

## Section I

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

#### DEPARTMENT OF STATE

##### Division of Library and Information Services

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
1B-30.001	Rule Numbering and Rule Title
1B-30.0015	Definitions
1B-30.002	Style and Form for Filing Rules; Certification Accompanying Materials
1B-30.003	Florida Administrative Weekly
1B-30.004	Legal Citations and History Notes
1B-30.005	Materials Incorporated by Reference
1B-30.007	Uniform Indexing Procedures

**PURPOSE AND EFFECT:** The purpose of amending the abovementioned rules is to clarify agency rulemaking. In addition, the abovementioned rules are being transferred from Chapter 1S-1 to Chapter 1B-30, F.A.C.

**SUBJECT AREA TO BE ADDRESSED:** The above mentioned rules address submitting notices for publication in the Florida Administrative Weekly, proper coding of rule text, filing rules for adoption and materials incorporated by reference.

**SPECIFIC AUTHORITY:** 120.54(1)(j), 120.55(1)(c) FS.

**LAW IMPLEMENTED:** 120.54(1)-(3), (6), 120.55(1), (3), 403.8055 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: Liz Cloud, Administrative Code Section: Florida Department of State, Room 101, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, (850)245-6270. 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:** Liz Cloud, Administrative Code Section, Florida Department of State, Room 101, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, (850)245-6270

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

#### DEPARTMENT OF EDUCATION

##### State Board of Education

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
6A-1.099822	School Improvement Rating for Alternative Schools

**PURPOSE AND EFFECT:** The purpose of the rule development is to define the terms and process used to calculate a school improvement rating for alternative schools. The effect of the rule will be the definition of an alternative school for the purpose of calculating an improvement rating; the establishment of a process to identify alternative schools; and the establishment of a process for calculating a school improvement rating that fulfills statutory requirements for school accountability.

**SUBJECT AREA TO BE ADDRESSED:** School Improvement Ratings for Alternative Schools.

**SPECIFIC AUTHORITY:** 1008.34, 1008.341 FS.

**LAW IMPLEMENTED:** 1008.34, 1008.341 FS.

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

**DATES AND TIMES:** August 30, 2007, 3:00 p.m. – 5:00 p.m.; September 6, 2007, 3:30 p.m. – 5:30 p.m.

**PLACE:** August 30 – Department of Education, 325 West Gaines Street, Room 1706, Tallahassee, Florida 32399-0400  
September 6 – Renaissance Orlando Resort at SeaWorld, 6677 Sea Harbor Drive, Orlando, Florida 32821

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Juan Copa, Director, Office of Evaluation and Reporting, 325 West Gaines Street, Room 445, Tallahassee, Florida 32399-0400

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

#### DEPARTMENT OF REVENUE

##### Sales and Use Tax

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
12A-1.053	Electric Power and Energy
12A-1.087	Exemption for Power Farm Equipment; Suggested Exemption Certificate for Items Used for Agricultural Purposes

**PURPOSE AND EFFECT:** The purpose of the proposed amendments to Rule 12A-1.053, F.A.C. (Electric Power and Energy), is to provide that provisions for the exemption for electricity used for the production or processing of agricultural farm products on a farm are provided in Rule 12A-1.087, F.A.C.

The purpose of the proposed amendments to Rule 12A-1.087, F.A.C., (Exemption for Power Farm Equipment; Suggested Exemption Certificates for Items Used for Agricultural Purposes), is to: (1) to change the rule title to reflect the changes in the rule; (2) incorporate the provisions of Sections

1-2, Chapter 2005-197, L.O.F., regarding the exemption provided for power farm equipment; (3) incorporate the provisions of Section 19, Chapter 2006-289, L.O.F., and Chapter 2007-56, L.O.F., regarding the exemption provided for electricity used for the production or processing of agricultural farm products on a farm; (4) provide that the purchase, lease, or rental of power farm equipment that is purchased and invoiced as a single working unit is exempt, but when purchased separately only items qualifying as power farm equipment are tax-exempt; and (5) eliminate the requirement for an exemption certificate to be issued by the purchaser to the seller for the purchase of tax-exempt seeds, including field, garden, and flower seeds, as seeds are tax-exempt regardless of their use.

The proposed amendments to Rule 12A-1.087, F.A.C.: (1) provide that "power farm equipment," as defined in Chapter 2005-197, L.O.F., is exempt from tax, and change the rule title to reflect this statutory change; (2) remove obsolete definitions of the terms "self-propelled," "power-drawn," and "power-driven" farm equipment; (3) eliminate the 2.5% tax rate imposed on certain equipment prior to July 1, 2005; (4) provide examples of power farm equipment qualifying for the exemption; (5) provide that the purchase, lease, or rental of power farm equipment that is purchased and invoiced as a single working unit is exempt, but when purchased separately only items qualifying as power farm equipment are tax-exempt; (6) provide examples of items purchased and invoiced as a single working unit that qualifies for the exemption for power farm equipment; (7) provide that generators and power units are included in the definition of power farm equipment; (8) eliminate obsolete provisions regarding generators; (9) eliminate the requirement for an exemption certificate to be issued by the purchaser to the seller for the purchase of tax-exempt seeds, including field, garden, and flower seeds; (10) provide requirements for the exemption provided by Section 19, Chapter 2006-289, L.O.F., and amended by Chapter 2007-56, L.O.F., for electricity used for the production or processing of agricultural farm products on a farm and a suggested purchaser's exemption certificate to be issued to electric utilities; (11) revise the suggested exemption certificate to incorporate the exemption provided for power farm equipment and a statement that the facts stated in the exemption certificate are true and to remove the obsolete term "self-propelled, power-drawn, or power-driven farm equipment" and the obsolete requirement to issue an exemption certificate to purchase seeds tax-exempt; and (12) provide technical changes.

**SUBJECT AREA TO BE ADDRESSED:** The subject of this workshop is the proposed amendments to Rules 12A-1.053 and 12A-1.087, F.A.C., that are necessary to implement the provisions of Sections 1 and 2, Chapter 2005-197, L.O.F., regarding the tax exemption provided for power farm equipment, and the provisions of Section 19, Chapter

2006-289, L.O.F., and Chapter 2007-56, L.O.F., regarding the exemption provided for electricity used for the production or processing of agricultural farm products on a farm.

