the Florida Attorney General and the United States have issued declarations of reciprocity for enforcement of support orders and the proposed repeal of unnecessary rules.

**RULEMAKING AUTHORITY:** s. 1, Chapter 94-124, s. 14, Chapter 94-236, L.O.F., 120.535, 409.026, 409.2557, 409.2557(3), 409.2557(3)(i), 409.2567, 409.2574(2)(d) FS.

**LAW IMPLEMENTED:** Chapter 86-220, Section 127, LOF, 61.13, 61.1301, 61.13015, 61.14, 61.14(6)(a), 61.14(6)(a)3., 61.16(1), 61.181, 61.181(8), 61.1811, 61.30, 61.30(1)(b), 61.30(14), 61.30(15), 88.0405, 88.111, 88.151, 88.171, 88.235, 88.331, 88.1011(19)(b), 90.502(5), 95.11(3), 119.07, 119.08(3), 231.097, 231.28, 319.23, 319.24, 320.01, 327.02(27), 328.01, 328.15, 409.2554, 409.2557, 409.2561, 409.2564(2), 409.2564(3), 409.2564(4), 409.2567, 409.2569, 409.2572, 409.2574, 409.2577, 409.2579, 409.2598, 455.203, 559.79, 695.25, 742.011, 742.045, 742.10, 742.12 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:** August 8, 2012, 9:00 a.m.

**PLACE:** 2450 Shumard Oak Boulevard, Building One, Room 1220, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Mike Vergenz at (850)617-8036. 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:** Mike Vergenz, Government Analyst II, Child Support Enforcement Program, Department of Revenue, 2450 Shumard Oak Blvd., Suite 2-4829, Tallahassee, Florida 32399-0184, telephone (850)617-8036, email: vergenzm@dor.state.fl.us

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT'S INTERNET SITE AT:** myflorida.com/dor/rules

**DEPARTMENT OF CITRUS**

**RULE NO.:** 20-13.003  
**RULE TITLE:** Fruit Classification and Standards Committee – Membership

**PURPOSE AND EFFECT:** Amendment to reflect the change in membership of the Florida Citrus Commission during the 2011 Legislative session, bringing the FCC membership from seven grower members and five grower/handler members to six grower members and three grower/handler members for the FCC member requirement of the Fruit Classification and Standards Committee

**SUBJECT AREA TO BE ADDRESSED:** Membership of the Fruit Classification and Standards Committee.

**RULEMAKING AUTHORITY:** 601.05, 601.10(1),(7), 601.11, 601.9910(3) FS.

**LAW IMPLEMENTED:** 601.9910(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:** Alice Wiggins, Legal Department, Florida Department of Citrus, P.O. Box 9010, Bartow, FL 33831 or awiggins@citrus.state.fl.us

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

**WATER MANAGEMENT DISTRICTS**

**Northwest Florida Water Management District**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
40A-1.1002	Variances from Water Shortage Plan
40A-1.1003	Variance and Emergency Variance or Authorization Procedures
40A-1.1010	Point of Entry Into Proceedings
40A-1.2025	Fees
40A-1.203	Permit Application Procedure
40A-1.205	Suspension, Revocation and Modification of District Permits
40A-1.206	Temporary Permits
40A-1.207	Complaints
40A-1.208	Administrative Enforcement Action
40A-1.209	Emergency Action
40A-1.510	District Investigations and Probable Cause Determination

**PURPOSE AND EFFECT:** The Northwest Florida Water Management District (NFWMD) gives notice that it is developing rules as part of a statewide effort headed by the Florida Department of Environmental Protection (DEP) and joined by all five water management districts (WMDs), to

increase consistency in the consumptive use permitting (CUP), minimum flows and levels (MFLs), and water supply related programs of the WMDs. This rule development is proposed to be coordinated with similar rule development by the other WMDs throughout Florida. This rule development will make appropriate rule amendments to NFWFMD’s Chapters 40A-1, 40A-2, and 40A-21, F.A.C., to address the following goals of the DEP and the WMDs for this rulemaking: (1) making the CUP rules less confusing for applicants; (2) treating applicants equitably statewide; (3) providing consistent protection of the environment; (4) streamlining the application and permitting process; and (5) incentivizing behavior that protects water resources, including water conservation. Additional information about the statewide CUP consistency initiative is available at DEP’s website at: [www.dep.state.fl.us/water/waterpolicy/cupcon.htm](http://www.dep.state.fl.us/water/waterpolicy/cupcon.htm).

**SUBJECT AREA TO BE ADDRESSED:** Among other things, this rule development will cover the amendment, repeal, or development of rules as needed to accomplish CUP consistency goals, on the following subjects: (1) consumptive use permit criteria; (2) limiting conditions (permit conditions by rule); (3) permit thresholds; (4) permit types; (5) permit duration; (6) water conservation requirements; (7) annual allocation requirements and other rules needed to provide continuous reasonable assurance throughout the duration of a permit; (8) modification of permits; (9) 10-year compliance reports; (10) compliance monitoring and forms; (11) application forms; (12) permit fees to address related changes to permit thresholds or permit types; (13) an Applicant’s Handbook to assist applicants with the requirements of Chapter 40A-2, F.A.C. (14) procedural rules in Chapter 40A-1, F.A.C.; (15) water shortage plan rules in Chapter 40A-21, F.A.C.; and (16) other rules for which conforming amendments may be needed along with any rule changes made in the subject areas identified above.

Note: Members of the District’s Governing Board may attend the scheduled Rule Development Workshop.

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

**LAW IMPLEMENTED:** 373.042, 373.0421, 373.109, 373.118, 373.219, 373.223, 373.227, 373.229, 373.236, 373.239, 373.246, 373.250 FS.

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

**DATE AND TIME:** August 29, 2012, 9:00 a.m. CDT

**PLACE:** Escambia County Commission Chambers, Room 100, 221 Palafox Place, Pensacola, FL

**DATE AND TIME:** August 31, 2012, 9:00 a.m. EDT

**PLACE:** Florida Department of Environmental Protection, Bob Martinez Building, 2600 Blair Stone Road, Tallahassee, FL

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

Chelette, Northwest Florida Water Management District, Bureau of Ground Water Regulation, 152 Water Management Drive, Havana, Florida 32333, (850)539-5999, [angela.chelette@nwfwm.state.fl.us](mailto:angela.chelette@nwfwm.state.fl.us) or Terri Peterson, Administrative Assistant, Northwest Florida Water Management District, Bureau of Ground Water Regulation, 152 Water Management Drive, Havana, Florida 32333, (850)539-5999, [terri.peterson@nwfwm.state.fl.us](mailto:terri.peterson@nwfwm.state.fl.us)  
**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.**

**WATER MANAGEMENT DISTRICTS**

**Northwest Florida Water Management District**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
40A-2.011	Policy and Purpose
40A-2.021	Definitions
40A-2.041	Permits Required
40A-2.051	Exemptions
40A-2.101	Content of Application
40A-2.201	Permit Processing Fee
40A-2.223	Reservation of Water
40A-2.301	Conditions for Issuance of Permits
40A-2.302	General Water Use Permit - Criteria, Limitations and Conditions
40A-2.311	Competing Applications
40A-2.321	Duration of Permits
40A-2.331	Modification of Permits
40A-2.351	Transfer of Permits
40A-2.361	Renewal of Permits
40A-2.381	Limiting Conditions
40A-2.441	Temporary Permits
40A-2.501	Permit Classification
40A-2.511	Declaration of Water Shortage
40A-2.801	Declaration of Water Resource Caution Areas
40A-2.802	Water Resource Caution Areas
40A-2.901	Forms
40A-2.902	Areal Boundary Maps for Water Use Permitting
40A-2.904	Areal Boundary Maps for Water Resource Caution Areas

**PURPOSE AND EFFECT:** The Northwest Florida Water Management District (NFWFMD) gives notice that it is developing rules as part of a statewide effort headed by the Florida Department of Environmental Protection (DEP) and joined by all five water management districts (WMDs), to increase consistency in the consumptive use permitting (CUP), minimum flows and levels (MFLs), and water supply related programs of the WMDs. This rule development is proposed to be coordinated with similar rule development by the other WMDs throughout Florida. This rule development will make appropriate rule amendments to NFWFMD’s Chapters 40A-1, 40A-2, and 40A-21, F.A.C., to address the following goals of

the DEP and the WMDs for this rulemaking: (1) making the CUP rules less confusing for applicants; (2) treating applicants equitably statewide; (3) providing consistent protection of the environment; (4) streamlining the application and permitting process; and (5) incentivizing behavior that protects water resources, including water conservation. Additional information about the statewide CUP consistency initiative is available at DEP's website at: [www.dep.state.fl.us/water/waterpolicy/cupcon.htm](http://www.dep.state.fl.us/water/waterpolicy/cupcon.htm).

**SUBJECT AREA TO BE ADDRESSED:** Among other things, this rule development will cover the amendment, repeal, or development of rules as needed to accomplish CUP consistency goals, on the following subjects: (1) consumptive use permit criteria; (2) limiting conditions (permit conditions by rule); (3) permit thresholds; (4) permit types; (5) permit duration; (6) water conservation requirements; (7) annual allocation requirements and other rules needed to provide continuous reasonable assurance throughout the duration of a permit; (8) modification of permits; (9) 10-year compliance reports; (10) compliance monitoring and forms; (11) application forms; (12) permit fees to address related changes to permit thresholds or permit types; (13) an Applicant's Handbook to assist applicants with the requirements of Chapter 40A-2, F.A.C. (14) procedural rules in Chapter 40A-1, F.A.C.; (15) water shortage plan rules in Chapter 40A-21, F.A.C.; and (16) other rules for which conforming amendments may be needed along with any rule changes made in the subject areas identified above.

**Note:** Members of the District's Governing Board may attend the scheduled Rule Development Workshop.

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

**LAW IMPLEMENTED:** 373.042, 373.0421, 373.109, 373.118, 373.219, 373.223, 373.227, 373.229, 373.236, 373.239, 373.246, 373.250 FS.

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

**DATE AND TIME:** Immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled on August 29, 2012, 9:00 a.m. CDT

**PLACE:** Escambia County Commission Chambers, Room 100, 221 Palafox Place, Pensacola, FL

**DATE AND TIME:** Immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled on August 31, 2012, 9:00 a.m. CDT

**PLACE:** Florida Department of Environmental Protection, Bob Martinez Building, 2600 Blair Stone Road, Tallahassee, FL

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Angela Chelette, Northwest Florida Water Management District,

Bureau of Ground Water Regulation, 152 Water Management Drive, Havana, Florida 32333, (850)539-5999, [angela.chelette@nwfwm.state.fl.us](mailto:angela.chelette@nwfwm.state.fl.us) or Terri Peterson, Administrative Assistant, Northwest Florida Water Management District, Bureau of Ground Water Regulation, 152 Water Management Drive, Havana, Florida 32333, (850)539-5999, [terri.peterson@nwfwm.state.fl.us](mailto:terri.peterson@nwfwm.state.fl.us)

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

**WATER MANAGEMENT DISTRICTS**

**Northwest Florida Water Management District**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
40A-21.001	Policy and Purpose
40A-21.031	Elements of the Plan
40A-21.051	Definitions
40A-21.221	Evaluating Water Conditions
40A-21.231	Declaring a Water Shortage
40A-21.251	Water Shortage Phases
40A-21.271	Water Use Restrictions
40A-21.275	Variances
40A-21.291	Implementing a Water Shortage Declaration
40A-21.331	Declaring a Water Shortage Emergency
40A-21.371	Water Use Restrictions in a Water Shortage Emergency
40A-21.391	Implementing a Water Shortage Emergency Declaration
40A-21.401	Monitoring
40A-21.421	Enforcement
40A-21.511	Classification System
40A-21.531	Source Classes
40A-21.551	Use Classes
40A-21.571	Method of Extraction or Diversion Classes
40A-21.601	Specific Restrictions
40A-21.621	Phase I: Moderate Water Shortage
40A-21.631	Phase II: Severe Water Shortage
40A-21.641	Phase III: Extreme Water Shortage
40A-21.651	Phase IV: Critical Water Shortage

**PURPOSE AND EFFECT:** The Northwest Florida Water Management District (NFWWMD) gives notice that it is developing rules as part of a statewide effort headed by the Florida Department of Environmental Protection (DEP) and joined by all five water management districts (WMDs), to increase consistency in the consumptive use permitting (CUP), minimum flows and levels (MFLs), and water supply related programs of the WMDs. This rule development is proposed to be coordinated with similar rule development by the other WMDs throughout Florida. This rule development will make appropriate rule amendments to NFWWMD's Chapters 40A-1, 40A-2, and 40A-21, F.A.C., to address the following goals of

the DEP and the WMDs for this rulemaking: (1) making the CUP rules less confusing for applicants; (2) treating applicants equitably statewide; (3) providing consistent protection of the environment; (4) streamlining the application and permitting process; and (5) incentivizing behavior that protects water resources, including water conservation. Additional information about the statewide CUP consistency initiative is available at DEP's website at: [www.dep.state.fl.us/water/waterpolicy/cupcon.htm](http://www.dep.state.fl.us/water/waterpolicy/cupcon.htm)

**SUBJECT AREA TO BE ADDRESSED:** Among other things, this rule development will cover the amendment, repeal, or development of rules as needed to accomplish CUP consistency goals, on the following subjects: (1) consumptive use permit criteria; (2) limiting conditions (permit conditions by rule); (3) permit thresholds; (4) permit types; (5) permit duration; (6) water conservation requirements; (7) annual allocation requirements and other rules needed to provide continuous reasonable assurance throughout the duration of a permit; (8) modification of permits; (9) 10-year compliance reports; (10) compliance monitoring and forms; (11) application forms; (12) permit fees to address related changes to permit thresholds or permit types; (13) an Applicant's Handbook to assist applicants with the requirements of Chapter 40A-2, F.A.C. (14) procedural rules in Chapter 40A-1, F.A.C.; (15) water shortage plan rules in Chapter 40A-21, F.A.C.; and (16) other rules for which conforming amendments may be needed along with any rule changes made in the subject areas identified above.

**Note:** Members of the District's Governing Board may attend the scheduled Rule Development Workshop.

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

**LAW IMPLEMENTED:** 373.042, 373.0421, 373.109, 373.118, 373.219, 373.223, 373.227, 373.229, 373.236, 373.239, 373.246, 373.250 FS.

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**DATE AND TIME:** Immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled on August 29, 2012, 9:00 a.m. CDT

**PLACE:** Escambia County Commission Chambers, Room 100, 221 Palafox Place, Pensacola, FL

**DATE AND TIME:** Immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled on August 31, 2012, 9:00 a.m. CDT

**PLACE:** Florida Department of Environmental Protection, Bob Martinez Building, 2600 Blair Stone Road, Tallahassee, FL

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Angela Chelette, Northwest Florida Water Management District,

Bureau of Ground Water Regulation, 152 Water Management Drive, Havana, Florida 32333, (850)539-5999, [angela.chelette@nwfwm.state.fl.us](mailto:angela.chelette@nwfwm.state.fl.us) or Terri Peterson, Administrative Assistant, Northwest Florida Water Management District, Bureau of Ground Water Regulation, 152 Water Management Drive, Havana, Florida 32333, (850)539-5999, [terri.peterson@nwfwm.state.fl.us](mailto:terri.peterson@nwfwm.state.fl.us)

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

**WATER MANAGEMENT DISTRICTS**

**Suwannee River Water Management District**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
40B-2.011	Policy and Purpose
40B-2.021	Definitions
40B-2.025	Processing of Water Use Applications
40B-2.031	Implementation
40B-2.041	Permits Required
40B-2.051	Exemptions
40B-2.101	Content of Application
40B-2.201	Permit Fees
40B-2.301	Conditions for Issuance of Permits
40B-2.311	Completing Applications
40B-2.321	Duration of Permits
40B-2.331	Modification of Permits
40B-2.341	Revocation of Permits
40B-2.351	Transfer of Permits
40B-2.361	Renewal of Permits
40B-2.381	Limiting Conditions
40B-2.441	Temporary Water Use Permits
40B-2.451	Emergency Authorization for Withdrawal or Diversion
40B-2.501	Classification of Permits
40B-2.751	Investigation, Enforcement, and Penalties
40B-2.781	Enforcement
40B-2.901	Forms and Instructions (Repealed)

**PURPOSE AND EFFECT:** The Suwannee River Water Management District (SRWMD) gives notice that it is developing rules as part of a statewide effort headed by the Florida Department of Environmental Protection (DEP) and joined by all five water management districts (WMDs), to increase consistency in the water use permit (WUP), minimum flows and levels (MFLs), and water supply related programs of the WMDs. This rule development is proposed to be coordinated with similar rule development by the other WMDs throughout Florida. This rule development will make appropriate rule amendments to SRWMD's Chapters 40B-1, 40B-2, 40B-21, and 40B-8, F.A.C., and the Water Use Permitting Guide to address the following goals of the DEP and the WMDs for this rulemaking: (1) making the WUP rules less confusing for applicants; (2) treating applicants equitably

statewide; (3) providing consistent protection of the environment; (4) streamlining the application and permitting process; and (5) incentivizing behavior that protects water resources, including water conservation. Additional information about the statewide WUP consistency initiative is available at DEP's website at: [www.dep.state.fl.us/water/waterpolicy/cupcon.htm](http://www.dep.state.fl.us/water/waterpolicy/cupcon.htm)

**SUBJECT AREA TO BE ADDRESSED:** Among other things, this rule development will cover the amendment, repeal, or development of rules as needed to accomplish WUP consistency goals, on the following subjects: (1) water use permit criteria; (2) limiting conditions (permit conditions by rule); (3) permit thresholds; (4) permit types; (5) permit duration; (6) water conservation requirements; (7) annual allocation requirements and other rules needed to provide continuous reasonable assurance throughout the duration of a permit; (8) modification of permits; (9) 10-year compliance reports; (10) compliance monitoring and forms; (11) application forms; (12) permit fees to address related changes to permit thresholds or permit types; (13) procedural rules in chapter 40B-1, F.A.C.; (14) water shortage plan rules in chapter 40B-21, F.A.C.; (15) minimum flows and levels (MFLs) rules in chapter 40B-8, F.A.C.; and (16) other rules for which conforming amendments may be needed along with any rule changes made in the subject areas identified above.