**SPECIFIC AUTHORITY:** 212.17(6), 212.18(2), 213.06(1) FS. **LAW IMPLEMENTED:** 212.02(2), (14)(c), (19), (30), (31), (32), 212.05(1), 212.0501, 212.06(1), 212.07(5), 212.08(3), (4), (5)(a), (e), (7)(j), 212.085, 212.18 FS.

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

**DATE AND TIME:** August 29, 2007, 10:00 a.m.

**PLACE:** Florida Farm Bureau Building, 5700 S. W. 34th Street, Gainesville, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. 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:** Richard Parsons, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4838

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

12A-1.053 Electric Power and Energy.

(1) through (3) No change.

(4) See Rule 12A-1.087, F.A.C., for requirements to claim the exemption for electricity used for the production or processing of agricultural farm products on a farm.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(2), (19), 212.05(1)(e), 212.06(1)(a), (b), 212.08(4), (5)(e)2., (7)(j), 212.18(2) FS, History--Revised 10-7-68, 6-16-72, Amended 12-11-74, 10-18-78, 6-3-80, 12-23-80, 7-20-82, Formerly 12A-1.53, Amended 10-2-01, 4-17-03,\_\_\_\_\_.

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

(1)(a) The sale, rental, lease, use, consumption, or storage for use of power ~~self-propelled, power-drawn, or power-driven~~ farm equipment is ~~exempt taxable at the rate of 2.5 percent~~. To qualify for ~~this the partial~~ exemption, the power farm such equipment must be used exclusively on a farm or in a forest in the agricultural production of crops or products as produced by those agricultural industries included in Section 5 570.02(1), F.S., or for fire prevention and suppression work with respect to such crops or products. ~~Power Self-propelled, power-drawn, or power-driven~~ farm equipment that is not purchased, leased,

or rented for exclusive use in the agricultural production of agricultural products, or for fire prevention or suppression work with respect to such crops or products, does not qualify for this ~~partial~~ exemption. This ~~partial~~ exemption is not forfeited by moving qualifying power farm equipment between farms or forests.

(b) The exemption will not be allowed unless the purchaser furnishes the seller a written certificate that the purchased items qualify for the exemption limitation under Section ~~s.~~ 212.08(3), F.S. The format of a suggested certificate is contained in subsection (10)(44).

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

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

(a) Agricultural industries, as defined in Section ~~s.~~ 570.02(1), F.S., include aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, and any and all forms of farm products and farm production.

(b) Agricultural production, as defined in Section ~~s.~~ 212.02(32)(34), F.S., means the production of plants and animals useful to humans, including the preparation, planting, cultivating, or harvesting of these products or any other practices necessary to accomplish production through the harvest phase, and includes aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, and any and all forms of farm products and farm production.

(c) Aquaculture products, as defined in Section ~~s.~~ 597.0015(3), F.S., means aquatic organisms and any product derived from aquatic organisms that are owned and propagated, grown, or produced under controlled conditions. Such products do not include organisms harvested from the wild for depuration, wet storage, or relay for purification.

(d) Cultivating means the nurturing or the fostering of growth of an agricultural crop or product, including the elimination of weeds. Examples of cultivating include, but are not limited to: feeding, fertilizing, plowing, pruning, and spraying agriculture crops or products.

(e) Forest, as defined in Section ~~s.~~ 212.02(31)(33), F.S., means the land stocked by trees of any size used in the production of forest products, or formerly having such tree cover, and not currently developed for nonforest use.

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

(g) Processing means the act of changing or converting the nature of a product after it has been harvested.

(3)(a) Power Self-propelled farm equipment, as defined in Section ~~s.~~ 212.02(30), F.S., includes: means equipment that contains within itself the means for its own propulsion, including, but not limited to tractors. In addition to tractors, qualifying propelled farm equipment also includes, but is not limited to:-

1. Aerators.
- 2.(a) All-terrain vehicles.
3. Augers.
4. Automated potting, transplanting, seeding, soil mixing, and flat filling equipment.
5. Bale shredders.
- 6.(b) Backhoes.
- 7.(c) Boats and boat motors, purchased together or separately, for use in the agricultural production of aquaculture products on a farm. See subsection (4) of this rule regarding specific guidelines for persons engaging in aquaculture activities.
- 8.(d) Bulldozers.
9. Chainsaws.
- 10.(e) Combines.
11. Conveyers.
12. Corn, cotton, grain, and bean heads for use on combines.
13. Cultivators.
14. Disks.
15. Electric fans.
16. Feed mills (portable).
17. Feeding stations.
18. Feeding systems.
- 19.(f) Feller bunchers.
- 20.(g) Fertilizer Forest fertilizer spreaders.
21. Field trailers and wagons.
22. Forklifts, excluding forklifts used for processing farm products.
23. Front-end loaders.
24. Harrows.
25. Hay balers, hay cutters, hay rakes, and tedders.
- 26.(h) Irrigation equipment (Traveling "gun-type" and center pivot irrigation systems), excluding replacement hoses and pipes that are not an integral part of the moving system.
27. Livestock feeders.
28. Log loaders.
29. Milking machines.
30. Motorized pumps.
31. Mowers.
32. Planters.
33. Plows.
34. Power units, including electric-powered, fuel-powered, or solar-powered motors or engines.
35. Scalpers.

36. Scrapers, graders, and grade boxes.

37.(+) Skid steer loaders.

38.(+) Skidders.

39. Sod cutters.

40. Sod harvesters.

41. Sprayers.

42. Spreaders.

43. Tractors.

44. Tree bedders.

45. Wood chippers (field type).

(b) The purchase, lease, or rental of power farm equipment which is invoiced as a single working unit that is used exclusively on a farm or in a forest, as provided in paragraph (1)(a), qualifies for the exemption. When the component parts are invoiced separately, only those components that qualify for the exemption, as provided in paragraph (1)(a), may be purchased, leased, or rented tax-exempt.

1. Example: An irrigation supply system is purchased for use on a farm to provide water to an agricultural crop. The irrigation supply system, consisting of pumps, pipes, tubing, hoses, generator, motors, and other items, is purchased and invoiced as a single item at a single price. The purchase of the irrigation supply system is exempt.

2. Example: A farmer owns an irrigation supply system and wants to replace or update various components of the system. The farmer purchases an additional pump, a generator, and various hoses, pipe, and connectors in order to replace or update the system. The pump and generator qualify as power farm equipment, and these items may be purchased tax-exempt. The purchase of the various hoses, pipe, and connectors does not qualify as a purchase of power farm equipment and is subject to tax at the time of purchase.

(4)(a) Persons engaged in the agricultural production of aquaculture products qualify for the ~~partial~~ exemption on their purchase or lease of a boat or boat motor to be used exclusively for aquacultural purposes. To qualify for exemption, such person must be registered with the Department of Agriculture and Consumer Services under Section ~~§~~ 597.004, F.S., as a person engaged in aquaculture. For purposes of this rule, a farm includes submerged sites leased from the state under the authority of Section ~~§~~ 253.68, F.S., by a person engaged in aquaculture activities.

(b) Example: A clam farmer leases a submerged site from the state pursuant to Section ~~§~~ 253.68, F.S., and is certified under Section ~~§~~ 597.004, F.S., with the Department of Agriculture and Consumer Services. The clam farmer qualifies for the ~~partial~~ exemption on the purchase or lease of a boat used exclusively in the agricultural production of clams on the leased site. The exemption is not forfeited by moving boats between farms.

~~(5) Power-drawn farm equipment, as defined in s. 212.02(31), F.S., means farm equipment that is pulled, dragged, or otherwise attached to self-propelled equipment, including, but not limited to, disks, harrows, hay balers, and mowers. In addition to the equipment included in the statutory definition, power-drawn farm equipment also includes, but is not limited to:~~

~~(a) Bale shredders.~~

~~(b) Corn, cotton, grain, and bean heads for use on combines.~~

~~(c) Cultivators.~~

~~(d) Feed mills (portable).~~

~~(e) Field trailers, wagons, and carts.~~

~~(f) Front-end loaders.~~

~~(g) Livestock feeders.~~

~~(h) Log loaders.~~

~~(i) Planters.~~

~~(j) Plows.~~

~~(k) Scalpers.~~

~~(l) Scrapers, graders, grade boxes.~~

~~(m) Sprayers.~~

~~(n) Spreaders.~~

~~(o) Tree bedders.~~

~~(p) Wood chippers (field type).~~

~~(6) Power-driven farm equipment, as defined in s. 212.02(32), F.S., means moving or stationary equipment that is dependent upon an external power source to perform its function, including, but not limited to, conveyors, augers, feeding systems, and pumps. In addition to the equipment included in the statutory definition, power-driven farm equipment also includes, but is not limited to:~~

~~(a) Aerators.~~

~~(b) Automated potting, transplanting, seeding, soil mixing, and flat filling equipment.~~

~~(c) Chain saws.~~

~~(d) Milking machines.~~

~~(5)(7)(a) Power Self-propelled and power-drawn farm equipment does not include vehicles (including vehicles without motive power, such as cattle trailers and log trailers) that are required to be licensed as a motor vehicle under Chapter 320, F.S.~~

~~(b) Power Self-propelled and power-drawn farm equipment does not include equipment used for processing agricultural crops or and products.~~

~~(6)(8)(a) Generators (excluding generators purchased for use on poultry farms), motors, and similar types of equipment used exclusively as a power source on a farm or in a forest, as provided in paragraph (1)(a), are exempt from tax to supply power to power-driven farm equipment do not qualify as power-driven farm equipment and are taxable at the 6 percent rate. Generators that are attached to and are sold as an integral part of the qualifying farm equipment qualify for the partial~~

exemption. For example: a diesel-powered generator used to supply power to an irrigation pump qualifies for the exemption. A generator used to power equipment used in agricultural production also qualifies for the exemption.

1. Example: A diesel-powered generator used to supply power to an irrigation pump does not qualify, since it is the external power source that runs the qualifying equipment. The qualifying equipment in this example is the irrigation pump.

2. Example: A diesel-powered irrigation pump that pumps water from a supply source qualifies as power-driven farm equipment. In some instances, a generator is attached to and is powered by the irrigation pump, and the generator supplies power to the moving irrigation system. In this example, since the generator is an integral part of the irrigation pump, it qualifies as power-driven farm equipment when sold as part of the pump.

(b)4. Generators purchased, rented, or leased for use on a poultry farm are exempt from sales tax under Section 212.08(5)(a), F.S. The exemption will not be allowed unless the purchaser or lessee issues to the seller a signed certificate stating the generator is purchased or leased for exclusive use on a poultry farm. ~~Although the Department does not furnish the printed form to be executed by farmers when purchasing qualifying generators, a suggested certificate is contained in subsection (11).~~

2. Dealers who accept in good faith the required certificate from the purchaser will not be assessed sales tax on sales of qualifying generators purchased for a non-exempt use. In such instances, the Department will look solely to the purchaser for any additional sales tax due.

~~(7)(9)~~ The ~~partial~~ exemption for power farm equipment does not apply to charges for repairs to farm equipment or to purchases of replacement parts for such equipment.

~~(8)(10)~~(a) The following sales and uses of liquefied petroleum gas, diesel, and kerosene are exempt when:

1. Sold for use in any tractor, vehicle, or other farm equipment that is used exclusively on a farm for farming purposes.

2. Consumed in transporting farm vehicles and farm equipment between farms.

3. Sold for use to heat a structure in which started pullets or broilers are raised.

4. Sold for use to transport bees by water and in the operation of equipment used in the apiary of a beekeeper.

(b) Liquefied petroleum gas, diesel, and kerosene sold for use in any tractor or vehicle driven or operated upon the public highways of the state is subject to tax.

(9)(a) Electricity used for the production or processing of agricultural farm products on a farm is exempt only if the electricity is separately metered from the electricity used for nonproduction or nonprocessing purposes. If the electricity is centrally metered and is used for both tax-exempt and taxable purposes, the purchase of the electricity is subject to tax.