Note: Members of the District's Governing Board may attend the scheduled Rule Development Workshops.

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

**LAW IMPLEMENTED:** 373.042, 373.0421, 373.109, 373.118, 373.219, 373.223, 373.227, 373.229, 373.236, 373.239, 373.246, 373.250 FS.

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

**DATE AND TIME:** August 7, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

**PLACE:** Suwannee River Water Management District, 9225 CR 49, Live Oak, Florida

**DATE AND TIME:** August 8, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

**PLACE:** Tommy Usher Community Center, 506 S.W. 4th Ave, Chiefland, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting/ by contacting: Robin Lamm, (386)362-1001.

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: Tim Sagul, Senior Professional Engineer, Suwannee River Water Management District, 9225 CR 49, Live Oak, FL 32060, [tjs@srwmd.org](mailto:tjs@srwmd.org), (386)362-1001

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

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE NOS.:	RULE TITLES:
40C-1.1004	Variances from Water Shortage Rules (Chapter 40C-21, F.A.C.)
40C-1.1005	Time for Consideration of Emergency Petition for Variances
40C-1.1007	Point of Entry Into Proceedings
40C-1.1008	Timeframe for Providing Requested Information
40C-1.1011	Submitting Notice of Intent for Consumptive Use Permits Under Rule 40C-20.042, F.A.C
40C-1.1012	Submitting Notice of Intent for Consumptive Use Permits Under Chapter 40C-22, F.A.C
40C-1.106	Interagency Agreements
40C-1.135	Delegations of Authority
40C-1.601	General
40C-1.602	Licenses or Permits Required
40C-1.603	Permit Fees
40C-1.607	Issuance of a License or Permit
40C-1.610	License or Permit Renewal
40C-1.612	Transfer of Ownership or Permit

**PURPOSE AND EFFECT:** The St. Johns River Water Management District (SJRWMD) gives notice that it is developing rules as part of a statewide effort headed by the Florida Department of Environmental Protection (DEP) and joined by all five water management districts (WMDs), to increase consistency in the consumptive use permitting (CUP), minimum flows and levels (MFLs), and water supply related programs of the WMDs. This rule development is proposed to be coordinated with similar rule development by the other WMDs throughout Florida. This rule development will make appropriate rule amendments to SJRWMD's Chapters 40C-1, 40C-2, 40C-20, 40C-21, 40C-22, and 40C-8, F.A.C., and the Applicant's Handbook: Consumptive Uses of Water to address the following goals of the DEP and the WMDs for this rulemaking: (1) making the CUP rules less confusing for applicants; (2) treating applicants equitably statewide; (3) providing consistent protection of the environment; (4)

streamlining the application and permitting process; and (5) incentivizing behavior that protects water resources, including water conservation. Additional information about the statewide CUP consistency initiative is available at DEP’s website at: [www.dep.state.fl.us/water/waterpolicy/cupcon.htm](http://www.dep.state.fl.us/water/waterpolicy/cupcon.htm).

**SUBJECT AREA TO BE ADDRESSED:** Among other things, this rule development will cover the amendment, repeal, or development of rules as needed to accomplish CUP consistency goals, on the following subjects: (1) consumptive use permit criteria; (2) limiting conditions (permit conditions by rule); (3) permit thresholds; (4) permit types; (5) permit duration; (6) water conservation requirements; (7) annual allocation requirements and other rules needed to provide continuous reasonable assurance throughout the duration of a permit; (8) modification of permits; (9) 10-year compliance reports; (10) compliance monitoring and forms; (11) application forms; (12) permit fees to address related changes to permit thresholds or permit types; (13) procedural rules in Chapter 40C-1, F.A.C.; (14) water shortage plan rules in Chapter 40C-21, F.A.C.; (15) minimum flows and levels (MFLs) rules in Chapter 40C-8, F.A.C.; and (16) other rules for which conforming amendments may be needed along with any rule changes made in the subject areas identified above.

Note: Members of the District’s Governing Board may attend the scheduled Rule Development Workshops.

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

**LAW IMPLEMENTED:** 373.042, 373.0421, 373.109, 373.118, 373.219, 373.223, 373.227, 373.229, 373.236, 373.239, 373.246, 373.250 FS.

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

**DATE AND TIME:** August 10, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

**PLACE:** Governing Board Room, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177

**DATE AND TIME:** August 21, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

**PLACE:** Florida Cattlemen’s Association, 800 Shakerag Road, Kissimmee, Florida 34744

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Thomas Mayton, Jr., Esq., St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)329-4108, [tmayton@sjrwmd.com](mailto:tmayton@sjrwmd.com) or Wendy Gaylord, Legal Administrative Assistant, St. Johns River

Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)326-3026, [wgaylord@sjrwmd.com](mailto:wgaylord@sjrwmd.com)

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

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
40C-2.031	Implementation
40C-2.041	Permits Required
40C-2.042	General Permit by Rule
40C-2.051	Exemptions
40C-2.101	Publications Incorporated by Reference
40C-2.301	Conditions for Issuance of Permits
40C-2.302	Reservation of Water from Use
40C-2.311	Competing Applications
40C-2.321	Duration of Permit
40C-2.331	Modification of Permits
40C-2.351	Transfer of Permits
40C-2.361	Renewal of Permits
40C-2.381	Limiting Conditions
40C-2.401	Identification Tags
40C-2.501	Permit Classification
40C-2.900	Forms and Instructions

**PURPOSE AND EFFECT:** The St. Johns River Water Management District (SJRWMD) gives notice that it is developing rules as part of a statewide effort headed by the Florida Department of Environmental Protection (DEP) and joined by all five water management districts (WMDs), to increase consistency in the consumptive use permitting (CUP), minimum flows and levels (MFLs), and water supply related programs of the WMDs. This rule development is proposed to be coordinated with similar rule development by the other WMDs throughout Florida. This rule development will make appropriate rule amendments to SJRWMD’s Chapters 40C-1, 40C-2, 40C-20, 40C-21, 40C-22, and 40C-8, F.A.C., and the Applicant’s Handbook: Consumptive Uses of Water to address the following goals of the DEP and the WMDs for this rulemaking: (1) making the CUP rules less confusing for applicants; (2) treating applicants equitably statewide; (3) providing consistent protection of the environment; (4) streamlining the application and permitting process; and (5) incentivizing behavior that protects water resources, including water conservation. Additional information about the statewide CUP consistency initiative is available at DEP’s website at: [www.dep.state.fl.us/water/waterpolicy/cupcon.htm](http://www.dep.state.fl.us/water/waterpolicy/cupcon.htm).

**SUBJECT AREA TO BE ADDRESSED:** Among other things, this rule development will cover the amendment, repeal, or development of rules as needed to accomplish CUP consistency goals, on the following subjects: (1) consumptive use permit criteria; (2) limiting conditions (permit conditions

by rule); (3) permit thresholds; (4) permit types; (5) permit duration; (6) water conservation requirements; (7) annual allocation requirements and other rules needed to provide continuous reasonable assurance throughout the duration of a permit; (8) modification of permits; (9) 10-year compliance reports; (10) compliance monitoring and forms; (11) application forms; (12) permit fees to address related changes to permit thresholds or permit types; (13) procedural rules in Chapter 40C-1, F.A.C.; (14) water shortage plan rules in Chapter 40C-21, F.A.C.; (15) minimum flows and levels (MFLs) rules in Chapter 40C-8, F.A.C.; and (16) other rules for which conforming amendments may be needed along with any rule changes made in the subject areas identified above.

Note: Members of the District’s Governing Board may attend the scheduled Rule Development Workshops.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.109, 373.118, 373.219, 373.223, 373.227, 373.229, 373.236, 373.239, 373.246, 373.250 FS.

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

DATE AND TIME: August 10, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

PLACE: Governing Board Room, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177

DATE AND TIME: August 21, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

PLACE: Florida Cattlemen’s Association, 800 Shakerag Road, Kissimmee, Florida 34744

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Thomas Mayton, Jr., Esq., St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)329-4108, tmayton@sjrwmd.com or Wendy Gaylord, Legal Administrative Assistant, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)326-3026, wgaylord@sjrwmd.com

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

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE NOS.:	RULE TITLES:
40C-8.011	Policy and Purpose
40C-8.021	Definitions

40C-8.031 Minimum Surface Water Levels and Flows and Groundwater Levels

PURPOSE AND EFFECT: The St. Johns River Water Management District (SJRWMD) gives notice that it is developing rules as part of a statewide effort headed by the Florida Department of Environmental Protection (DEP) and joined by all five water management districts (WMDs), to increase consistency in the consumptive use permitting (CUP), minimum flows and levels (MFLs), and water supply related programs of the WMDs. This rule development is proposed to be coordinated with similar rule development by the other WMDs throughout Florida. This rule development will make appropriate rule amendments to SJRWMD’s Chapters 40C-1, 40C-2, 40C-20, 40C-21, 40C-22, and 40C-8, F.A.C., and the Applicant’s Handbook: Consumptive Uses of Water to address the following goals of the DEP and the WMDs for this rulemaking: (1) making the CUP rules less confusing for applicants; (2) treating applicants equitably statewide; (3) providing consistent protection of the environment; (4) streamlining the application and permitting process; and (5) incentivizing behavior that protects water resources, including water conservation. Additional information about the statewide CUP consistency initiative is available at DEP’s website at: [www.dep.state.fl.us/water/waterpolicy/cupcon.htm](http://www.dep.state.fl.us/water/waterpolicy/cupcon.htm).

SUBJECT AREA TO BE ADDRESSED: Among other things, this rule development will cover the amendment, repeal, or development of rules as needed to accomplish CUP consistency goals, on the following subjects: (1) consumptive use permit criteria; (2) limiting conditions (permit conditions by rule); (3) permit thresholds; (4) permit types; (5) permit duration; (6) water conservation requirements; (7) annual allocation requirements and other rules needed to provide continuous reasonable assurance throughout the duration of a permit; (8) modification of permits; (9) 10-year compliance reports; (10) compliance monitoring and forms; (11) application forms; (12) permit fees to address related changes to permit thresholds or permit types; (13) procedural rules in chapter 40C-1, F.A.C.; (14) water shortage plan rules in chapter 40C-21, F.A.C.; (15) minimum flows and levels (MFLs) rules in Chapter 40C-8, F.A.C.; and (16) other rules for which conforming amendments may be needed along with any rule changes made in the subject areas identified above.

Note: Members of the District’s Governing Board may attend the scheduled Rule Development Workshops.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.109, 373.118, 373.219, 373.223, 373.227, 373.229, 373.236, 373.239, 373.246, 373.250 FS.

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

DATE AND TIME: August 10, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

PLACE: Governing Board Room, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177

DATE AND TIME: August 21, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

PLACE: Florida Cattlemen’s Association, 800 Shakerag Road, Kissimmee, Florida 34744

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Thomas Mayton, Jr., Esq., St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)329-4108, tmayton@sjrwmd.com or Wendy Gaylord, Legal Administrative Assistant, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)326-3026, wgaylord@sjrwmd.com

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

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE NOS.:	RULE TITLES:
40C-20.011	Policy and Purpose
40C-20.042	General Permit for Water Use
40C-20.301	Conditions for Issuance of Authorization
40C-20.321	Duration of Permit
40C-20.900	Forms and Instructions

PURPOSE AND EFFECT: The St. Johns River Water Management District (SJRWMD) gives notice that it is developing rules as part of a statewide effort headed by the Florida Department of Environmental Protection (DEP) and joined by all five water management districts (WMDs), to increase consistency in the consumptive use permitting (CUP), minimum flows and levels (MFLs), and water supply related programs of the WMDs. This rule development is proposed to be coordinated with similar rule development by the other WMDs throughout Florida. This rule development will make appropriate rule amendments to SJRWMD’s Chapters 40C-1, 40C-2, 40C-20, 40C-21, 40C-22, and 40C-8, F.A.C., and the Applicant’s Handbook: Consumptive Uses of Water to address the following goals of the DEP and the WMDs for this rulemaking: (1) making the CUP rules less confusing for applicants; (2) treating applicants equitably statewide; (3) providing consistent protection of the environment; (4) streamlining the application and permitting process; and (5) incentivizing behavior that protects water resources, including

water conservation. Additional information about the statewide CUP consistency initiative is available at DEP’s website at: [www.dep.state.fl.us/water/waterpolicy/cupcon.htm](http://www.dep.state.fl.us/water/waterpolicy/cupcon.htm).

SUBJECT AREA TO BE ADDRESSED: Among other things, this rule development will cover the amendment, repeal, or development of rules as needed to accomplish CUP consistency goals, on the following subjects: (1) consumptive use permit criteria; (2) limiting conditions (permit conditions by rule); (3) permit thresholds; (4) permit types; (5) permit duration; (6) water conservation requirements; (7) annual allocation requirements and other rules needed to provide continuous reasonable assurance throughout the duration of a permit; (8) modification of permits; (9) 10-year compliance reports; (10) compliance monitoring and forms; (11) application forms; (12) permit fees to address related changes to permit thresholds or permit types; (13) procedural rules in Chapter 40C-1, F.A.C.; (14) water shortage plan rules in Chapter 40C-21, F.A.C.; (15) minimum flows and levels (MFLs) rules in Chapter 40C-8, F.A.C.; and (16) other rules for which conforming amendments may be needed along with any rule changes made in the subject areas identified above.

Note: Members of the District’s Governing Board may attend the scheduled Rule Development Workshops.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.109, 373.118, 373.219, 373.223, 373.227, 373.229, 373.236, 373.239, 373.246, 373.250 FS.

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

DATE AND TIME: August 10, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

PLACE: Governing Board Room, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177

DATE AND TIME: August 21, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

PLACE: Florida Cattlemen’s Association, 800 Shakerag Road, Kissimmee, Florida 34744

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Thomas Mayton, Jr., Esq., St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)329-4108, tmayton@sjrwmd.com or Wendy Gaylord, Legal Administrative Assistant, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)326-3026, wgaylord@sjrwmd.com

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

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE NOS.:	RULE TITLES:
40C-21.001	Policy and Purpose
40C-21.051	Definitions
40C-21.221	Evaluating Water Conditions
40C-21.231	Declaring a Water Shortage
40C-21.251	Water Shortage Phases
40C-21.271	General Water Use Restrictions
40C-21.291	Implementing a Water Shortage Declaration
40C-21.331	Declaring a Water Shortage Emergency
40C-21.371	Water Use Restrictions in a Water Shortage Emergency
40C-21.391	Implementing a Water Shortage Emergency Declaration
40C-21.401	Monitoring
40C-21.421	Enforcement
40C-21.511	Classification System
40C-21.531	Source Classes
40C-21.551	Use Classes
40C-21.571	Method of Extraction or Diversion Classes
40C-21.601	Specific Restrictions
40C-21.621	Phase I Moderate Water Shortage
40C-21.631	Phase II Severe Water Shortage
40C-21.641	Phase III Extreme Water Shortage
40C-21.651	Phase IV Critical Water Shortage

**PURPOSE AND EFFECT:** The St. Johns River Water Management District (SJRWMD) gives notice that it is developing rules as part of a statewide effort headed by the Florida Department of Environmental Protection (DEP) and joined by all five water management districts (WMDs), to increase consistency in the consumptive use permitting (CUP), minimum flows and levels (MFLs), and water supply related programs of the WMDs. This rule development is proposed to be coordinated with similar rule development by the other WMDs throughout Florida. This rule development will make appropriate rule amendments to SJRWMD's Chapters 40C-1, 40C-2, 40C-20, 40C-21, 40C-22, and 40C-8, F.A.C., and the Applicant's Handbook: Consumptive Uses of Water to address the following goals of the DEP and the WMDs for this rulemaking: (1) making the CUP rules less confusing for applicants; (2) treating applicants equitably statewide; (3) providing consistent protection of the environment; (4) streamlining the application and permitting process; and (5) incentivizing behavior that protects water resources, including water conservation. Additional information about the statewide CUP consistency initiative is available at DEP's website at: [www.dep.state.fl.us/water/waterpolicy/cupcon.htm](http://www.dep.state.fl.us/water/waterpolicy/cupcon.htm).

**SUBJECT AREA TO BE ADDRESSED:** Among other things, this rule development will cover the amendment, repeal, or development of rules as needed to accomplish CUP consistency goals, on the following subjects: (1) consumptive use permit criteria; (2) limiting conditions (permit conditions by rule); (3) permit thresholds; (4) permit types; (5) permit duration; (6) water conservation requirements; (7) annual allocation requirements and other rules needed to provide continuous reasonable assurance throughout the duration of a permit; (8) modification of permits; (9) 10-year compliance reports; (10) compliance monitoring and forms; (11) application forms; (12) permit fees to address related changes to permit thresholds or permit types; (13) procedural rules in Chapter 40C-1, F.A.C.; (14) water shortage plan rules in Chapter 40C-21, F.A.C.; (15) minimum flows and levels (MFLs) rules in Chapter 40C-8, F.A.C.; and (16) other rules for which conforming amendments may be needed along with any rule changes made in the subject areas identified above.

Note: Members of the District's Governing Board may attend the scheduled Rule Development Workshops.

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

**LAW IMPLEMENTED:** 373.042, 373.0421, 373.109, 373.118, 373.219, 373.223, 373.227, 373.229, 373.236, 373.239, 373.246, 373.250 FS.

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

**DATE AND TIME:** August 10, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

**PLACE:** Governing Board Room, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177

**DATE AND TIME:** August 21, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

**PLACE:** Florida Cattlemen's Association, 800 Shakerag Road, Kissimmee, Florida 34744

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Thomas Mayton, Jr., Esq., St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)329-4108, [tmayton@sjrwmd.com](mailto:tmayton@sjrwmd.com) or Wendy Gaylord, Legal Administrative Assistant, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)326-3026, [wgaylord@sjrwmd.com](mailto:wgaylord@sjrwmd.com)

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

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE NOS.:	RULE TITLES:
40C-22.001	Policy and Purpose
40C-22.020	Noticed General Permit for Fire Protection Purposes
40C-22.030	Noticed General Permit for Short-term Construction Dewatering
40C-22.900	Forms and Instructions

**PURPOSE AND EFFECT:** The St. Johns River Water Management District (SJRWMD) gives notice that it is developing rules as part of a statewide effort headed by the Florida Department of Environmental Protection (DEP) and joined by all five water management districts (WMDs), to increase consistency in the consumptive use permitting (CUP), minimum flows and levels (MFLs), and water supply related programs of the WMDs. This rule development is proposed to be coordinated with similar rule development by the other WMDs throughout Florida. This rule development will make appropriate rule amendments to SJRWMD’s Chapters 40C-1, 40C-2, 40C-20, 40C-21, 40C-22, and 40C-8, F.A.C., and the Applicant’s Handbook: Consumptive Uses of Water to address the following goals of the DEP and the WMDs for this rulemaking: (1) making the CUP rules less confusing for applicants; (2) treating applicants equitably statewide; (3) providing consistent protection of the environment; (4) streamlining the application and permitting process; and (5) incentivizing behavior that protects water resources, including water conservation. Additional information about the statewide CUP consistency initiative is available at DEP’s website at: [www.dep.state.fl.us/water/waterpolicy/cupcon.htm](http://www.dep.state.fl.us/water/waterpolicy/cupcon.htm).

**SUBJECT AREA TO BE ADDRESSED:** Among other things, this rule development will cover the amendment, repeal, or development of rules as needed to accomplish CUP consistency goals, on the following subjects: (1) consumptive use permit criteria; (2) limiting conditions (permit conditions by rule); (3) permit thresholds; (4) permit types; (5) permit duration; (6) water conservation requirements; (7) annual allocation requirements and other rules needed to provide continuous reasonable assurance throughout the duration of a permit; (8) modification of permits; (9) 10-year compliance reports; (10) compliance monitoring and forms; (11) application forms; (12) permit fees to address related changes to permit thresholds or permit types; (13) procedural rules in Chapter 40C-1, F.A.C.; (14) water shortage plan rules in Chapter 40C-21, F.A.C.; (15) minimum flows and levels (MFLs) rules in Chapter 40C-8, F.A.C.; and (16) other rules for which conforming amendments may be needed along with any rule changes made in the subject areas identified above.

Note: Members of the District’s Governing Board may attend the scheduled Rule Development Workshops.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.109, 373.118, 373.219, 373.223, 373.227, 373.229, 373.236, 373.239, 373.246, 373.250 FS.

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

DATE AND TIME: August 10, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

PLACE: Governing Board Room, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177

DATE AND TIME: August 21, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

PLACE: Florida Cattlemen’s Association, 800 Shakerag Road, Kissimmee, Florida 34744

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Thomas Mayton, Jr., Esq., St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)329-4108, [tmayton@sjrwmd.com](mailto:tmayton@sjrwmd.com) or Wendy Gaylord, Legal Administrative Assistant, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)326-3026, [wgaylord@sjrwmd.com](mailto:wgaylord@sjrwmd.com)

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

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NOS.:	RULE TITLES:
40D-1.002	Delegation of Authority
40D-1.1001	Variations from Water Well Construction Rules (Chapter 40D-3, F.A.C.)
40D-1.1002	Variations from Water Shortage Rules and Orders (Chapter 40D-21, F.A.C.)
40D-1.1003	Time for Consideration of a Petition for an Emergency Variance or Waiver
40D-1.1010	Point of Entry into Proceedings
40D-1.102	Definitions
40D-1.1021	Emergency Authorizations for Activities Regulated Under Part IV of Chapter 373, F.S.
40D-1.1022	Emergency Authorization for Well Construction Permits
40D-1.140	District Funds

- 40D-1.602 Permits Required
- 40D-1.603 Permit Application Procedures
- 40D-1.604 Bonds
- 40D-1.6051 Timeframe for Providing Requested Information for Permit Applications and Denial of Incomplete Applications
- 40D-1.607 Permit Processing Fee
- 40D-1.608 Permit Fee Reduction for Certain Counties and Municipalities
- 40D-1.6105 Limiting Conditions
- 40D-1.659 Forms and Instructions

**PURPOSE AND EFFECT:** The Southwest Florida Water Management District (SWFWMD) gives notice that it is developing rules as part of a statewide effort headed by the Florida Department of Environmental Protection (DEP) and joined by all five water management districts (WMDs), to increase consistency in the consumptive use permitting (CUP), minimum flows and levels (MFLs), and water supply related programs of the WMDs. This rule development is proposed to be coordinated with similar rule development by the other WMDs throughout Florida. This rule development will make appropriate rule amendments to SWFWMD’s Chapters 40D-1, 40D-2, 40D-8, 40D-20, 40D-21, and 40D-22, F.A.C., and the Southwest Florida Water Management District Water Use Permit Information Manual to address the following goals of the DEP and the WMDs for this rulemaking: (1) making the CUP rules less confusing for applicants; (2) treating applicants equitably statewide; (3) providing consistent protection of the environment; (4) streamlining the application and permitting process; and (5) incentivizing behavior that protects water resources, including water conservation. Additional information about the statewide CUP consistency initiative is available at DEP’s website at: [www.dep.state.fl.us/water/waterpolicy/cupcon.htm](http://www.dep.state.fl.us/water/waterpolicy/cupcon.htm).

**SUBJECT AREA TO BE ADDRESSED:** This rule development will include, but may not be limited to, the amendment, repeal, or development of rules as needed to accomplish CUP consistency goals, on the following subjects: (1) consumptive use permit criteria; (2) limiting conditions (permit conditions by rule); (3) permit thresholds; (4) permit types; (5) permit duration; (6) water conservation requirements; (7) annual allocation requirements and other rules needed to provide continuous reasonable assurance throughout the duration of a permit; (8) modification of permits; (9) 10-year compliance reports; (10) compliance monitoring and forms; (11) application forms; (12) permit fees to address related changes to permit thresholds or permit types; (13) procedural rules in Chapter 40D-1, F.A.C.; (14) water shortage plan rules in Chapter 40D-21, F.A.C.; (15) minimum flows and levels (MFLs) rules in Chapter 40D-8, F.A.C.; and (16) other rules for which conforming amendments may be needed along with any rule changes made in the subject areas identified above.

Note: Members of the District’s Governing Board may attend the scheduled Rule Development Workshop.

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

**LAW IMPLEMENTED:** 373.042, 373.0421, 373.109, 373.118, 373.219, 373.223, 373.227, 373.229, 373.236, 373.239, 373.246, 373.250 FS.

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

**DATE AND TIME:** August 15, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

**PLACE:** SWFWMD, Governing Board Meeting Room, District Headquarters, 2379 Broad Street, Brooksville, Florida 34604

**DATE AND TIME:** August 16, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

**PLACE:** SWFWMD, Governing Board Meeting Room, Tampa Service Office, 7601 Highway 301 North, Tampa, Florida 33637

**DATE AND TIME:** August 21, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

**PLACE:** Florida Cattlemen’s Association, 800 Shakerag Road, Kissimmee, Florida 34744

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: Sonya L. White, Senior Legal Assistant, Southwest Florida Water Management District, 7601 U.S. Highway 301 North, Tampa, FL 33637-6759, (813)985-7481, ext. 4660. 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:** Laura Jacobs Donaldson, Esq., Southwest Florida Water Management District, Office of General Counsel, 7601 US Hwy. 301, Tampa, FL 33637-6759, (813)985-7481 or 1(800)836-0797 (Florida only), [laura.donaldson@swfwmd.state.fl.us](mailto:laura.donaldson@swfwmd.state.fl.us) or Sonya White, Senior Legal Assistant, Southwest Florida Water Management District, Office of General Counsel, 7601 US Hwy. 301, Tampa, FL 33637-6759, (813)985-7481 or 1(800)836-0797 (Florida only), [Sonya.White@swfwmd.state.fl.us](mailto:Sonya.White@swfwmd.state.fl.us)

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

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NOS.:	RULE TITLES:
40D-2.011	Policy and Purpose
40D-2.021	Definitions
40D-2.031	Implementation
40D-2.041	Permits Required
40D-2.051	Exemptions
40D-2.091	Publications Incorporated by Reference
40D-2.101	Content of Application
40D-2.301	Conditions for Issuance of Permits
40D-2.302	Reservations from Use
40D-2.321	Duration of Permits
40D-2.322	Population and Impact Analysis and Verification of 10-year Requirements
40D-2.331	Modification of Permits
40D-2.341	Revocation and Cancellation of Permits
40D-2.351	Transfer of Permits
40D-2.361	Renewal of Permits
40D-2.381	Standard Permit Conditions
40D-2.401	Identification Tags
40D-2.501	Permit Use Types
40D-2.621	Water-Conserving Credits
40D-2.801	Water Use Caution Areas

**PURPOSE AND EFFECT:** The Southwest Florida Water Management District (SWFWMD) gives notice that it is developing rules as part of a statewide effort headed by the Florida Department of Environmental Protection (DEP) and joined by all five water management districts (WMDs), to increase consistency in the consumptive use permitting (CUP), minimum flows and levels (MFLs), and water supply related programs of the WMDs. This rule development is proposed to be coordinated with similar rule development by the other WMDs throughout Florida. This rule development will make appropriate rule amendments to SWFWMD’s Chapters 40D-1, 40D-2, 40D-8, 40D-20, 40D-21, and 40D-22, F.A.C., and the Southwest Florida Water Management District Water Use Permit Information Manual to address the following goals of the DEP and the WMDs for this rulemaking: (1) making the CUP rules less confusing for applicants; (2) treating applicants equitably statewide; (3) providing consistent protection of the environment; (4) streamlining the application and permitting process; and (5) incentivizing behavior that protects water resources, including water conservation. Additional information about the statewide CUP consistency initiative is available at DEP’s website at: [www.dep.state.fl.us/water/waterpolicy/cupcon.htm](http://www.dep.state.fl.us/water/waterpolicy/cupcon.htm).

**SUBJECT AREA TO BE ADDRESSED:** This rule development will include, but may not be limited to, the amendment, repeal, or development of rules as needed to

accomplish CUP consistency goals, on the following subjects: (1) consumptive use permit criteria; (2) limiting conditions (permit conditions by rule); (3) permit thresholds; (4) permit types; (5) permit duration; (6) water conservation requirements; (7) annual allocation requirements and other rules needed to provide continuous reasonable assurance throughout the duration of a permit; (8) modification of permits; (9) 10-year compliance reports; (10) compliance monitoring and forms; (11) application forms; (12) permit fees to address related changes to permit thresholds or permit types; (13) procedural rules in Chapter 40D-1, F.A.C.; (14) water shortage plan rules in Chapter 40D-21, F.A.C.; (15) minimum flows and levels (MFLs) rules in Chapter 40D-8, F.A.C.; and (16) other rules for which conforming amendments may be needed along with any rule changes made in the subject areas identified above.

Note: Members of the District’s Governing Board may attend the scheduled Rule Development Workshop.

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

**LAW IMPLEMENTED:** 373.042, 373.0421, 373.109, 373.118, 373.219, 373.223, 373.227, 373.229, 373.236, 373.239, 373.246, 373.250 FS.

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

**DATE AND TIME:** August 15, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

**PLACE:** SWFWMD, Governing Board Meeting Room, District Headquarters, 2379 Broad Street, Brooksville, Florida 34604

**DATE AND TIME:** August 16, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

**PLACE:** SWFWMD, Governing Board Meeting Room, Tampa Service Office, 7601 Highway 301 North, Tampa, Florida 33637

**DATE AND TIME:** August 21, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

**PLACE:** Florida Cattlemen’s Association, 800 Shakerag Road, Kissimmee, Florida 34744

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: Sonya White, Senior Legal Assistant, Southwest Florida Water Management District, Office of General Counsel, 7601 US Hwy. 301, Tampa, FL 33637-6759, (813)985-7481 or 1(800)836-0797 (Florida only),

Sonya.White@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Laura Jacobs Donaldson, Esq., Southwest Florida Water Management District, Office of General Counsel, 7601 US Hwy. 301, Tampa, FL 33637-6759, (813)985-7481 or 1(800)836-0797 (Florida only), laura.donaldson@swfwmd.state.fl.us or Sonya White, Senior Legal Assistant, Southwest Florida Water Management District, Office of General Counsel, 7601 US Hwy. 301, Tampa, FL 33637-6759, (813)985-7481 or 1(800)836-0797 (Florida only), Sonya.White@swfwmd.state.fl.us

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

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NOS.:	RULE TITLES:
40D-8.011	Policy and Purpose
40D-8.021	Definitions
40D-8.031	Implementation
40D-8.041	Minimum Flows
40D-8.621	Operating Levels for Lakes with District-Owned Management Structures
40D-8.623	Minimum Wetland Levels
40D-8.624	Guidance and Minimum Levels for Lakes
40D-8.626	Minimum Aquifer Levels

PURPOSE AND EFFECT: The Southwest Florida Water Management District (SWFWMD) gives notice that it is developing rules as part of a statewide effort headed by the Florida Department of Environmental Protection (DEP) and joined by all five water management districts (WMDs), to increase consistency in the consumptive use permitting (CUP), minimum flows and levels (MFLs), and water supply related programs of the WMDs. This rule development is proposed to be coordinated with similar rule development by the other WMDs throughout Florida. This rule development will make appropriate rule amendments to SWFWMD’s Chapters 40D-1, 40D-2, 40D-8, 40D-20, 40D-21, and 40D-22, F.A.C., and the Southwest Florida Water Management District Water Use Permit Information Manual to address the following goals of the DEP and the WMDs for this rulemaking: (1) making the CUP rules less confusing for applicants; (2) treating applicants equitably statewide; (3) providing consistent protection of the environment; (4) streamlining the application and permitting process; and (5) incentivizing behavior that protects water resources, including water conservation. Additional

information about the statewide CUP consistency initiative is available at DEP’s website at: [www.dep.state.fl.us/water/waterpolicy/cupcon.htm](http://www.dep.state.fl.us/water/waterpolicy/cupcon.htm).