(b) The exemption will not be allowed unless the purchaser furnishes its utility a written certificate stating that the electricity is used on a farm for the production or processing of agricultural farm products and qualifies for the exemption under Section 212.08(5)(e)2., F.S. The following is a suggested format of a purchaser's exemption certificate to be issued to a utility company to make tax-exempt purchases of electricity used for this purpose:

SUGGESTED PURCHASER'S EXEMPTION  
CERTIFICATE ELECTRICITY USED FOR  
THE PRODUCTION OR PROCESSING OF  
AGRICULTURAL PRODUCTS ON A FARM

I certify that the electricity used on or after  
(DATE) from (UTILITY COMPANY)  
consumed through the following meter(s) will be used in the  
production or processing of agricultural farm products on a  
farm and is exempt from sales tax pursuant to Section  
212.08(5)(e)2., Florida Statutes.

I understand that if the electricity purchased does not  
qualify for exemption under Section 212.08(5)(e)2., Florida  
Statutes, then I must pay the tax on the purchase directly to the  
Department of Revenue.

I understand that if I fraudulently issue this certificate to  
evade the payment of sales tax, I will be liable for payment of  
the sales tax, plus a mandatory penalty of 200% of the tax, and  
will be liable for fine and punishment provided by law for  
conviction of a felony of the third degree, as provided in  
Section 775.082, 775.083, or 775.084, Florida Statutes.

Under penalties of perjury, I declare that I have read the  
foregoing document and that the facts stated in it are true.

\_\_\_\_\_  
Purchaser's Name and Title  
(Print or Type)

\_\_\_\_\_  
Purchaser's Address

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

~~(10)(11)~~ Suggested Exemption Certificate for Items Used for Agricultural Purposes.

(a) Any person who purchases items that qualify for the exemption limitation under Section 212.08(3), F.S., must issue an exemption certificate to the selling dealer to purchase qualifying power farm equipment tax-exempt at the rate of 2.5 percent. Any purchaser who purchases items for agricultural purposes must also issue an exemption certificate to the selling dealer in lieu of paying tax. The exemption certificate must contain the purchaser's name ~~and~~ address, the reason for which the use of the item qualifies for exemption based on its use, and the signature of the purchaser or an authorized representative of the purchaser.

(b) Seeds, including field, garden, and flower seeds are exempt. The purchaser is not required to issue an exemption certificate to the selling dealer to purchase seeds tax-exempt.

(c)(b) The selling dealer is only required to obtain one certificate for sales made for the purposes indicated on the certificate and is not required to obtain an exemption certificate for subsequent sales made to the same purchaser for the exempt purpose indicated on the exemption certificate. The selling dealer must maintain the required exemption certificates in its books and records until tax imposed by Chapter 212, F.S., may no longer be determined and assessed under Section 95.091(3), F.S.

(d) Dealers who accept in good faith the required certificate from the purchaser or lessee will not be assessed sales tax on sales of power farm equipment or items for agricultural use or for agricultural purposes. In such instances, the Department will look solely to the purchaser or lessee for any additional sales or use tax due.

(e)(e) Selling dealers may contact the Department at (800)352-3671 1(800)352-3671 to verify the specific exemption specified by the purchaser or lessee. Persons with hearing or speech impairments may call the Department's TDD, at (800)367-8331 1(800)367-8331.

(f)(d) The following is a suggested format of an exemption certificate to be issued by any person purchasing or leasing power farm equipment qualifying for exemption items that qualify for the limitation under Section 212.08(3), F.S., or items that qualify for exemption as items for agricultural use or items for agricultural purposes. Exemption purposes listed on the suggested format that are not relevant to the purchaser or lessee may be eliminated from the certificate. The Department does not furnish the printed exemption certificate to be executed by purchasers or lessees when purchasing tax-exempt power farm equipment or items for agricultural use or for agricultural purposes.

#### SUGGESTED PURCHASER'S EXEMPTION CERTIFICATE

#### ITEMS FOR AGRICULTURAL USE OR FOR AGRICULTURAL PURPOSES AND POWER CERTAIN FARM EQUIPMENT

This is to certify that the items identified below, purchased on or after \_\_\_\_\_(date) from \_\_\_\_\_  
(Selling Dealer's Business Name) are purchased, leased, licensed, or rented for the following purpose as checked in the space provided. This is not intended to be an exhaustive list:

( ) Cloth, plastic, or similar material used for shade, mulch, or protection from frost or insects on a farm.

( ) Fertilizers (including peat, topsoil, sand used for rooting purposes, peatmoss, compost, and manure, but not fill dirt), insecticides, fungicides, pesticides, and weed killers used for application on or in the cultivation of crops, groves, home vegetable gardens, and commercial nurseries.

( ) Generators purchased, rented, or leased for exclusive use on a poultry farm.

( ) Insecticides and fungicides, including disinfectants, used in dairy barns or on poultry farms for the purpose of protecting cows or poultry or used directly on animals, as provided in Section 212.08(5)(a), F.S.

( ) Nets, and parts used in the repair of nets, purchased by commercial fisheries.

( ) Nursery stock, seedlings, cuttings, or other propagative material for growing stock.

( ) Portable containers, or moveable receptacles in which portable containers are placed, that are used for harvesting or processing farm products.

~~( ) Seeds, including field and garden seeds and flower seeds.~~

( ) Seedlings. ~~Seeds, seedlings,~~ cuttings, and plants used to produce food for human consumption.

( ) Items that are used by a farmer to contain, produce, or process an agricultural commodity, such as: glue for tin and glass for use by apiarists; containers, labels, and mailing cases for honey; wax moth control with paradichlorobenzene; cellophane wrappers; shipping cases; labels, containers, clay pots and receptacles, sacks or bags, burlap, cans, nails, and other materials used in packaging plants for sale; window cartons; baling wire and twine used for bailing hay; and other packaging materials for one time use in preparing an agricultural commodity for sale.

( ) Liquefied petroleum gas or other fuel used to heat a structure in which started pullets or broilers are raised.

( ) Liquefied gas, diesel, or kerosene used to transport bees by water and in the operation of equipment used in the apiary of a beekeeper.

( ) Liquefied petroleum gas, diesel, or kerosene used for agricultural purposes in any tractor, vehicle, or other farm equipment that is used exclusively on a farm for farming purposes.