SUBJECT AREA TO BE ADDRESSED: This rule development will include, but may not be limited to, the amendment, repeal, or development of rules as needed to accomplish CUP consistency goals, on the following subjects: (1) consumptive use permit criteria; (2) limiting conditions (permit conditions by rule); (3) permit thresholds; (4) permit types; (5) permit duration; (6) water conservation requirements; (7) annual allocation requirements and other rules needed to provide continuous reasonable assurance throughout the duration of a permit; (8) modification of permits; (9) 10-year compliance reports; (10) compliance monitoring and forms; (11) application forms; (12) permit fees to address related changes to permit thresholds or permit types; (13) procedural rules in Chapter 40D-1, F.A.C.; (14) water shortage plan rules in Chapter 40D-21, F.A.C.; (15) minimum flows and levels (MFLs) rules in Chapter 40D-8, F.A.C.; and (16) other rules for which conforming amendments may be needed along with any rule changes made in the subject areas identified above.

Note: Members of the District’s Governing Board may attend the scheduled Rule Development Workshop.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.109, 373.118, 373.219, 373.223, 373.227, 373.229, 373.236, 373.239, 373.246, 373.250 FS.

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

DATE AND TIME: August 15, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

PLACE: SWFWMD, Governing Board Meeting Room, District Headquarters, 2379 Broad Street, Brooksville, Florida 34604

DATE AND TIME: August 16, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

PLACE: SWFWMD, Governing Board Meeting Room, Tampa Service Office, 7601 Highway 301 North, Tampa, Florida 33637

DATE AND TIME: August 21, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

PLACE: Florida Cattlemen’s Association, 800 Shakerag Road, Kissimmee, Florida 34744

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: Sonya White, Senior Legal Assistant, Southwest Florida Water Management District, Office of General Counsel, 7601 US Hwy. 301, Tampa, FL 33637-6759, (813)985-7481 or 1(800)836-0797 (Florida only), Sonya.White@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NOS.:	RULE TITLES:
40D-21.011	Policy and Purpose
40D-21.051	Definitions
40D-21.211	Monitoring Conditions
40D-21.221	Evaluating Water Conditions
40D-21.231	Declaring a Water Shortage
40D-21.251	Water Shortage Phases
40D-21.275	Implementing a Water Shortage Declaration
40D-21.281	Modifying or Rescinding a Water Shortage Declaration
40D-21.331	Declaring a Water Shortage Emergency
40D-21.371	Water Use Restrictions in a Water Shortage Emergency
40D-21.391	Implementing a Water Shortage Emergency Declaration
40D-21.421	Enforcement
40D-21.511	General
40D-21.531	Source Classifications
40D-21.541	Use Classifications
40D-21.571	Method of Withdrawal Classifications

40D-21.601	General
40D-21.621	Phase I: Moderate Water Shortage
40D-21.631	Phase II: Severe Water Shortage
40D-21.641	Phase III: Extreme Water Shortage
40D-21.651	Phase IV: Critical Water Shortage

PURPOSE AND EFFECT: The Southwest Florida Water Management District (SWFWMD) gives notice that it is developing rules as part of a statewide effort headed by the Florida Department of Environmental Protection (DEP) and joined by all five water management districts (WMDs), to increase consistency in the consumptive use permitting (CUP), minimum flows and levels (MFLs), and water supply related programs of the WMDs. This rule development is proposed to be coordinated with similar rule development by the other WMDs throughout Florida. This rule development will make appropriate rule amendments to SWFWMD’s Chapters 40D-1, 40D-2, 40D-8, 40D-20, 40D-21, and 40D-22, F.A.C., and the Southwest Florida Water Management District Water Use Permit Information Manual to address the following goals of the DEP and the WMDs for this rulemaking: (1) making the CUP rules less confusing for applicants; (2) treating applicants equitably statewide; (3) providing consistent protection of the environment; (4) streamlining the application and permitting process; and (5) incentivizing behavior that protects water resources, including water conservation. Additional information about the statewide CUP consistency initiative is available at DEP’s website at: [www.dep.state.fl.us/water/waterpolicy/cupcon.htm](http://www.dep.state.fl.us/water/waterpolicy/cupcon.htm).

SUBJECT AREA TO BE ADDRESSED: This rule development will include, but may not be limited to, the amendment, repeal, or development of rules as needed to accomplish CUP consistency goals, on the following subjects: (1) consumptive use permit criteria; (2) limiting conditions (permit conditions by rule); (3) permit thresholds; (4) permit types; (5) permit duration; (6) water conservation requirements; (7) annual allocation requirements and other rules needed to provide continuous reasonable assurance throughout the duration of a permit; (8) modification of permits; (9) 10-year compliance reports; (10) compliance monitoring and forms; (11) application forms; (12) permit fees to address related changes to permit thresholds or permit types; (13) procedural rules in Chapter 40D-1, F.A.C.; (14) water shortage plan rules in Chapter 40D-21, F.A.C.; (15) minimum flows and levels (MFLs) rules in Chapter 40D-8, F.A.C.; and (16) other rules for which conforming amendments may be needed along with any rule changes made in the subject areas identified above.

Note: Members of the District’s Governing Board may attend the scheduled Rule Development Workshop.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.109, 373.118, 373.219, 373.223, 373.227, 373.229, 373.236, 373.239, 373.246, 373.250 FS.

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

DATE AND TIME: August 15, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

PLACE: SWFWMD, Governing Board Meeting Room, District Headquarters, 2379 Broad Street, Brooksville, Florida 34604

DATE AND TIME: August 16, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

PLACE: SWFWMD, Governing Board Meeting Room, Tampa Service Office, 7601 Highway 301 North, Tampa, Florida 33637

DATE AND TIME: August 21, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

PLACE: Florida Cattlemen’s Association, 800 Shakerag Road, Kissimmee, Florida 34744

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: Sonya White, Senior Legal Assistant, Southwest Florida Water Management District, Office of General Counsel, 7601 US Hwy. 301, Tampa, FL 33637-6759, (813)985-7481 or 1(800)836-0797 (Florida only), Sonya.White@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NOS.:                   RULE TITLES:  
40D-22.011                   Policy and Purpose

40D-22.101                   Definitions  
40D-22.201                   Year-Round Water Conservation Measures  
40D-22.303                   Variances and Waivers  
40D-22.401                   Enforcement

PURPOSE AND EFFECT: The Southwest Florida Water Management District (SWFWMD) gives notice that it is developing rules as part of a statewide effort headed by the Florida Department of Environmental Protection (DEP) and joined by all five water management districts (WMDs), to increase consistency in the consumptive use permitting (CUP), minimum flows and levels (MFLs), and water supply related programs of the WMDs. This rule development is proposed to be coordinated with similar rule development by the other WMDs throughout Florida. This rule development will make appropriate rule amendments to SWFWMD’s Chapters 40D-1, 40D-2, 40D-8, 40D-20, 40D-21, and 40D-22, F.A.C., and the Southwest Florida Water Management District Water Use Permit Information Manual to address the following goals of the DEP and the WMDs for this rulemaking: (1) making the CUP rules less confusing for applicants; (2) treating applicants equitably statewide; (3) providing consistent protection of the environment; (4) streamlining the application and permitting process; and (5) incentivizing behavior that protects water resources, including water conservation. Additional information about the statewide CUP consistency initiative is available at DEP’s website at: [www.dep.state.fl.us/water/waterpolicy/cupcon.htm](http://www.dep.state.fl.us/water/waterpolicy/cupcon.htm).

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Note: Members of the District’s Governing Board may attend the scheduled Rule Development Workshop.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.109, 373.118, 373.219, 373.223, 373.227, 373.229, 373.236, 373.239, 373.246, 373.250 FS.

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

DATE AND TIME: August 15, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

PLACE: SWFWMD, Governing Board Meeting Room, District Headquarters, 2379 Broad Street, Brooksville, Florida 34604

DATE AND TIME: August 16, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

PLACE: SWFWMD, Governing Board Meeting Room, Tampa Service Office, 7601 Highway 301 North, Tampa, Florida 33637

DATE AND TIME: August 21, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

PLACE: Florida Cattlemen’s Association, 800 Shakerag Road, Kissimmee, Florida 34744

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: Sonya White, Senior Legal Assistant, Southwest Florida Water Management District, Office of General Counsel, 7601 US Hwy. 301, Tampa, FL 33637-6759, (813)985-7481 or 1(800)836-0797 (Florida only), Sonya.White@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Laura Jacobs Donaldson, Esq., Southwest Florida Water Management District, Office of General Counsel, 7601 US Hwy. 301, Tampa, FL 33637-6759, (813)985-7481 or 1(800)836-0797 (Florida only), laura.donaldson@swfwmd.state.fl.us or Sonya White, Senior Legal Assistant, Southwest Florida Water Management District, Office of General Counsel, 7601 US Hwy. 301, Tampa, FL 33637-6759, (813)985-7481 or 1(800)836-0797 (Florida only), Sonya.White@swfwmd.state.fl.us

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

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NOS.:	RULE TITLES:
40E-0.101	Scope
40E-0.102	Time for Consideration of Emergency Petition for Variance or Waiver
40E-0.107	Emergency Action
40E-0.108	Emergency Authorization
40E-0.109	Point of Entry Into Proceedings and Mediation
40E-0.111	Exemptions and Variances for Well Construction Permits
40E-0.115	Variances from Water Use Restrictions

PURPOSE AND EFFECT: The South Florida Water Management District (SFWMD) gives notice that it is developing rules, as part of a statewide effort headed by the Florida Department of Environmental Protection (DEP) and joined by all five water management districts (WMDs), to increase consistency in the consumptive use permitting (CUP), minimum flows and levels, and water supply related programs of the WMDs. Procedural issues will also be addressed. This rule development is proposed to be coordinated with similar rule development by the other WMDs throughout Florida. SFWMD anticipates potential amendments to Chapters 40E-0, 40E-1, 40E-2, 40E-3, 40E-5, 40E-8, 40E-10, 40E-20, 40E-21, 40E-22, 40E-24, and the Basis of Review for Water Use Permit Applications within the South Florida Water Management District. These changes will address the goals of the DEP and the WMDs for this rulemaking, including: 1) making the consumptive use permitting program less confusing for applicants, particularly those who work in more than one District; 2) treating applicants equitably statewide; 3) providing consistent protection of the environment; 4) streamlining the permitting process; and, 5) incentivizing behavior that protects water resources, including conservation. Additional information about the statewide CUP consistency initiative and this rule development effort is available at DEP’s website at: <http://www.dep.state.fl.us/water/waterpolicy/cupcon.htm>.

SUBJECT AREA TO BE ADDRESSED: This rule development will address amendment, repeal, or development of rules needed to accomplish CUP consistency goals and is expected to include, but not be limited to, such topics as: 1) conditions for issuance of consumptive use permit applications; 2) technical permit application review criteria; 3) water conservation; 4) limiting conditions; 5) permit thresholds; 6) permit types; 7) permit duration; 8) modification of permits; 9) 10-year compliance reports; 10) compliance monitoring and forms; 11) application forms; 12) permit fees to address changes to permit thresholds or permit types; 13)

procedural rules; and 14) other rules for which conforming amendments may be needed along with any rule changes made in the subject areas identified above.

Note: Members of the District’s Governing Board may attend the scheduled Rule Development Workshop.

RULEMAKING AUTHORITY: 120.54(5), 120.60, 373.044, 373.113, 373.171, 373.439, 668.003, 668.004, 668.50 FS.

LAW IMPLEMENTED: 120.54(5), 120.569, 120.57, 120.60, 373.146, 373.175, 373.246, 373.303, 373.308, 373.313, 373.316, 373.326, 373.413, 373.427, 373.439, 668.003, 668.004, 668.50 FS.

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

DATE AND TIME: August 21, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

PLACE: Florida Cattlemen’s Association, 800 Shakerag Road, Kissimmee, FL 34744

DATE AND TIME: August 22, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

PLACE: South Florida Water Management District, Lower West Coast Service Center, Large Conference Rm, 2301 McGregor Blvd, Fort Myers, FL 33901

DATE AND TIME: August 23, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

PLACE: South Florida Water Management District, B1 – Auditorium, 3301 Gun Club Road, West Palm Beach, 33406 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: South Florida Water Management District Clerk, 1(800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Beth Ross, Esq., South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6257 or (561)682-6257, [bross@sfwmd.gov](mailto:bross@sfwmd.gov), or Steven Memberg, Water Use Policy Principal Scientist, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 2133 or (561)682-2133, [smemberg@sfwmd.gov](mailto:smemberg@sfwmd.gov). For procedural questions, contact Jan

Sluth, Sr. Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6299, or (561)682-6299, [jsluth@sfwmd.gov](mailto:jsluth@sfwmd.gov). Information regarding this rule development effort can be accessed at SFWMD’s website [www.sfwmd.gov](http://www.sfwmd.gov)

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

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NOS.:	RULE TITLES:
40E-1.021	Definitions
40E-1.602	Permits Required
40E-1.603	Application Procedures for Conceptual Approval, Individual and Standard Permits
40E-1.604	Bond
40E-1.6058	Publication and Requests for Notification of Permit Applications or Notices of Intent
40E-1.6065	Consideration of Intended Agency Decision on Permit Applications
40E-1.607	Permit Application Processing Fees
40E-1.609	Suspension, Revocation and Modification of Permits
40E-1.610	Permit Renewal
40E-1.6105	Notification of Transfer of Interest in Real Property
40E-1.6107	Transfer of Environmental Resource, Surface Water Management, or Water Use Permit
40E-1.659	Forms and Instructions
40E-1.711	Orders of Corrective Action and Consent Agreements
40E-1.715	Civil Penalty Calculation
40E-1.721	Complaints, District Investigations, Probable Cause Determinations and Notices of Violations

PURPOSE AND EFFECT: The South Florida Water Management District (SFWMD) gives notice that it is developing rules, as part of a statewide effort headed by the Florida Department of Environmental Protection (DEP) and joined by all five water management districts (WMDs), to increase consistency in the consumptive use permitting (CUP), minimum flows and levels, and water supply related programs of the WMDs. Procedural issues will also be addressed. This rule development is proposed to be coordinated with similar rule development by the other WMDs throughout Florida. SFWMD anticipates potential amendments to Chapters 40E-0, 40E-1, 40E-2, 40E-3, 40E-5, 40E-8, 40E-10, 40E-20, 40E-21, 40E-22, 40E-24, and the Basis of Review for Water Use Permit Applications within the South Florida Water Management

District. These changes will address the goals of the DEP and the WMDs for this rulemaking, including: 1) making the consumptive use permitting program less confusing for applicants, particularly those who work in more than one District; 2) treating applicants equitably statewide; 3) providing consistent protection of the environment; 4) streamlining the permitting process; and, 5) incentivizing behavior that protects water resources, including conservation. Additional information about the statewide CUP consistency initiative and this rule development effort is available at DEP's website at: <http://www.dep.state.fl.us/water/waterpolicy/cupcon.htm>.

**SUBJECT AREA TO BE ADDRESSED:** This rule development will address amendment, repeal, or development of rules needed to accomplish CUP consistency goals and is expected to include, but not be limited to, such topics as: 1) conditions for issuance of consumptive use permit applications; 2) technical permit application review criteria; 3) water conservation; 4) limiting conditions; 5) permit thresholds; 6) permit types; 7) permit duration; 8) modification of permits; 9) 10-year compliance reports; 10) compliance monitoring and forms; 11) application forms; 12) permit fees to address changes to permit thresholds or permit types; 13) procedural rules; and 14) other rules for which conforming amendments may be needed along with any rule changes made in the subject areas identified above.

Note: Members of the District's Governing Board may attend the scheduled Rule Development Workshop.

**RULEMAKING AUTHORITY:** 120.53(1), 218.075, 373.044, 373.109, 373.113, 373.119, 373.129, 373.136, 373.333(1), 373.4135, 373.4136, 373.416, 373.421, 668.003, 668.004, 668.50, 695.03, 704.06 FS.

**LAW IMPLEMENTED:** 120.53(1), 120.57, 120.60, 120.69, 218.075, 373.083, 373.085, 373.103, 373.106, 373.107, 373.109, 373.116, 373.119, 373.129, 373.136, 373.171, 373.209(3), 373.219, 373.229, 373.239, 373.243, 373.309, 373.323, 373.333(2), 373.413, 373.4135, 373.4136, 373.416, 373.417, 373.421, 373.422, 373.426, 373.429, 373.430, 373.436, Chapter 373 Parts II and IV, 373.603, 403.201, 668.003, 668.004, 668.50, 704.06 FS.