( ) Power farm ~~Self-propelled, power drawn, or power-driven~~ equipment, when purchased, rented, or leased for exclusive use in the agricultural production of crops or products as produced by those agricultural industries included in Section 570.02(1), F.S., or for fire prevention and suppression work with respect to such crops or products; ~~taxable at the rate of 2.5 percent.~~

( ) Other (include description and statutory citation):

I understand that if I use the item for any purpose other than the one I stated, I must pay tax on the purchase or lease price of the taxable item directly to the Department of Revenue.

I understand that if I fraudulently issue this certificate to evade the payment of sales tax I will be liable for payment of the sales tax plus a penalty of 200% of the tax and may be subject to conviction of a third degree felony.

The exemption specified by the purchaser may be verified by calling (800) 352-3671 ~~4(800)352-3671~~.

Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

Purchaser's Name: \_\_\_\_\_

Purchaser's Address: \_\_\_\_\_

Name and Title of Purchaser's Authorized Representative: \_\_\_\_\_

Sales and Use Tax Certificate of ~~Registration~~ No. (if applicable): \_\_\_\_\_

By: \_\_\_\_\_

(Signature of Purchaser or Authorized Representative): \_\_\_\_\_

Title: \_\_\_\_\_

(Title – only if purchased by an authorized representative of a business entity)

Date: \_\_\_\_\_

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(14)(c), (30), (31), (32), ~~(33), (34)~~, 212.05(1), 212.0501, 212.06(1), 212.07(5), 212.08(3), (5)(a), (e), 212.085 FS. History—Revised 10-7-68, 1-7-70, 6-16-72, Amended 10-18-78, 7-20-82, 4-12-84, Formerly 12A-1.87, Amended 12-13-88, 3-1-00, 6-19-01, \_\_\_\_\_.

## DEPARTMENT OF REVENUE

### Corporate, Estate and Intangible Tax

#### RULE NOS.:

#### RULE TITLES:

12C-2.001	Definitions
12C-2.002	Property Subject to Tax – Annual and Nonrecurring
12C-2.003	Exemptions
12C-2.004	Property Subject to Tax – Government Leasehold Estates and Nonrecurring
12C-2.005	Reporting Requirements – Due Date – Payment of Tax – Discounts Allowed
12C-2.006	Taxable Situs – Reporting Requirements – Who Shall File a Return
12C-2.0061	Transfer of Intangible Personal Property to Certain Out-of-State Entities
12C-2.0062	Management or Control
12C-2.0063	Intangible Personal Property Held in Trusts
12C-2.007	Penalties and Interest
12C-2.008	Information Reports
12C-2.010	Valuations

12C-2.0105

Tax Credits

12C-2.011

Administration

12C-2.0115

Public Use Forms

12C-2.012

Refunds

**PURPOSE AND EFFECT:** The purpose of the proposed changes to Rule Chapter 12C-2, F.A.C. (Intangible Personal Property Tax), is to remove provisions regarding the administration of the annual intangible personal property tax repealed effective January 1, 2007, by Chapter 2006-312, L.O.F. The proposed changes to Rule Chapter 12C-2, F.A.C. (Intangible Personal Property Tax): (1) remove provisions from the rule chapter that have been rendered obsolete with the repeal of the annual personal property tax; and (2) update, consolidate, and simplify provisions for the administration of the 1 mil tax imposed on the value of leases government-owned property and the 2 mil nonrecurring tax imposed on the value of notes, bonds, and other obligations for payment of money that is secured by a mortgage, deed of trust, or other lien on Florida real property.

The following rule sections have been rendered obsolete and are proposed to be repealed:

12C-2.002 Property Subject to Tax – Annual and Nonrecurring

12C-2.003 Exemptions

12C-2.006 Taxable Situs – Reporting Requirements – Who Shall File a Return

12C-2.0061 Transfer of Intangible Personal Property to Certain Out-of-State Entities

12C-2.0062 Management or Control

12C-2.0063 Intangible Personal Property Held in Trust

12C-2.008 Information Reports

12C-2.0105 Tax Credits

The proposed amendments to the following rule sections provide for the continued administration of the one mil tax imposed on government leasehold estates and the nonrecurring two mil tax imposed on notes, bonds, and other obligations for payment of money secured by Florida real property:

12C-2.001 Definitions

12C-2.004 Property Subject to Tax

12C-2.005 Reporting Requirements – Due Date – Payment of Tax – Discounts Allowed

12C-2.007 Penalties and Interest

12C-2.010 Valuations

12C-2.011 Administration

12C-2.0115 Public Use Forms

12C-2.012 Refunds

These rule sections: (1) retain the definitions for just value and other synonymous terms; (2) provide for the imposition of the one mil tax imposed on government leasehold estates and the two mil nonrecurring tax imposed on value of notes, bonds, and other obligations for payment of money that is secured by a mortgage, deed of trust, or other lien on Florida real property;

(3) provide for the valuation of leases of governmental property subject to tax and for the valuation of property subject to the nonrecurring tax; (3) provide for the requirements for the administration of the taxes, including the due dates, discounts allowed, the methods of payment, and the imposition of penalties and interest; (4) provide for the administration of refunds for the overpayment of the tax; and (5) remove obsolete forms no longer used by the Department and adopt revisions to forms that continue to be used for reporting the government leasehold tax.

**SUBJECT AREA TO BE ADDRESSED:** The subject area of the workshop is the proposed changes to Rule Chapter 12C-2, F.A.C. (Intangible Personal Property Tax), which provides for the continued administration of the one mil tax imposed on government leasehold estates and the two mil nonrecurring tax imposed on notes, bonds, and other obligations for payment of money secured by Florida real property.

**SPECIFIC AUTHORITY:** 199.202(2), 213.06(1) FS.

**LAW IMPLEMENTED:** 196.199, 199.133, 199.135, 199.143, 199.145, 199.155, 199.183, 199.232, 199.292, 213.235, 213.255(2), (3), 215.26(2) FS.

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

**DATE AND TIME:** August 27, 2007, 10:00 a.m.

**PLACE:** Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: contacting Larry Green at (850)922-4830. 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:** Joe Parramore, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4709

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

#### 12C-2.001 Definitions.

~~The following terms and phrases when used in these regulations and in the interpretation thereof, shall have the meaning ascribed to them as follows:~~

~~(1) "Domicile and Residence" — For the purpose of these regulations the two terms are synonymous. The terms domicile and residence describe where a person has his true, fixed and permanent home and principal establishment, and to which when absent, he has the intention of returning. The following criteria will give rise to a presumption of Florida domicile~~

~~unless refuted by competent evidence: qualifying for Homestead exemption or voting rights. Other factors which may be considered but which are not conclusive are: ownership of Florida residence, having Florida licenses, or declaration of Florida residency on Federal income tax returns. Any alien political refugee possessing a permanent visa meeting the criteria above will be considered domiciled in this state.~~

~~(2) "Foreign" — Belonging or attached to a political jurisdiction other than the State of Florida, its counties or municipalities.~~

~~(3) "Just Value, Just Valuation, Cash Value, Full Cash Value, Present Cash Value, Market Value, Actual Value and Value" These terms are synonymous. These terms mean the The price which the vendor's interest would bring if offered for sale by one who desires to sell but is not compelled to sell, and bought by one willing to buy but not compelled to buy, with both seeking to maximize their gains and neither being in a position to take advantage of the other.~~

Specific Authority 199.202, 213.06(1) FS. Law Implemented 196.199(2)(b) ~~199.023~~ FS. History—New 4-17-72, Amended 9-27-76, Formerly 12C-2.01, Amended 11-21-91,\_\_\_\_\_.

12C-2.002 Property Subject to Tax – Annual and Nonrecurring.

~~(1) The following are examples of property subject to annual taxation:~~

~~(a) Accounts Receivable — a debt which is owed by another which is not supported by a negotiable paper. For tax years beginning on or after January 1, 2001, accounts receivable arising out of normal trade or business are exempt from tax.~~

~~(b) Accrued Interest — interest that has been earned but is not yet paid and is payable. Interest which has accrued due to the passage of time, but is not due and payable is not taxable.~~

~~(c) Beneficial Interest in a Trust — one or more valuable property rights in a trust. A taxable beneficial interest in a trust is the current right to income coupled with: the right to invade the corpus of the trust; or the right to revoke the trust; or the right to appoint successor beneficiaries without limitation. A beneficial interest in a trust is taxable only to the extent the trust corpus consist of property subject to the annual tax.~~

~~(d) Charitable Unitrust — such trusts are taxable while trust corpus is held by a nonexempt trustee. For tax years beginning on or after January 1, 2001, charitable unitrusts are exempt from tax.~~

~~(e) Closely Held Stock — stock in a corporation which is held by a small number of persons and is not traded on any exchange or over the counter.~~

~~(f) Commercial Paper — includes promissory notes, short term notes issued by corporations; or bearer instruments. This does not include banker's acceptances, trade acceptances or checks.~~

(g) ~~Contract Retainage~~—that portion of the requisition for construction progress payments which was withheld pending final approval by the person having the authority to give such approval is deemed to be a valid and enforceable account receivable, after the condition creating the contract retainage has been met.

(h) ~~Cooperative Housing Association~~—shares of stock held in a cooperative housing association are taxable only if ownership of the stock and the ownership of the housing unit can be separated.

(i) ~~Custody Account~~—a custody account is taxable only if the custodian is exercising discretionary powers over the assets held in the custody account. For tax years beginning on or after January 1, 2001, custody accounts are exempt.

(j) ~~Commodity Futures or Futures Contract~~—the present right to receive at a future date a specific quantity of a given commodity for an agreed price.

(k) ~~Federal National Mortgage Association (FNMA)~~—all obligations issued by FNMA, since all class A stock owned by the U.S. government has been retired.

(l) ~~Government Leasehold Estates~~—all government-owned property is subject to the intangible personal property tax if rental payments are due as consideration for the lease.

(m) ~~Insurance Premiums:~~

1. Insurance premiums for the year that are financed are accounts receivable.

2. Due, but uncollected, premiums (those premiums that are in a grace period) are not taxed.

3. For tax years beginning on or after January 1, 2000, insurance companies are exempt from tax.

(n) ~~Leases~~—payments required to be made under lease contracts will be taxed as receivables under the following conditions:

1. Lease payments which are past due.

2. Lease contracts which transfer title to the property to the lessee by or at the end of the lease term.

3. Lease contracts which contain a bargain purchase option. An example of a bargain purchase option is the purchase of the property at a price below market value or salvage value.

4. Lease contracts that require the lessee to pay the lessor even if the property is not used by the lessee. This does not include payments due under operating leases or true leases.

(o) ~~Limited Partnership Interest~~—a taxable interest in a limited partnership for intangible tax purposes shall include an interest in a limited partnership registered with the securities and exchange commission.

(p) ~~Line of Credit~~—based on the outstanding balance on January 1 of each tax year when not evidenced by a note secured by a mortgage or other lien on Florida real property.

~~When secured by a lien on real property in Florida, the maximum amount allowed under the line is subject to the nonrecurring tax.~~

(q) ~~Loans from Shareholders~~—are receivables owned by the shareholder.

(r) ~~Margin Accounts~~

1. Receivables arising from margin accounts are taxable to the broker. For tax years beginning on or after January 1, 2001, margin account receivables are exempt from tax.

2. Stocks bought on margin are the property of the purchaser and are to be reported for taxation by the purchaser.

(s) ~~Business Trust~~—business trust organized under an indenture of trust and issuing units of undivided beneficial interest in the trust assets. [also see Money Market Funds and subsection 12C 2.003(8), F.A.C.]

(t) ~~Membership Certificates~~—membership certificates in private clubs which represent one share in a not-for-profit corporation if membership in the club and ownership of the share of stock are separable.

(u) ~~Money Market and Mutual Funds~~—Funds organized as business trusts and offering units of undivided beneficial interest. If the fund's portfolio of assets consists solely of assets which are not taxable under Chapter 199, F.S., then the units are exempt.

2. The shares of funds organized as corporations are taxed as other corporate stock.

3. Money market accounts offered by banks which are deposits of money are not taxable.

(v) ~~Note Receivable~~—an instrument which contains a promise or obligation to pay money by the maker is subject to tax.

(w) ~~Production Credit Association~~—intangibles issued by or owned by production credit associations are subject to tax. All class A stock held by U.S. Government has been retired removing the exemption provided in Title 12 Section 1138C USC.