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

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**DATE AND TIME:** August 22, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

**PLACE:** South Florida Water Management District, Lower West Coast Service Center, Large Conference Rm., 2301 McGregor Blvd, Fort Myers, FL 33901

**DATE AND TIME:** August 23, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

**PLACE:** South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Beth Ross, Esq., South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6257 or (561)682-6257, [bross@sfwmd.gov](mailto:bross@sfwmd.gov), or Steven Memberg, Water Use Policy Principal Scientist, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 2133 or (561)682-2133, [smemberg@sfwmd.gov](mailto:smemberg@sfwmd.gov). For procedural questions, contact Jan Sluth, Sr. Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6299 or (561)682-6299, [jsluth@sfwmd.gov](mailto:jsluth@sfwmd.gov). Information regarding this rule development effort can be accessed at SFWMD's website [www.sfwmd.gov](http://www.sfwmd.gov).

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

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NOS.:	RULE TITLES:
40E-2.010	Review of Consumptive Use Permit Applications
40E-2.011	Policy and Purpose
40E-2.031	Implementation
40E-2.041	Permits Required
40E-2.051	Exemptions
40E-2.061	No-Notice General Permit by Rule
40E-2.091	Publications Incorporated by Reference
40E-2.101	Content of Application

- 40E-2.301 Conditions for Issuance of Permits
- 40E-2.321 Duration of Permit
- 40E-2.331 Modification of Permits
- 40E-2.341 Revocation of Permits
- 40E-2.351 Transfer of Permits
- 40E-2.381 Limiting Conditions
- 40E-2.451 Emergency Authorization
- 40E-2.501 Permit Classification

**PURPOSE AND EFFECT:** The South Florida Water Management District (SFWMD) gives notice that it is developing rules, as part of a statewide effort headed by the Florida Department of Environmental Protection (DEP) and joined by all five water management districts (WMDs), to increase consistency in the consumptive use permitting (CUP), minimum flows and levels, and water supply related programs of the WMDs. Procedural issues will also be addressed. This rule development is proposed to be coordinated with similar rule development by the other WMDs throughout Florida. SFWMD anticipates potential amendments to Chapters 40E-0, 40E-1, 40E-2, 40E-3, 40E-5, 40E-8, 40E-10, 40E-20, 40E-21, 40E-22, 40E-24, and the Basis of Review for Water Use Permit Applications within the South Florida Water Management District. These changes will address the goals of the DEP and the WMDs for this rulemaking, including: 1) making the consumptive use permitting program less confusing for applicants, particularly those who work in more than one District; 2) treating applicants equitably statewide; 3) providing consistent protection of the environment; 4) streamlining the permitting process; and, 5) incentivizing behavior that protects water resources, including conservation. Additional information about the statewide CUP consistency initiative and this rule development effort is available at DEP's website at: <http://www.dep.state.fl.us/water/waterpolicy/cupcon.htm>.

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Note: Members of the District's Governing Board may attend the scheduled Rule Development Workshop.

**RULEMAKING AUTHORITY:** 120.54(5), 120.60, 373.044, 373.113, 373.118, 373.171 FS.

**LAW IMPLEMENTED:** 120.54(5), 120.60, 373.036, 373.042, 373.0421, 373.103, 373.109, 373.118, 373.1501, 373.1502, 373.196, 373.203, 373.216, 373.219, 373.223, 373.224, 373.226, 373.229, 373.2295, 373.232, 373.233, 373.236, 373.239, 373.244, 373.246, 373.249, 373.250, 373.470 FS.

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

**DATE AND TIME:** August 21, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

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**DATE AND TIME:** August 22, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

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**PLACE:** South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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1(800)432-2045, ext. 6299, or (561)682-6299, jsluth@sfwmd.gov. Information regarding this rule development effort can be accessed at SFWMD's website www.sfwmd.gov

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

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NOS.:	RULE TITLES:
40E-3.011	Policy and Purpose
40E-3.021	Definitions
40E-3.036	Rules and Publications Incorporated by Reference
40E-3.038	Violations of Contractor Licensing and Well Construction Requirements
40E-3.040	Scope of Part I
40E-3.041	Permits Required
40E-3.051	Exemptions
40E-3.101	Content of Application
40E-3.301	Conditions for Issuance of Permits
40E-3.321	Duration of Permits
40E-3.341	Suspension and Revocation
40E-3.411	Well Completion Reports
40E-3.451	Emergency Authorization
40E-3.461	Inspection
40E-3.500	Scope of Part II
40E-3.502	Construction Methods
40E-3.504	Location
40E-3.507	Casing and Liner Pipe Standards
40E-3.512	Well Construction Requirements
40E-3.517	Grouting and Sealing
40E-3.521	Well Seals
40E-3.525	Explosives
40E-3.529	Flowing Wells
40E-3.531	Abandoned Well Plugging
40E-3.600	Scope of Part VI
40E-3.601	General Permit for Water Wells within a Portion of Southern Miami-Dade County

**PURPOSE AND EFFECT:** The South Florida Water Management District (SFWMD) gives notice that it is developing rules, as part of a statewide effort headed by the Florida Department of Environmental Protection (DEP) and joined by all five water management districts (WMDs), to increase consistency in the consumptive use permitting (CUP), minimum flows and levels, and water supply related programs of the WMDs. Procedural issues will also be addressed. This rule development is proposed to be coordinated with similar rule development by the other WMDs throughout Florida. SFWMD anticipates potential amendments to Chapters 40E-0, 40E-1, 40E-2, 40E-3, 40E-5, 40E-8, 40E-10, 40E-20, 40E-21,

40E-22, 40E-24, and the Basis of Review for Water Use Permit Applications within the South Florida Water Management District. These changes will address the goals of the DEP and the WMDs for this rulemaking, including: 1) making the consumptive use permitting program less confusing for applicants, particularly those who work in more than one District; 2) treating applicants equitably statewide; 3) providing consistent protection of the environment; 4) streamlining the permitting process; and, 5) incentivizing behavior that protects water resources, including conservation. Additional information about the statewide CUP consistency initiative and this rule development effort is available at DEP's website at: <http://www.dep.state.fl.us/water/waterpolicy/cupcon.htm>.

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Note: Members of the District's Governing Board may attend the scheduled Rule Development Workshop.

**RULEMAKING AUTHORITY:** 373.044, 373.113, 373.171, 373.309, 373.333 FS.

**LAW IMPLEMENTED:** 373.019, 373.103, 373.106, 373.113, 373.303, 373.306, 373.308, 373.309, 373.313, 373.314, 373.316, 373.319, 373.323, 373.324, 373.326, 373.329, 373.333, 373.336, 373.342 FS.

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**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NOS.:	RULE TITLES:
40E-5.011	Policy and Purpose
40E-5.021	Definitions
40E-5.031	Implementation
40E-5.041	Permits Required
40E-5.051	Exemptions
40E-5.101	Content of Application
40E-5.301	Conditions for Permit Issuance
40E-5.321	Duration of Permit
40E-5.331	Modification of Permit
40E-5.381	Limiting Conditions

PURPOSE AND EFFECT: The South Florida Water Management District (SFWMD) gives notice that it is developing rules, as part of a statewide effort headed by the Florida Department of Environmental Protection (DEP) and

joined by all five water management districts (WMDs), to increase consistency in the consumptive use permitting (CUP), minimum flows and levels, and water supply related programs of the WMDs. Procedural issues will also be addressed. This rule development is proposed to be coordinated with similar rule development by the other WMDs throughout Florida. SFWMD anticipates potential amendments to Chapters 40E-0, 40E-1, 40E-2, 40E-3, 40E-5, 40E-8, 40E-10, 40E-20, 40E-21, 40E-22, 40E-24, and the Basis of Review for Water Use Permit Applications within the South Florida Water Management District. These changes will address the goals of the DEP and the WMDs for this rulemaking, including: 1) making the consumptive use permitting program less confusing for applicants, particularly those who work in more than one District; 2) treating applicants equitably statewide; 3) providing consistent protection of the environment; 4) streamlining the permitting process; and, 5) incentivizing behavior that protects water resources, including conservation. Additional information about the statewide CUP consistency initiative and this rule development effort is available at DEP's website at: <http://www.dep.state.fl.us/water/waterpolicy/cupcon.htm>.

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Note: Members of the District's Governing Board may attend the scheduled Rule Development Workshop.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.229 FS.

LAW IMPLEMENTED: 373.106, 373.219 FS.

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PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Beth Ross, Esq., South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6257 or (561)682-6257, [bross@sfwmd.gov](mailto:bross@sfwmd.gov), or Steven Memberg, Water Use Policy Principal Scientist, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 2133 or (561)682-2133, [smemberg@sfwmd.gov](mailto:smemberg@sfwmd.gov). For procedural questions, contact Jan Sluth, Sr. Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6299 or (561)682-6299, [jsluth@sfwmd.gov](mailto:jsluth@sfwmd.gov). Information regarding this rule development effort can be accessed at SFWMD’s website [www.sfwmd.gov](http://www.sfwmd.gov)

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

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NOS.:	RULE TITLES:
40E-8.011	Purpose and General Provisions
40E-8.021	Definitions
40E-8.221	Minimum Flows and Levels: Surface Waters
40E-8.231	Minimum Levels: Aquifers
40E-8.321	Minimum Flows and Levels: Surface Waters
40E-8.331	Minimum Levels: Aquifers

40E-8.341	Minimum Flows and Levels: Surface Waters for Upper East Coast Regional Planning Area
40E-8.351	Minimum Levels: Surface Waters for Kissimmee Basin Regional Planning Area
40E-8.421	Prevention and Recovery Strategies
40E-8.431	Consumptive Use Permits
40E-8.441	Water Shortage Plan Implementation

PURPOSE AND EFFECT: The South Florida Water Management District (SFWMD) gives notice that it is developing rules, as part of a statewide effort headed by the Florida Department of Environmental Protection (DEP) and joined by all five water management districts (WMDs), to increase consistency in the consumptive use permitting (CUP), minimum flows and levels, and water supply related programs of the WMDs. Procedural issues will also be addressed. This rule development is proposed to be coordinated with similar rule development by the other WMDs throughout Florida. SFWMD anticipates potential amendments to Chapters 40E-0, 40E-1, 40E-2, 40E-3, 40E-5, 40E-8, 40E-10, 40E-20, 40E-21, 40E-22, 40E-24, F.A.C., and the Basis of Review for Water Use Permit Applications within the South Florida Water Management District. These changes will address the goals of the DEP and the WMDs for this rulemaking, including: 1) making the consumptive use permitting program less confusing for applicants, particularly those who work in more than one District; 2) treating applicants equitably statewide; 3) providing consistent protection of the environment; 4) streamlining the permitting process; and, 5) incentivizing behavior that protects water resources, including conservation. Additional information about the statewide CUP consistency initiative and this rule development effort is available at DEP’s website at: <http://www.dep.state.fl.us/water/waterpolicy/cupcon.htm>.

SUBJECT AREA TO BE ADDRESSED: This rule development will address amendment, repeal, or development of rules needed to accomplish CUP consistency goals and is expected to include, but not be limited to, such topics as: 1) conditions for issuance of consumptive use permit applications; 2) technical permit application review criteria; 3) water conservation; 4) limiting conditions; 5) permit thresholds; 6) permit types; 7) permit duration; 8) modification of permits; 9) 10-year compliance reports; 10) compliance monitoring and forms; 11) application forms; 12) permit fees to address changes to permit thresholds or permit types; 13) procedural rules; and 14) other rules for which conforming amendments may be needed along with any rule changes made in the subject areas identified above.

Note: Members of the District’s Governing Board may attend the scheduled Rule Development Workshop.

RULEMAKING AUTHORITY: 373.042, 373.044, 373.113, 373.119, 373.129, 373.136, 373.171 FS.

LAW IMPLEMENTED: 373.016, 373.036, 373.0361, 373.042, 373.0421, 373.175, 373.216, 373.219, 373.223, 373.246 FS.

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

DATE AND TIME: August 21, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

PLACE: Florida Cattlemen’s Association, 800 Shakerag Road, Kissimmee, FL 34744

DATE AND TIME: August 22, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

PLACE: South Florida Water Management District, Lower West Coast Service Center, Large Conference Rm., 2301 McGregor Blvd., Fort Myers, FL 33901

DATE AND TIME: August 23, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

PLACE: South Florida Water Management District, B1 – Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Beth Ross, Esq., South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6257 or (561)682-6257, [bross@sfwmd.gov](mailto:bross@sfwmd.gov), or Steven Memberg, Water Use Policy Principal Scientist, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 2133 or (561)682-2133, [smemberg@sfwmd.gov](mailto:smemberg@sfwmd.gov). For procedural questions, contact Jan Sluth, Sr. Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6299 or (561)682-6299, [jsluth@sfwmd.gov](mailto:jsluth@sfwmd.gov). Information regarding this rule development effort can be accessed at SFWMD’s website [www.sfwmd.gov](http://www.sfwmd.gov)

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

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NOS.:	RULE TITLES:
40E-10.011	Policy and Purpose
40E-10.021	Definitions
40E-10.031	Water Reservations Implementation
40E-10.041	Water Reservation Areas: Lower West Coast Planning Area
40E-10.051	Water Reservation Areas: Upper East Coast Planning Area

PURPOSE AND EFFECT: The South Florida Water Management District (SFWMD) gives notice that it is developing rules, as part of a statewide effort headed by the Florida Department of Environmental Protection (DEP) and joined by all five water management districts (WMDs), to increase consistency in the consumptive use permitting (CUP), minimum flows and levels, and water supply related programs of the WMDs. Procedural issues will also be addressed. This rule development is proposed to be coordinated with similar rule development by the other WMDs throughout Florida. SFWMD anticipates potential amendments to Chapters 40E-0, 40E-1, 40E-2, 40E-3, 40E-5, 40E-8, 40E-10, 40E-20, 40E-21, 40E-22, 40E-24, F.A.C., and the Basis of Review for Water Use Permit Applications within the South Florida Water Management District. These changes will address the goals of the DEP and the WMDs for this rulemaking, including: 1) making the consumptive use permitting program less confusing for applicants, particularly those who work in more than one District; 2) treating applicants equitably statewide; 3) providing consistent protection of the environment; 4) streamlining the permitting process; and, 5) incentivizing behavior that protects water resources, including conservation. Additional information about the statewide CUP consistency initiative and this rule development effort is available at DEP’s website at: <http://www.dep.state.fl.us/water/waterpolicy/cupcon.htm>.

SUBJECT AREA TO BE ADDRESSED: This rule development will address amendment, repeal, or development of rules needed to accomplish CUP consistency goals and is expected to include, but not be limited to, such topics as: 1) conditions for issuance of consumptive use permit applications; 2) technical permit application review criteria; 3) water conservation; 4) limiting conditions; 5) permit thresholds; 6) permit types; 7) permit duration; 8) modification of permits; 9) 10-year compliance reports; 10) compliance monitoring and forms; 11) application forms; 12) permit fees to address changes to permit thresholds or permit types; 13) procedural rules; and 14) other rules for which conforming amendments may be needed along with any rule changes made in the subject areas identified above.

Note: Members of the District's Governing Board may attend the scheduled Rule Development Workshop.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.016, 373.026, 373.036, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595, 373.470 FS.