(x) ~~Repurchase Agreements~~

1. Repurchase agreements between banks are not taxed as an intangible, but are treated as cash.

2. Repurchase agreements where securities are offered as collateral for the agreement are taxable at face value.

3. Repurchase agreements where title to the security passes to the purchaser are not subject to taxation.

(y) ~~Restricted Stock~~—may be valued at less than full just value based upon the facts and circumstances creating the restrictions.

(z) ~~Small Business Administration Loans~~—to the extent the obligation is not directly owned by the Small Business Administration. For example, loans guaranteed by the SBA are taxable, while those made directly by the SBA are exempt.

~~(aa) Stock — shares or units of incorporated or unincorporated companies, limited liability companies, business trusts, mutual funds, and money market funds.~~

~~(bb) Stock Option — the right to purchase a given number of shares of stock at or during a period of time.~~

~~(cc) Stock of an "S" Corporation — taxable as all other shares of corporate stock.~~

~~(dd) Treasury Stock — when acquired for a specific purpose is taxable to the corporation. Treasury stock acquired for no specific purpose is not taxable. For example, treasury stock which is to be retired is not taxable. Treasury stock which is acquired for use in a retirement plan is taxable.~~

~~(ee) Trust — a trust having a taxable situs in Florida is primarily taxable to the trustee. For tax years beginning on or after January 1, 2001, trustees are no longer required to file returns or pay the tax. A beneficiary, having a taxable beneficial interest, is responsible for filing a return for the taxable trust assets.~~

~~(2) The following are examples of property subject to the nonrecurring tax:~~

~~(a) Agreements or contracts for deed.~~

~~(b) Agreements not to encumber real property if the agreement attaches as a lien on the real property.~~

~~(c) Future Advances — to the extent secured by a lien on Florida real property.~~

~~(d) Line of Credit — to the extent secured by a lien on Florida real property as described in s. 199.143, F.S.~~

Specific Authority 199.202, 213.06(1) FS. Law Implemented 199.023, 199.032, 199.042, 199.052, 199.057, 199.062, 199.175, 199.103, 199.133, 199.135, 199.143, 199.145, 199.155, 199.175, 199.183, 199.185, 199.202 FS. History—New 4-17-72, Revised 12-20-73, Amended 11-17-74, Formerly 12C-2.02, Amended 11-21-91, 10-9-01, Repealed \_\_\_\_\_.

12C-2.003 Exemptions.

The following intangible property shall be exempt from the tax:

(1) Money.

(2) Property owned or issued by the United States Government or its agencies. For example:

(a) Federal Land Banks.

(b) Federal Land Bank Associations.

(c) Government National Mortgage Association (Ginnie Mae).

(d) Federal Home Loan Banks.

(e) Federal Intermediate Credit Banks.

(f) Federal Deposit Insurance Corporation.

(g) Federal Reserve Banks.

(h) Small Business Administration — loans made by the SBA are exempt to the extent of the direct participation in the loan by the SBA. Loans guaranteed by the SBA are fully taxable.

(i) Joint Stock Land Banks — only first mortgages.

~~(3) Credit Unions — all intangibles owned or issued by credit unions chartered under federal or Florida law, so long as the exemption for federal credit unions exists.~~

~~(4)(a) Property owned or issued by the State of Florida or any of its political subdivisions or municipalities. For example:~~

~~1. Authorities created under Chapter 159, F.S.~~

~~2. Public Health Facility Authorities created by Chapter 154, F.S.~~

~~3. Other authorities created by local governments and authorized by Florida Statutes.~~

~~(b) This exemption does not apply to a leasehold or other interest in governmental property held by nongovernmental persons.~~

~~(5) An individual beneficiary, having a present vested interest in intangible property held in a trust or an estate by a Florida trustee or personal representative, may file a return reporting his proportionate interest in the intangible property of the trust or estate and claim the exemption afforded natural persons.~~

~~(6) Property worth up to \$500, held and owned by widows, widowers, blind persons and totally and permanently disabled persons. If this exemption is claimed for county ad valorem tax purposes it shall not be used to determine the taxable value of intangible personal property under this chapter.~~

~~(7) Bonds issued by a United Nations agency.~~

~~(8) Business trust — shares or units of a business trust are exempt if the portfolio of assets contains only assets which are exempt from taxation. The net asset value of a business trust with taxable assets must be proportionately reduced if the portfolio of assets contains debt obligations of the United States Government.~~

~~(9) Accounts Receivable:~~

~~(a) For tax years beginning January 1, 2001, and thereafter, all accounts receivable arising from normal trade or business are exempt from tax.~~

~~(b) For the tax year beginning January 1, 2000, two-thirds of the taxable accounts receivable arising from normal trade or business are exempt from tax.~~

~~(c) For the tax year beginning January 1, 1999, one-third of the taxable accounts receivable arising from normal trade or business are exempt from tax.~~

~~(d) For the tax year beginning January 1, 1998, and all prior years, all accounts receivable are subject to tax.~~

~~(10) A charitable trust is exempt from tax. For the purpose of this exemption, a charitable trust is a trust that is paying 95 percent or more of its income to one or more organizations exempt from federal income tax under Section 501(c)(3), IRC.~~

Specific Authority 199.202, 213.06(1) FS. Law Implemented 199.183, 199.185, 213.12(2) FS. History—New 4-17-72, Revised 12-20-73, Amended 11-17-74, 4-21-75, Formerly 12C-2.03, Amended 11-21-91, 10-9-01, Repealed \_\_\_\_\_.

12C-2.004 Property Subject to Levy of Tax – Government Leasehold Estates Annual and Nonrecurring.

(1) Annual Tax on Government Leasehold Estates – All leases of government-owned property are subject to tax if rental payments are due as consideration for the lease. (The tax is imposed every year.) An annual tax on the just value of intangible property having a taxable situs in Florida is levied as follows:

(a)1. All firms, partnerships, joint ventures, associations, corporations, estates, trusts, trustees, personal representatives, receivers, guardians, custodians and other fiduciaries are subject to the full tax rate of \$1.00 per thousand dollars (1 mill) of just value of intangible property having a taxable situs in Florida.

2. Example: Artificial entities and fiduciaries:

Stocks	150,000.00
Bonds	125,000.00
Loans to Stockholders (outstanding balances)	50,000.00
Taxable Assets	325,000.00
Exemption	250,000.00
Tax Rate	* .001
Tax Due	\$75.00

(b) Natural persons filing an individual or joint return are subject to the tax rate of \$1.00 per thousand dollars (1 mill) of just value of intangible property in excess of \$250,000.00 (\$500,000.00 for a married couple filing a joint return).