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

DATE AND TIME: August 21, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

PLACE: Florida Cattlemen's Association, 800 Shakerag Road, Kissimmee, FL 34744

DATE AND TIME: August 22, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

PLACE: South Florida Water Management District, Lower West Coast Service Center, Large Conference Rm., 2301 McGregor Blvd., Fort Myers, FL 33901

DATE AND TIME: August 23, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

PLACE: South Florida Water Management District, B1 – Auditorium, 3301 Gun Club Road, West Palm Beach, 33406

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Beth Ross, Esq., South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6257 or (561)682-6257, [bross@sfwmd.gov](mailto:bross@sfwmd.gov), or Steven Memberg, Water Use Policy Principal Scientist, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 2133 or (561)682-2133, [smemberg@sfwmd.gov](mailto:smemberg@sfwmd.gov). For procedural questions, contact Jan Sluth, Sr. Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6299 or (561)682-6299,

[jsluth@sfwmd.gov](mailto:jsluth@sfwmd.gov). Information regarding this rule development effort can be accessed at SFWMD's website [www.sfwmd.gov](http://www.sfwmd.gov)

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

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NOS.:	RULE TITLES:
40E-20.010	Review of General Water Use Permit Applications
40E-20.011	Policy and Purpose
40E-20.061	Delegation of Authority Pertaining to General Water Use Permits
40E-20.091	Publications Incorporated by Reference
40E-20.101	Content of General Water Use Permit Applications
40E-20.301	Conditions for Issuance of General Water Use Permits
40E-20.302	Types of General Water Use Permits
40E-20.321	Duration of General Water Use Permits
40E-20.331	Modification of General Water Use Permits
40E-20.351	Transfer of General Water Use Permits
40E-20.381	Limiting Conditions

PURPOSE AND EFFECT: The South Florida Water Management District (SFWMD) gives notice that it is developing rules, as part of a statewide effort headed by the Florida Department of Environmental Protection (DEP) and joined by all five water management districts (WMDs), to increase consistency in the consumptive use permitting (CUP), minimum flows and levels, and water supply related programs of the WMDs. Procedural issues will also be addressed. This rule development is proposed to be coordinated with similar rule development by the other WMDs throughout Florida. SFWMD anticipates potential amendments to Chapters 40E-0, 40E-1, 40E-2, 40E-3, 40E-5, 40E-8, 40E-10, 40E-20, 40E-21, 40E-22, 40E-24, and the Basis of Review for Water Use Permit Applications within the South Florida Water Management District. These changes will address the goals of the DEP and the WMDs for this rulemaking, including: 1) making the consumptive use permitting program less confusing for applicants, particularly those who work in more than one District; 2) treating applicants equitably statewide; 3) providing consistent protection of the environment; 4) streamlining the permitting process; and, 5) incentivizing behavior that protects water resources, including conservation. Additional information about the statewide CUP consistency

initiative and this rule development effort is available at DEP's website at: <http://www.dep.state.fl.us/water/waterpolicy/cupcon.htm>.

**SUBJECT AREA TO BE ADDRESSED:** This rule development will address amendment, repeal, or development of rules needed to accomplish CUP consistency goals and is expected to include, but not be limited to, such topics as: 1) conditions for issuance of consumptive use permit applications; 2) technical permit application review criteria; 3) water conservation; 4) limiting conditions; 5) permit thresholds; 6) permit types; 7) permit duration; 8) modification of permits; 9) 10-year compliance reports; 10) compliance monitoring and forms; 11) application forms; 12) permit fees to address changes to permit thresholds or permit types; 13) procedural rules; and 14) other rules for which conforming amendments may be needed along with any rule changes made in the subject areas identified above.

**Note:** Members of the District's Governing Board may attend the scheduled Rule Development Workshop.

**RULEMAKING AUTHORITY:** 120.54(5), 120.60, 373.044, 373.083, 373.113, 373.118, 373.171, 373.216 FS.

**LAW IMPLEMENTED:** 120.54(5), 120.60, 373.036, 373.042, 373.0421, 373.083, 373.103, 373.118, 373.1501, 373.1502, 373.171, 373.219, 373.223, 373.229, 373.2295, 373.236, 373.239, 373.470 FS.

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

**DATE AND TIME:** August 21, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

**PLACE:** Florida Cattlemen's Association, 800 Shakerag Road, Kissimmee, FL 34744

**DATE AND TIME:** August 22, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

**PLACE:** South Florida Water Management District, Lower West Coast Service Center, Large Conference Rm., 2301 McGregor Blvd., Fort Myers, FL 33901

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

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
40E-21.011	Policy and Purpose
40E-21.051	Definitions
40E-21.221	Evaluating Water Conditions
40E-21.231	Declaring a Water Shortage
40E-21.251	Water Shortage Phases
40E-21.271	General Water Use Restrictions
40E-21.275	Variances
40E-21.291	Implementing a Water Shortage Declaration
40E-21.331	Declaring a Water Shortage Emergency
40E-21.371	Water Use Restrictions in a Water Shortage Emergency
40E-21.391	Implementing a Water Shortage Emergency Declaration
40E-21.401	Monitoring
40E-21.421	Enforcement
40E-21.501	Specific Restrictions
40E-21.521	Phase I Moderate Water Shortage
40E-21.531	Phase II Severe Water Shortage
40E-21.541	Phase III Extreme Water Shortage
40E-21.551	Phase IV Critical Water Shortage
40E-21.631	Source Classes
40E-21.651	Use Classes
40E-21.671	Method of Withdrawal Classes
40E-21.691	Surface Water Use Basin Descriptions

**PURPOSE AND EFFECT:** The South Florida Water Management District (SFWMD) gives notice that it is developing rules, as part of a statewide effort headed by the Florida Department of Environmental Protection (DEP) and joined by all five water management districts (WMDs), to increase consistency in the consumptive use permitting (CUP), minimum flows and levels, and water supply related programs of the WMDs. Procedural issues will also be addressed. This rule development is proposed to be coordinated with similar rule development by the other WMDs throughout Florida. SFWMD anticipates potential amendments to Chapters 40E-0, 40E-1, 40E-2, 40E-3, 40E-5, 40E-8, 40E-10, 40E-20, 40E-21, 40E-22, 40E-24, and the Basis of Review for Water Use Permit Applications within the South Florida Water Management District. These changes will address the goals of the DEP and the WMDs for this rulemaking, including: 1) making the consumptive use permitting program less confusing for applicants, particularly those who work in more than one District; 2) treating applicants equitably statewide; 3) providing consistent protection of the environment; 4) streamlining the permitting process; and, 5) incentivizing behavior that protects water resources, including conservation. Additional information about the statewide CUP consistency initiative and this rule development effort is available at DEP's website at: <http://www.dep.state.fl.us/water/waterpolicy/cupcon.htm>.

**SUBJECT AREA TO BE ADDRESSED:** This rule development will address amendment, repeal, or development of rules needed to accomplish CUP consistency goals and is expected to include, but not be limited to, such topics as: 1) conditions for issuance of consumptive use permit applications; 2) technical permit application review criteria; 3) water conservation; 4) limiting conditions; 5) permit thresholds; 6) permit types; 7) permit duration; 8) modification of permits; 9) 10-year compliance reports; 10) compliance monitoring and forms; 11) application forms; 12) permit fees to address changes to permit thresholds or permit types; 13) procedural rules; and 14) other rules for which conforming amendments may be needed along with any rule changes made in the subject areas identified above.

Note: Members of the District's Governing Board may attend the scheduled Rule Development Workshop.

**RULEMAKING AUTHORITY:** 373.044, 373.113 FS.

**LAW IMPLEMENTED:** 373.026, 373.042, 373.0421, 373.103, 373.119, 373.175, 373.246, 373.603, 373.609 FS.

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

**DATE AND TIME:** August 21, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

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**DATE AND TIME:** August 22, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

**PLACE:** South Florida Water Management District, Lower West Coast Service Center, Large Conference Rm., 2301 McGregor Blvd., Fort Myers, FL 33901

**DATE AND TIME:** August 23, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

**PLACE:** South Florida Water Management District, B1 – Auditorium, 3301 Gun Club Road, West Palm Beach, 33406

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

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
40E-22.011	Policy and Purpose
40E-22.061	Indian Prairie Basin Boundary
40E-22.072	Minimum Levels
40E-22.122	Termination of Withdrawals
40E-22.212	Policy and Purpose

40E-22.222 St. Lucie County Agricultural Area Boundary

40E-22.232 Minimum Levels

40E-22.262 Termination of Withdrawals

40E-22.312 Policy and Purpose

40E-22.322 Geographic Application

40E-22.332 Water Shortage Triggers

PURPOSE AND EFFECT: The South Florida Water Management District (SFWMD) gives notice that it is developing rules, as part of a statewide effort headed by the Florida Department of Environmental Protection (DEP) and joined by all five water management districts (WMDs), to increase consistency in the consumptive use permitting (CUP), minimum flows and levels, and water supply related programs of the WMDs. Procedural issues will also be addressed. This rule development is proposed to be coordinated with similar rule development by the other WMDs throughout Florida. SFWMD anticipates potential amendments to Chapters 40E-0, 40E-1, 40E-2, 40E-3, 40E-5, 40E-8, 40E-10, 40E-20, 40E-21, 40E-22, 40E-24, F.A.C., and the Basis of Review for Water Use Permit Applications within the South Florida Water Management District. These changes will address the goals of the DEP and the WMDs for this rulemaking, including: 1) making the consumptive use permitting program less confusing for applicants, particularly those who work in more than one District; 2) treating applicants equitably statewide; 3) providing consistent protection of the environment; 4) streamlining the permitting process; and, 5) incentivizing behavior that protects water resources, including conservation. Additional information about the statewide CUP consistency initiative and this rule development effort is available at DEP's website at: <http://www.dep.state.fl.us/water/waterpolicy/cupcon.htm>.

SUBJECT AREA TO BE ADDRESSED: This rule development will address amendment, repeal, or development of rules needed to accomplish CUP consistency goals and is expected to include, but not be limited to, such topics as: 1) conditions for issuance of consumptive use permit applications; 2) technical permit application review criteria; 3) water conservation; 4) limiting conditions; 5) permit thresholds; 6) permit types; 7) permit duration; 8) modification of permits; 9) 10-year compliance reports; 10) compliance monitoring and forms; 11) application forms; 12) permit fees to address changes to permit thresholds or permit types; 13) procedural rules; and 14) other rules for which conforming amendments may be needed along with any rule changes made in the subject areas identified above.

Note: Members of the District's Governing Board may attend the scheduled Rule Development Workshop.

RULEMAKING AUTHORITY: 373.044, 373.113 FS.

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

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

DATE AND TIME: August 21, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

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DATE AND TIME: August 22, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

PLACE: South Florida Water Management District, Lower West Coast Service Center, Large Conference Rm., 2301 McGregor Blvd., Fort Myers, FL 33901

DATE AND TIME: August 23, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

PLACE: South Florida Water Management District, B1 – Auditorium, 3301 Gun Club Road, West Palm Beach, 33406

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

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NOS.:	RULE TITLES:
40E-24.011	Policy and Purpose
40E-24.101	Definitions
40E-24.201	Year-Round Landscape Irrigation Conservation Measures
40E-24.301	Local Government Option
40E-24.401	Enforcement
40E-24.501	Variances and Waivers

**PURPOSE AND EFFECT:** The South Florida Water Management District (SFWMD) gives notice that it is developing rules, as part of a statewide effort headed by the Florida Department of Environmental Protection (DEP) and joined by all five water management districts (WMDs), to increase consistency in the consumptive use permitting (CUP), minimum flows and levels, and water supply related programs of the WMDs. Procedural issues will also be addressed. This rule development is proposed to be coordinated with similar rule development by the other WMDs throughout Florida. SFWMD anticipates potential amendments to Chapters 40E-0, 40E-1, 40E-2, 40E-3, 40E-5, 40E-8, 40E-10, 40E-20, 40E-21, 40E-22, 40E-24, F.A.C., and the Basis of Review for Water Use Permit Applications within the South Florida Water Management District. These changes will address the goals of the DEP and the WMDs for this rulemaking, including: 1) making the consumptive use permitting program less confusing for applicants, particularly those who work in more than one District; 2) treating applicants equitably statewide; 3) providing consistent protection of the environment; 4) streamlining the permitting process; and 5) incentivizing behavior that protects water resources, including conservation. Additional information about the statewide CUP consistency initiative and this rule development effort is available at DEP's website at: <http://www.dep.state.fl.us/water/waterpolicy/cupcon.htm>.

**SUBJECT AREA TO BE ADDRESSED:** This rule development will address amendment, repeal, or development of rules needed to accomplish CUP consistency goals and is expected to include, but not be limited to, such topics as: 1) conditions for issuance of consumptive use permit applications; 2) technical permit application review criteria; 3) water conservation; 4) limiting conditions; 5) permit thresholds; 6) permit types; 7) permit duration; 8) modification of permits; 9) 10-year compliance reports; 10) compliance monitoring and forms; 11) application forms; 12) permit fees to address changes to permit thresholds or permit types; 13) procedural rules; and 14) other rules for which conforming amendments may be needed along with any rule changes made in the subject areas identified above.

Note: Members of the District's Governing Board may attend the scheduled Rule Development Workshop.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.119, 373.171, 373.175(4), 373.219, 373.223, 373.227, 373.246(7), 373.603, 373.609 FS.

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

DATE AND TIME: August 21, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

PLACE: Florida Cattlemen's Association, 800 Shakerag Road, Kissimmee, FL 34744

DATE AND TIME: August 22, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

PLACE: South Florida Water Management District, Lower West Coast Service Center, Large Conference Rm., 2301 McGregor Blvd., Fort Myers, FL 33901

DATE AND TIME: August 23, 2012, immediately following the Chapter 62-40 rule workshop of the Florida Department of Environmental Protection, which is scheduled to begin at 9:00 a.m.

PLACE: South Florida Water Management District, B1 – Auditorium, 3301 Gun Club Road, West Palm Beach, 33406

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: South Florida Water Management District Clerk's Office, 1(800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Beth Ross, Esq., South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6257 or (561)682-6257, [bross@sfwmd.gov](mailto:bross@sfwmd.gov), or Steven Memberg, Water Use Policy Principal Scientist, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 2133 or (561)682-2133, [smemberg@sfwmd.gov](mailto:smemberg@sfwmd.gov). For procedural questions, contact Jan Sluth, Sr. Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6299 or (561)682-6299, [jsluth@sfwmd.gov](mailto:jsluth@sfwmd.gov). Information regarding this rule development effort can be accessed at SFWMD's website [www.sfwmd.gov](http://www.sfwmd.gov)

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Cost Management and Control**

RULE NO.: 59B-17.001  
 RULE TITLE: Diabetes Outpatient Self-Management Training and Educational Services Standards

PURPOSE AND EFFECT: The Rule adopts standards for diabetes outpatient self-management educational services provided by health maintenance organizations and health insurers.

SUBJECT AREA TO BE ADDRESSED: Per Sections 627.6408(3), 627.6574(3), and 641.31(26)(c), F.S., "The Agency for Health Care Administration shall adopt standards for diabetes outpatient self-management training and educational services, taking into consideration standards approved by the American Diabetes Association".

RULEMAKING AUTHORITY: 627.6408(3), 627.65745(3), 641.31(26)(c) FS.

LAW IMPLEMENTED: 627.6408(3), 627.65745(3), 641.31(26)(c) 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: Diana Picolo, Bureau of Managed Health Care, (850)412-4319

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Building Commission**

RULE NO.: 61G20-1.002  
 RULE TITLE: Alternative Design Method for Screen Enclosures

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to comply with Ch. 2012-13, Laws of Florida, which directed the Florida Building Commission to establish a workgroup to assist the commission in developing a rule for implementing an alternative design method for screen enclosures which allows for the removal of a section of the screen to accommodate high-wind events consistent with the provisions of the Florida Building Code.

SUBJECT AREA TO BE ADDRESSED: Alternative design methods for screen enclosures.

RULEMAKING AUTHORITY: 2012-13 (Section 19), Florida Law.

LAW IMPLEMENTED: 2012-13 (Section 19), Florida Law.

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

DATE AND TIME: August 7, 2012, 8:30 a.m., or as soon thereafter as the matter is brought before the Commission in accordance with its agenda.

PLACE: Embassy Suites Hotel, 3705 Spectrum Boulevard, Tampa, Florida 33612. An agenda and other information may be obtained at: [http://www.floridabuilding.org/fbc/meetings/1\\_meetings.htm](http://www.floridabuilding.org/fbc/meetings/1_meetings.htm).

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 Business and Professional Regulation, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mo Madani, Planning Manager, Department of Business and Professional Regulation, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NOS.:	RULE TITLES:
62-40.110	Declaration and Intent
62-40.210	Definitions
62-40.310	General Policies
62-40.410	Water Supply Protection and Management
62-40.412	Water Conservation
62-40.416	Water Reuse and Recycling
62-40.473	Minimum Flows and Levels
62-40.474	Reservations
62-40.510	Florida Water Plan
62-40.520	District Water Management Plans
62-40.530	Department Review of District Water Management Plans
62-40.531	Regional Water Supply Plans
62-40.540	Water Data

PURPOSE AND EFFECT: The Department of Environmental Protection gives notice that it is developing rules as instructed by House Bill 639 and as part of the statewide effort to

improve consistency in the Consumptive Use Permitting Programs implemented by the Water Management Districts. House Bill 639 requires the Department to initiate rule making by October 1, 2012 to revise the Water Resource Implementation Rule, Chapter 62-40, F.A.C., to include criteria for reuse offsets and credits. The criteria that will be proposed is the product of the Reclaimed Water Policy Workgroup, meeting since January 2009, and comprised of representatives of the Florida Department of Environmental Protection, Florida's five water management districts, Florida Water Environment Association Utility Council, Florida League of Cities, Florida Association of Counties, individual local government utilities, and environmental consulting firms. The Workgroup was convened to discuss how state regulatory policy could better optimize the reuse of reclaimed water. In addition to offsets and credits, Chapter 62-40 will also be revised to include other recommendations of the Reclaimed Water Policy Workgroup and recommendations resulting from the Consumptive Use Permitting Consistency Initiative. The Consumptive Use Permitting Initiative began in the fall of 2011 as a statewide effort headed by the Florida Department of Environmental Protection (DEP) and joined by all five water management districts (WMDs), to increase consistency in the consumptive use permitting (CUP), minimum flows and levels (MFLs), and water supply related programs of the WMDs. This rule development is proposed to be coordinated with similar rule development by the other WMDs throughout Florida. This rule development will make appropriate rule amendments to DEP's Chapter 62-40, F.A.C., to address the following goals of the DEP and the WMDs for this rulemaking: (1) making the CUP rules less confusing for applicants; (2) treating applicants equitably statewide; (3) providing consistent protection of the environment; (4) streamlining the application and permitting process; and (5) incentivizing behavior that protects water resources, including water conservation. Additional information about the statewide CUP consistency initiative is available at DEP's website at: [www.dep.state.fl.us/water/waterpolicy/cupcon.htm](http://www.dep.state.fl.us/water/waterpolicy/cupcon.htm).

**SUBJECT AREA TO BE ADDRESSED:** Among other things, this rule development will cover the amendment, repeal, or development of rules as needed to accomplish CUP consistency goals, on the following subjects: (1) reuse credits and offsets; (2) declaration and intent; (3) definitions; (4) general policies; (5) water supply protection and management; (6) water conservation requirements; (7) water reuse and recycling; (8) minimum flows and levels; (9) reservations; (10) Florida water plan; (11) district water management plans; (12) department review of district water management plans; (13) regional water supply plans; (14) water data; (15) review and application; and (16) other rules for which conforming amendments may be needed along with any rule changes made in the subject areas identified above.

**RULEMAKING AUTHORITY:** 373.026(7), 373.043, 373.036(1)(d), 373.171 FS.

**LAW IMPLEMENTED:** 373.023, 373.026, 373.036(1)(d), 373.042, 373.046, 373.103, 373.106, 373.171, 373.703, 373.223, 373.246, 373.418, 373.451, 373.453, 403.0615(3), 403.064, 403.0891 FS.

**RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:**

**DATE AND TIME:** August 7, 2012, 9:00 a.m.

**PLACE:** SRWMD Headquarters, Room 102, 9225 CR 49, Live Oak, FL 32060

**DATE AND TIME:** August 8, 2012, 9:00 a.m.

**PLACE:** Tommy Usher Pineland Center, 506 SW 4th Ave., Chiefland, FL 32626

**DATE AND TIME:** August 10, 2012, 9:00 a.m.

**PLACE:** SJRWMD Headquarters, 4049 Reid Street, Palatka, FL 32178

**DATE AND TIME:** August 15, 2012, 9:00 a.m.

**PLACE:** SWFWMD Headquarters, 2379 Broad Street, Brooksville, FL 34604

**DATE AND TIME:** August 16, 2012, 9:00 a.m.

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

**DATE AND TIME:** August 21, 2012, 9:00 a.m.

**PLACE:** Florida Cattlemen's Association, 800 Shakerag Road, Kissimmee, FL 34744

**DATE AND TIME:** August 22, 2012, 9:00 a.m.

**PLACE:** SFWMD Lower West Coast Service Center, Large Conference Room, 2301 McGregor Blvd., Fort Myers, FL 33901

**DATE AND TIME:** August 23, 2012, 9:00 a.m.

**PLACE:** SFWMD Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

**DATE AND TIME:** August 29, 2012, 9:00 a.m. CST

**PLACE:** Escambia County Board of County Commission Chambers, Board Chambers, Room 100, 221 Palafox Place, Pensacola, FL 32502

**DATE AND TIME:** August 31, 2012, 9:00 a.m.

**PLACE:** DEP Bob Martinez Center, Room 609, 2600 Blair Stone Road, Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting/ by contacting: Kathleen P. Greenwood, (850)245-3147. 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:** Kathleen

P. Greenwood, Department of Environmental Protection, Environmental Consultant, 3900 Commonwealth Blvd., M.S. 46, Tallahassee, Florida 32399, (850)245-3147, kathleen.greewood@dep.state.fl.us

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
62-503.200	Definitions
62-503.300	General Program Information
62-503.430	Loan Agreements
62-503.500	Funds Reserved for Specific Purposes
62-503.600	Priority List Information
62-503.700	Planning, Design, Construction, and Procurement Requirements
62-503.751	Environmental Review
62-503.800	Audits Required
62-503.850	Exceptions to Program Requirements

**PURPOSE AND EFFECT:** Amendments to Chapter 62-503, F.A.C., are proposed to clarify administrative procedures and to restructure the priority list process and the methodology for calculating the financing rate. Changes will be made to the priority system to promote Department objectives and to limit funding to projects that will provide the most environmental benefit for years in which funding is limited. The financing rate formula will cap the financing rate subsidy at four percent, but will also incentivize green projects and the implementation of asset management plans. Additionally, a reduction in the financing rate will be provided for loans that are required to incorporate the Davis-Bacon wage rates. Further, new types of loans are also being added to adapt the program to actual planning, design, and construction processes.

**SUBJECT AREA TO BE ADDRESSED:** Rule 62-503.200, F.A.C., is being amended to incorporate new definitions and revisions to existing definitions. New definitions for “Inflow/Infiltration project,” “planning loan,” “design loan,” and “construction loan” are proposed to provide clarification on the requirements of each type of loan available. New definitions have also been included for “green project,” to establish the eligibility criteria, and “segment cap,” to clarify the annual maximum amount available to any one project sponsor. Rule 62-503.300, F.A.C., establishes new deadlines for project submittals, clarifies allowable and unallowable project costs, and adds planning loans, design loans, sanitary sewer evaluation study loans and inflow/infiltration rehabilitation loans. This rule also establishes a new formula for calculating the financing rate, including incentives for asset management plans and green project design, and clarifies how projects are placed on the fundable and contingency portions of the priority lists. The various loans added by the proposed

revisions will address timing issues encountered with the current rule. Revisions to Rule 62-503.430, F.A.C., proposes language for the planning, design, SSES, and I/I rehabilitation loans. Other minor clarifications are also proposed. The proposed changes to Rule 62-503.500, F.A.C., incorporate anticipated federal requirements for the program, allowing principal forgiveness and reserved funds for green projects as required by the federal government. Proposed revisions to Rule 62-503.600, F.A.C., incorporate various changes to the priority system anticipated in the Clean Water Act as well as promoting Department objectives. The proposed changes to Rule 62-503.700, F.A.C., are intended to clarify what is expected in planning and design documents as well as the procurement process for design/build and construction manager at-risk construction contracts. The proposed changes to Rule 62-503.800, F.A.C., are intended to clarify when an annual audit is required and which type of audit. The proposed changes to Rule 62-503.850, F.A.C., would be minor grammatical changes.

**RULEMAKING AUTHORITY:** 403.1835(10), 403.1835(9) FS.

**LAW IMPLEMENTED:** 403.1835 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:** August 15, 2012, 2:30 p.m.

**PLACE:** Bob Martinez Center, 2600 Blair Stone Road, Room 538B, Tallahassee, Florida 32399-2400

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: Timothy Banks, (850)245-8360. 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:** Timothy Banks at the Department of Environmental Protection MS 3505, 2600 Blair Stone Road, Tallahassee Florida 32399-2400, phone (850)245-8360. Email at [timothy.banks@dep.state.fl.us](mailto:timothy.banks@dep.state.fl.us)  
**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.**

**DEPARTMENT OF HEALTH**

**Board of Chiropractic**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
64B2-13.004	Continuing Education

PURPOSE AND EFFECT: The Board proposes the rule amendment to update language concerning the requirements when renewing an inactive license; to provide continuing education opportunities for participation as an examiner/grader for the National Board of Chiropractic Examiners.

SUBJECT AREA TO BE ADDRESSED: Continuing Education.

RULEMAKING AUTHORITY: 456.025(7), 460.408(3) FS.

LAW IMPLEMENTED: 456.013(6), 456.025(7), 456.036(10), 460.408 FS.

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

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

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

**DEPARTMENT OF HEALTH**

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

RULE NO.: 64B4-3.0035                      RULE TITLE: Demonstrating Knowledge of Laws and Rules for Licensure

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify language concerning applicants submittal of continuing education to the Board.

SUBJECT AREA TO BE ADDRESSED: Demonstrating Knowledge of Laws and Rules for Licensure.

RULEMAKING AUTHORITY: 491.004(5) FS.

LAW IMPLEMENTED: 491.005(1)(e) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of 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 AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE NO.: 64B16-26.2032                      RULE TITLE: Pharmacy Intern Registration Internship Requirements (U.S. Pharmacy Students/Graduates)

PURPOSE AND EFFECT: The Board proposes the rule amendment to remove the requirement that a pharmacist may only supervise one intern.

SUBJECT AREA TO BE ADDRESSED: Pharmacy Intern Registration Internship Requirements (U.S. Pharmacy Students/Graduates).

RULEMAKING AUTHORITY: 465.005 FS.

LAW IMPLEMENTED: 465.003(12), 465.007, 465.0075, 465.013 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: Mark Whitten, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254  
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF HEALTH**

**Division of Children’s Medical Services**

RULE NO.: 64C-2.004                      RULE TITLE: Sliding Fee Scale

PURPOSE AND EFFECT: To create a sliding fee scale for families of children with chronic and serious conditions who do not qualify for Medicaid or Title XXI of the Social Security Act and to implement Chapter 2012-184, L.O.F.

SUBJECT AREA TO BE ADDRESSED: Sliding fee scale.

RULEMAKING AUTHORITY: 391.026(18) FS.

LAW IMPLEMENTED: 391.029(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, IF AVAILABLE, IS: Rae Hendlin, Children’s Medical Services, Chief of Network Administration, 4052 Bald Cypress Way, Bin #A06, Tallahassee, Florida 32399-1707 or at rae\_hendlin@doh.state.fl.us or (850)245-4219

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Mental Health Program**

RULE NOS.:	RULE TITLES:
65E-14.001	Applicability
65E-14.002	Retention and Access Requirements for Records
65E-14.003	Audits of Contractors Participating in the Substance Abuse and Mental Health Programs
65E-14.004	Program Income
65E-14.005	Matching
65E-14.006	Valuation of Donated and Volunteer Services
65E-14.007	Appraisal of Real Property
65E-14.010	Property
65E-14.014	Contractor's Financial Management Responsibilities
65E-14.016	Transactions Resulting in Additional Cost to the Program
65E-14.017	Cost Principles
65E-14.018	Sliding Fee Scale
65E-14.019	Methods of Paying for Services
65E-14.020	Cost Reimbursement Method of Payment
65E-14.021	Unit Cost Method of Payment
65E-14.022	Data Requirements
65E-14.023	Managing Entity Standards

**PURPOSE AND EFFECT:** The purpose of this rule development is to update all rules in Chapter 65E-14, F.A.C., to implement statutory, procedural and programmatic changes to the business model for the purchase of substance abuse and mental health services. This rule development will: a) develop a new rule to address standards applicable to Behavioral Health Managing Entities as defined in Section 394.9082, Florida Statutes; b) amend current rules in this Chapter to incorporate the Managing Entity business model; c) amend current rules to include additional cost centers, convert some cost centers to utilization-based payment and adjust maximum rates for some cost centers; and d) amend current rules to update materials incorporated by reference, delete unnecessary required audit schedules and related technical revisions. The effect of this rule development will be a substantial rewording of all rules in Chapter 65E-14, F.A.C., to unify financial rules applicable to both behavioral health managing entities and to substance abuse and mental health network service providers.

**SUBJECT AREA TO BE ADDRESSED:** Proposed changes to the community substance abuse and mental health services financial rules.

**RULEMAKING AUTHORITY:** 394.493(2), 394.674(4), 394.74, 394.76, 394.77, 394.78(1), 394.78(3), 394.78(6), 397.03, 397.321(5) FS.

**LAW IMPLEMENTED:** 394.493(2), 394.674(4), 394.74, 394.76, 394.77, 394.78(1), 394.78(3), 394.78(6), 397.03, 397.321(5) FS.

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

**DATE AND TIME:** August 1, 2012, 1:00 p.m. – 4:00 p.m.

**PLACE:** 1317 Winewood Blvd., Building 6, Conference Room A (Room 299), Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Adrian Williams, Department of Children & Families, 1317 Winewood Blvd. BL 6, Room 260, Tallahassee, FL 32399-0700, (850)717-4353, Email: adrian\_williams@dcf.state.fl.us

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Agency for Persons with Disabilities**

RULE NOS.:	RULE TITLES:
65G-12.001	Definitions
65G-12.002	Eligibility for Services
65G-12.003	Allocation of General Revenue for In-Home Subsidies
65G-12.004	Approval of an In-Home Subsidy
65G-12.005	Financial Profile for an In-Home Subsidy
65G-12.006	Maximum In-Home Subsidy Amount
65G-12.007	Letter of Agreement
65G-12.008	Use of In-Home Subsidy funds for Persons receiving Supported Living services
65G-12.009	Reviews and Adjustments to Subsidy Amount
65G-12.010	Payment Mechanism
65G-12.011	Notice of Denial

**PURPOSE AND EFFECT:** To establish a rule relating to the application for and the distribution of In-Home Subsidies to clients receiving either Medicaid funded or general revenue funded supported living services to enable the client to remain in his or her own home.

**SUBJECT AREA TO BE ADDRESSED:** Supported Living Services.

**RULEMAKING AUTHORITY:** 393.501 FS.

**LAW IMPLEMENTED:** 393.0695, 393.066 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 7 days before the workshop/meeting by contacting: Elizabeth Singh-Silva, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, FL 32399, (850)488-4879, [elizabeth\\_singh-silva@apd.state.fl.us](mailto:elizabeth_singh-silva@apd.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Elizabeth Singh-Silva, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, FL 32399, (850)488-4879

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

PROVISION OF IN-HOME SUBSIDY FOR PERSONS RECEIVING SUPPORTED LIVING SERVICES

65G-12.001 Definitions.

(1) “Agency” means the Agency for Persons with Disabilities.

(2) “Central Office” is the Agency’s headquarters located at 4030 Esplanade Way, Suite 380, Tallahassee, FL 32399-0950; main phone number (850)488-4257.

(3) “Client” means any person determined eligible by the Agency for developmental disability services.

(4) “Emergency Subsidy” means a supplement the Agency shall approve for a period of up to 90 days, in the event the financial situation of the client suddenly changes.

(5) “Financial Profile” means a document that the Supported Living Coach or Support Worker is required to assist the client in completing in order to determine a need for an In-Home Subsidy. A copy of the “Financial Profile”, form APD-FP1, May 2012, incorporated herein by reference, may be obtained by writing or calling the Agency for Persons with Disabilities, at 4030 Esplanade Way, Suite 380, Tallahassee, FL 32399-0950; main phone number (850) 488-4257 and is available at: <http://apd.myflorida.com/customers/supported-living/index.htm>.

(6) “In-Home Subsidy” means financial assistance the Agency provides to clients receiving Supported Living services when funds are available that the Agency reassesses quarterly to supplement the client’s income, based on his or her individual need as determined by the Financial Profile.

(7) “Letter of Agreement” means a document signed by both the Agency or designee and the client or guardian, if appropriate, which describes the specific intent of the use of the In-Home Subsidy as well as the payment mechanism through which the client will receive the In-Home Subsidy.

(8) “One-time In-Home Subsidy” means financial assistance the Agency provides to clients receiving Supported Living services when funds are available on a one time basis as a single supplement to the client’s income based on his or her individual need as determined by the Financial Profile.

(9) “Payment Mechanism” means the method in which a One-time In-Home Subsidy, Recurring In-Home Subsidy, or a combination of both is distributed to the client.

(10) “Provider” means an individual vendor, agency or direct service staff of an agency certified by the Agency for Persons with Disabilities to provide Supported Living services.

(11) “Recurring In-Home Subsidy” means financial assistance the Agency provides to clients receiving Supported Living services when funds are available on a monthly basis as a supplement to the client’s income, based on his or her individual need as determined by the Financial Profile and reassessed quarterly or more frequently if necessary.

(12) “Support Coordinator” means a person who is designated by the Agency to assist clients in identifying their desires, capacities, needs, and resources; find and gain access to necessary supports and services; coordinate the delivery of supports and services; and provide other assistance and support as defined in Section 393.063, F.S.

(13) “Support plan” means a plan of supports and services for the individual developed in such a manner whereby the individual controls and directs the process. The support plan identifies the preferences and needs of the individual and authorizes the supports, resources, and services necessary to meet those preferences and needs.

(14) “Supported Living Coach” means a service provider who provides training and assistance, in a variety of activities, to support clients who live in their own homes or apartments. For purposes of this rule, it is the responsibility of the Supported Living Coach to assist the client in completing the Financial Profile in order to substantiate the need for an In-Home Subsidy.

(15) “Supported Living Coaching” means:

(a) Assistance in locating appropriate housing;

(b) Acquisition, retention, or improvement of skills related to activities of daily living; and

(c) Performance of activities with or on behalf of the client.

(16) “Supported Living” means a category of individually determined services designed and coordinated in such a manner as to provide assistance to adult clients who require ongoing supports to live as independently as possible in their own homes, to be integrated into the community, and to participate in community life to the fullest extent possible.

(17) “Support Worker” means a service provider who assists with or performs activities of daily living and other duties necessary to maintain the recipient in Supported Living. For purposes of this rule, if a client does not have a Supported Living Coach then the Support Worker shall assist the client in completing the Financial Profile.

(18) “Unavailability of Funds” means a reduction of funding due to the unavailability of resources. The Agency shall be the final authority as to the unavailability of Agency resources.

Rulemaking Authority 393.501(1) FS. Law Implemented 393.0695, 393.066 FS. History–New \_\_\_\_\_.

#### 65G-12.002 Eligibility Requirements for Services.

(1) The In-Home Subsidy is limited to adult clients living in their own home and receiving Supported Living services.

(2) The Agency shall pay the In-Home Subsidy when it is determined that all of the following criteria have been met:

(a) It is in the best interest of the client to remain in his or her own home.

(b) It is more cost-effective for the client to remain in his or her own home rather than an out-of-home placement.

(c) The client would not be able to remain in his or her own home without the In-Home Subsidy.

(d) The client’s Financial Profile substantiates a need for the In-Home Subsidy, and

(e) General Revenue funding for the In-Home Subsidy is available.

(3) The Agency identifies and approves funds from their General Revenue appropriations.

Rulemaking Authority 393.501(1) FS. Law Implemented 393.0695, 393.066 FS. History–New \_\_\_\_\_.

#### 65G-12.003 Allocation of General Revenue for In-Home Subsidies.

(1) The Agency shall allocate a portion of their General Revenue budget upon distribution of the annual operating budget for One-time In-Home Subsidies, Recurring In-Home Subsidies, and Emergency Subsidies.

(2) The Agency shall equitably distribute these funds in accordance with individual need as determined by the Financial Profile.

Rulemaking Authority 393.501(1) FS. Law Implemented 393.0695, 393.066 FS. History–New \_\_\_\_\_.

#### 65G-12.004 Financial Profile for an In-Home Subsidy.

(1) The Financial Profile is a requirement for all persons receiving Supported Living services under the Developmental Disabilities Home and Community-Based Services (DD/HCBS) Waiver and shall be completed in order to determine the need for an In-Home Subsidy prior to any commitment on the part of the client to occupy a selected home.

(2) The Supported Living Coach shall assist the client in completing the Financial Profile in order to substantiate the need for an In-Home Subsidy.

(a) In the absence of a Supported Living Coach the Support Worker shall assume the duties and responsibilities for assisting the client in completing the Financial Profile and submitting a request for an In-Home Subsidy.

(b) In the absence of a Supported Living Coach and a Support Worker, the Support Coordinator shall assume the duties and responsibilities for assisting the client in completing the Financial Profile and submitting a request for an In-Home Subsidy.

(3) The Supported Living Coach or Support Worker, if appropriate, assists the client in completing the Financial Profile and submitting it to the Support Coordinator no more than 10 days following the selection of housing by the client or before the client relocates to a new home.

(4) If the Financial Profile indicates a need for a One-time or Recurring In-Home Subsidy the Agency will review the Financial Profile within 15 working days of receipt and determine eligibility for an In-Home Subsidy before the client signs a lease or mortgage agreement.

(5) The Financial Profile consists of an analysis of household costs and revenue sources associated with maintaining a balanced monthly budget for the client. The analysis must include the following:

(a) Facts supporting the need for a One-time In-Home Subsidy or a Recurring In-Home Subsidy;

(b) A list of the client’s SSI, SSA, wages and other sources of income that will be used first and foremost;

(c) The full amount of start-up costs and on-going costs of maintaining the home;

(6) Clients must not commit to a living situation that is beyond their financial means prior to having the Agency review and approve the Financial Profile for an In-Home Subsidy.

Rulemaking Authority 393.501(1) FS. Law Implemented 393.0695, 393.066 FS. History–New \_\_\_\_\_.

#### 65G-12.005 Approval of an In-Home Subsidy.

(1) The Agency must review the Financial Profile within 15 working days of receipt to ensure it substantiates a need for an In-Home Subsidy.

(2) The Agency shall identify and approve the funding source for the In-Home Subsidy if General Revenue funds are available in the operating budget.

(3) The Agency shall inquire with either the Support Coordinator, Supported Living Coach, or Support Worker, if appropriate, into the ability of the client to acquire roommates and/or be gainfully employed when making the decision to approve or deny an In-Home Subsidy.

(4) The Agency shall make certain that In-Home Subsidies are funds of last resort and the client has exhausted all other resources before granting approval for an In-Home Subsidy.

(5) The approvals of all In-Home Subsidies are subject to the update and approval of the client's support plan.

(6) If the client's third party benefits, wages and other sources of income are insufficient to pay the monthly rent, the Agency shall provide an In-Home Subsidy for a portion of the rent as well as other cost of living items identified in the Letter of Agreement, on condition that the funding source has been approved and all the eligibility requirements are met.

Rulemaking Authority 393.501(1) FS. Law Implemented 393.0695, 393.066 FS. History–New \_\_\_\_\_.

#### 65G-12.006 Maximum In-Home Subsidy Amount.

(1) The maximum amount for a One-time In-Home Subsidy is \$2,000.

(2) The maximum amount for a Recurring In-Home Subsidy amount will be based on individual need, as determined by the Financial Profile, and must not exceed the Maximum Federal Supplemental Security Income (SSI) payment amounts, which can be found at the following web address: <http://www.ssa.gov/oact/cola/SSI.html>.

(3) The Agency or designee shall review and authorize all In-Home Subsidy amounts that exceed the maximum limits specified above.

(4) In the event that the Agency authorizes a Recurring In-Home Subsidy which exceeds the maximum allowed limits, the Recurring In-Home Subsidy shall be limited to 90 days.

(5) The Agency shall review and renew the Recurring In-Home Subsidy amount every 90 days, if substantiated by the Financial Profile and in accordance with the eligibility requirements in Rule 65G-12.002, F.A.C.

Rulemaking Authority 393.501(1) FS. Law Implemented 393.0695, 393.066 FS. History–New \_\_\_\_\_.

#### 65G-12.007 Letter of Agreement.

(1) Prior to the initial payment, the Agency shall prepare a Letter of Agreement with the client or guardian, if appropriate, as to the intended use of the In-Home Subsidy funds, including a specific list of allowable items the client intends to purchase.

(2) The Letter of Agreement shall be used for One-time In-Home Subsidies, Recurring In-Home Subsidies, and Emergency Subsidies.

(3) The Agency shall forward the Letter of Agreement to the Support Coordinator who shall obtain the signatures of the client or their guardian, if appropriate.

(4) The Letter of Agreement shall be placed in the client's central record and a copy shall be provided to the client and/or guardian, the Supported Living Coach or Support Worker, if appropriate, and the Support Coordinator.

Rulemaking Authority 393.501(1) FS. Law Implemented 393.0695, 393.066 FS. History–New \_\_\_\_\_.

65G-12.008 Use of In-Home Subsidy funds for Persons receiving Supported Living services.

(1) In-Home Subsidies are funds of last resort and shall only be granted when all other available resources are exhausted.

(a) Clients requesting a Subsidy for rental assistance must show proof that they have applied for rental assistance through U.S. Department of Housing and Urban Development (HUD) or other local governmental organization (e.g., the local public housing authority).

(b) Clients are expected to participate in utility/telephone company budget plans, if available.

(c) Clients who intend to use the In-Home Subsidy funds for food must show proof they have also applied for Food Stamps.

(2) The client and/or guardian, the Supported Living Coach or Support Worker, if appropriate, and the Support Coordinator shall identify a specific list of items the client intends to purchase with In-Home Subsidy funds.

(3) The use of the In-Home Subsidy are limited to essential items which must relate to the client's goal of remaining in his or her own home.

(4) The use of In-Home Subsidies shall be limited by the availability of funds.

(5) The Financial Profile must substantiate a need for the specific item(s) requested.

(6) In-Home Subsidy funds shall be used for items of personal property normally found in the home. The items must be used for maintenance, use, and occupancy of the home.

(7) The Agency shall take into consideration the average cost of items in the area, priority of need, and whether the client has explored other resources.

(8) Clients shall use the In-Home Subsidy funds to purchase the less costly alternative of the items listed in the Letter of Agreement which achieves the same purpose as the more costly items.

(9) In-Home Subsidy funds shall not be used to purchase non-essential household items and shall not be included in the Letter of Agreement, such items include:

(a) Satellite or cable TV.

(b) Maintenance of swimming pools.

(c) Vacations.

(d) Aesthetic home improvements.

(e) Contractor Services.

(f) Medical or Dental Services.

(g) Medicines, Medical Supplies, or adaptive equipment or aids.

(h) Any portion of the principle or interest of a mortgage payment except in emergency situations in which the client is granted an Emergency Subsidy.

(i) Premiums for life, auto, or medical/health insurance.

(j) Loans, debts, or credit card payments.

(k) Personal spending funds or savings accounts.

(l) Alcohol or cigarettes.

(m) Alimony payments or Child Support payments.

(n) Purchase or replacement of major appliances such as refrigerators, stoves, dishwasher, washer/dryer etc..

(o) Computers or Tablet Personal Computers.

(p) Cellular phones.

(q) Second Telephone line.

(r) Court costs, lawyer fees, traffic tickets, or fines.

(s) Recreational items or expenses related to events and activities that an individual attends, such as admission to movies, dining out, etc..

(t) Reimbursement of money owed for cost of expenses related to events and activities that an individual attends.

(u) Capital improvements to property.

(v) General repair and maintenance of property, such as repair of major appliances and HVAC systems.

(w) Fees related to legal guardianship and legal guardianship reports.

(x) Subsidies provided to Supported Living clients cannot be used to support or subsidize other persons in the household who are not approved to receive an In-Home Subsidy.

(y) An In-Home Subsidy shall not be used to pay a contractor for the provision of services and supports to the client.

(10) An In-Home Subsidy shall not be used to cover or replace supports or services which are allowable under the U.S. Department of Housing and Urban Development (HUD), Medicaid State Plan, Medicaid Home and Community-Based Services (HCBS) Waiver, or other governmental agency.

Rulemaking Authority 393.501(1) FS. Law Implemented 393.0695, 393.066 FS. History—New \_\_\_\_\_.

65G-12.009 Reviews and Adjustments to Subsidy Amount.

(1) The Support Coordinator shall reassess the In-Home Subsidy on a quarterly basis, or more frequently if necessary to determine if the client's needs have increased, decreased, or changed to the extent that the Subsidy is no longer needed.

(2) The Support Coordinator shall verify that the In-Home Subsidy funds have been spent appropriately and according to the Letter of Agreement.

(3) During the quarterly meeting, the Support Coordinator will review receipts verifying the purchase of designated items as specified in the Letter of Agreement.

(4) If the In-Home Subsidy funds have not been spent according to the terms of the Letter of Agreement, the Support Coordinator and the Agency shall take appropriate action to include:

(a) The provision of additional supports such as training or assistance with money management.

(b) Designating someone as a fiscal agent for the client.

(c) Decrease in the amount of the Subsidy, or

(d) Direct payment to the vendor (e.g., utility company, landlord, etc.) in lieu of a Subsidy payment to the client.

(5) If a family member, guardian, or fiscal agent uses Subsidy funds in a way which is not for the sole benefit of the client or is in violation of the Letter of Agreement, the Support Coordinator and the Agency shall take action as warranted by the circumstance including a request for repayment of the funds, and, if necessary, make appropriate referrals to the State Attorney, Abuse Registry, or other appropriate authorities.

(6) Situations that may affect the level of Subsidy payments include:

(a) If the client receives back payment for SSI or other benefits, or when benefits are reduced, the Financial Profile shall be updated to determine the need for an increase or decrease in the Subsidy payment.

(b) When there is a change in the number of roommates:

(i) The Financial Profile must be adjusted.

(ii) In the case of the loss of a roommate who shared expenses, the Agency shall approve a temporary Subsidy or increase in Subsidy for up to 90 days, if funds are available, and the Agency shall then review the need for the Subsidy every 30 days.

(iii) In cases where an additional roommate is added who will share expenses, the Financial Profile shall be updated to reflect a reduction in the Subsidy amount, if warranted.

(c) When a client receives a salary increase or decrease, the net affect must be considered and the Financial Profile shall be updated.

(d) The need for an increase or decrease in the Subsidy amount is based on the unique circumstances surrounding each individual case.

(7) The Agency shall approve an Emergency Subsidy for a period of up to 90 days in the event the financial situation of a client suddenly changes or they experience an unexpected expenditure that will result in the inability to meet monthly expenses in order to assist them in paying their bills.

(a) Emergency Subsidies are subject to the availability of funds.

(b) Clients shall complete the Financial Profile to substantiate the need for an Emergency Subsidy.

(c) The designated fiscal agent or the client, with assistance from their Support Coordinator, Supported Living Coach, or Support Worker, if appropriate, must supervise and oversee the use of Emergency Subsidy funds.

(d) The use of Emergency Subsidy payments shall include all areas of the cost of living including mortgage payments and rent.

(e) Emergencies resulting from the failure of support staff to adequately plan shall not be a reason to deny the Emergency Subsidy.

Rulemaking Authority 393.501(1) FS. Law Implemented 393.0695, 393.066 FS. History–New \_\_\_\_\_.

65G-12.010 Payment.

(1) Payments to clients eligible for In-Home Subsidies or to their families shall be in the form of either a one-time lump sum, a recurring supplement, or a combination of both.

(2) Payments shall be considered a client service rather than a purchase of service.

(3) Specifics regarding the intent and payment plan of the Subsidy must be addressed in the support plan or its addendum and in the Letter of Agreement.

(4) Payments shall be made directly to the client or his or her designated fiscal agent.

(5) If the client has been adjudicated incompetent, payments shall be made to the guardian, appointed fiscal agent, or representative payee.

(6) The Social Security Administration and the ACCESS Florida Food Program does not consider In-Home Subsidies as reportable income, therefore, Subsidy payments will not affect eligibility for Medicaid services.

Rulemaking Authority 393.501(1) FS. Law Implemented 393.0695, 393.066 FS. History–New \_\_\_\_\_.

65G-12.011 Notice of Denial or Change of In-Home Subsidy Amount.

The Agency shall inform the client of the action taken on the client’s request for an In-Home Subsidy and include adequate notice of any rights to an administrative hearing pursuant to Section 120.569 F.S.

Rulemaking Authority 393.501(1) FS. Law Implemented 393.0695, 393.066 FS. History–New \_\_\_\_\_.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Worker’s Compensation**

RULE NO.:	RULE TITLE:
69L-5.216	Provision of Benefits and Safe Working Environment by Self-Insurers

PURPOSE AND EFFECT: This amendment clarifies when Form SI-19 (Certification of Servicing for Self-Insurers) is due to the Division of Workers’ Compensation or Florida Self-Insurers Guaranty Association (FSIGA) for current and former self-insurers who contract with Qualified Servicing Entities for one or more years.

SUBJECT AREA TO BE ADDRESSED: Certification of Servicing requirements for current and former self-insurers.

RULEMAKING AUTHORITY: 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS.

LAW IMPLEMENTED: 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 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, August 7, 2012, 9:30 a.m.

PLACE: Room 102, Hartman Building, 2012 Capital Circle Southeast, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Pam Macon, (850)413-1708 or Pamela.Macon@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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

**Section II  
Proposed Rules**

**DEPARTMENT OF STATE**

**Division of Cultural Affairs**

RULE NOS.:	RULE TITLES:
IT-12.001	Definitions
IT-12.002	Acquisition Procedures
IT-12.003	Accessioning Procedures
IT-12.004	Inventory of State-owned Artifacts
IT-12.005	Loan of State-owned Artifacts
IT-12.006	Deaccession and Disposal of State-owned Artifacts

PURPOSE AND EFFECT: Create a new chapter and rules for the Museum of Florida History. The new chapter is IT-12 Museum of Florida History.

SUMMARY: Create a new chapter and rules for the Museum of Florida History. The new rule details Acquisition Procedures, Accessioning Procedures, Inventory of State-owned Artifacts, Loan of State-owned Artifacts, and Deaccession and Disposal of State-owned Artifacts.