Examples:

1. Individual having taxable assets valued at \$300,000.00:

Taxable Assets	\$300,000.00
Exemption	\$250,000.00
Net Taxable Assets	\$50,000.00
Tax Rate	* .001
Tax Due	\$50.00

Total Tax Due \$0 (tax due is less than \$60.00)

2. Individual having taxable assets valued at \$430,000:

Taxable Assets	\$430,000.00
Exemption	\$250,000.00
Net Taxable Assets	\$180,000.00
Tax Rate	* .001
Tax Due	\$180.00

Total Tax Due \$180.00

3. Married couple filing jointly having taxable assets valued at \$555,000:

Taxable Assets	\$555,000.00
Exemption	\$500,000.00
Net Taxable Assets	\$55,000.00
Tax Rate	* .001
Tax Due	\$55.00

Total Tax Due \$0 (tax due is less than \$60.00)

4. Married couple filing jointly having taxable assets valued at \$760,000.00:

Taxable Assets	\$760,000.00
Exemption	\$500,000.00
Net Taxable Assets	\$260,000.00
Tax Rate	* .001
Tax Due	\$260.00
Total Tax Due	\$260.00

(2) Nonrecurring tax:

(2)(a)1. There shall be levied a nonrecurring tax is imposed at the rate of \$2.00 per thousand dollars (2 mills) of the just value of a note or other obligation for payment of money that which is secured by a mortgage, deed of trust, or other lien on Florida real property. Agreements and contracts for deeds and written agreements not to encumber or convey realty are subject to this levy.

(b) The following are examples of property subject to the nonrecurring tax:

1. Agreements or contracts for deed.

2. Agreements not to encumber real property if the agreement attaches as a lien on the real property.

3. Future Advances – to the extent secured by a lien on Florida real property.

4. Line of Credit – to the extent secured by a lien on Florida real property, as described in Section 199.143, F.S.

(c)2. Example: Note and mortgage given to secure loan with a principal amount of \$1,000,000.

Tax computation:

Principal	\$1,000,000.00
Tax rate	x .002
Tax due	\$2,000.00
Tax due	\$2,000.00

(3)(a)(b)1. Where a note, bond or other obligation for the payment of money is secured by realty located both inside and outside in and out of the state and by personal property located both inside and outside in and out of the state, the nonrecurring tax is required to shall be apportioned based on each type of property's relative percentage of the principal amount of debt at the time the obligation is created.

(b)2.a. Example: Note and mortgage given to secure a loan of \$1,000,000. The mortgage includes real property realty located in and out of Florida as well as personal property personally located in and out of Florida. The lender is a Florida Business.

Security	Value	Percentage	Tax
Value of Florida <u>Real Property Realty</u>	\$250,000.00	25%	\$500.00(*)
Value of NonFlorida <u>Real Property Realty</u>	250,000.00	25%	-0-
Total Value of All <u>Real Property Realty</u>	500,000.00	50%	N/A

Value of Florida <u>Personal</u>			
<u>Property</u> <u>Personalty</u>	250,000.00	25%	\$375.00(**)
Value of NonFlorida			
<u>Personal</u> <u>Property</u> <u>Personalty</u>	250,000.00	25%	\$375.00(**)
Total Value of All <u>Personal</u>			
<u>Property</u> <u>Personalty</u>	500,000.00	50%	\$750.00(**)
Total Collateral	\$1,000,000.00	100%	

(\*) Nonrecurring 2 mill tax

(\*\*) There is no tax on personal property. Annual tax on outstanding balance January 1 of tax year.

b. Example:

Note and mortgage given to secure a loan of \$1,000,000. The mortgage includes realty located in and out of Florida as well as personalty located in and out of Florida. Assume the lender does not have a taxable situs within Florida.

Security	Value	Percentage	Tax
Value of Florida Realty	\$250,000.00	25%	\$500.00
Value of Non Florida			
Realty	250,000.00	25%	0
Total Value of All Realty	500,000.00	50%	N/A
Value of Florida			
Personalty	250,000.00	25%	0
Value of NonFlorida			
Personalty	250,000.00	25%	0
Total Value of All			
Personalty	500,000.00	50%	N/A
Total Collateral	\$1,000,000.00	100%	

(c)1.a. Notes and mortgages securing future advances or lines of credit are taxable at the time each advance is made whether or not a note is recorded and tax is due only on the amount of the advance.

b. Example: A mortgage on Florida real estate provides for future advances up to a total of \$1,000,000. A future advance is made for \$500,000. Nonrecurring tax in the amount of \$1,000 (\$500,000 x .002 = \$1,000) is due.

2.a. A line of credit secured by the equity in a borrower's home is subject to nonrecurring tax on the maximum amount of the line. Subsequent borrowings under the line are not subject to nonrecurring tax.

b. Example: A borrower establishes a \$50,000 line of credit with a bank and secures the line with a mortgage on the equity in his home. The borrower initially draws the full line of \$50,000 and pays nonrecurring tax on this maximum amount. The borrower later repays \$30,000 of the initial amount borrowed and then draws another \$15,000. The \$15,000 draw of funds under the line is not subject to nonrecurring tax, since the nonrecurring tax was already paid on \$50,000, the maximum credit limit under the line.

(3)(a)(4)1. Where the value of real property estate pledged to secure an obligation is less than the balance of the obligation, then the annual tax is applicable to that amount of the obligation exceeding the value of the real estate if the lender has a taxable situs in the state. The amount of the obligation secured by the value of Florida real property estate is subject to the nonrecurring tax.

(b)2. Example:

Principal Amount of Loan	\$1,000,000.00
Less Value of Florida Real <u>Property</u> <u>Estate</u>	<u>- 500,000.00</u>
<u>Amount</u> (subject to nonrecurring tax)	<u>\$ 500,000.00</u>
<u>Amount Not Secured by Real Estate</u>	
<u>subject to annual tax</u> )	<u>\$500,000.00</u>

Specific Authority 199.202, 213.06(1) FS. Law Implemented 196.199(2)(b), ~~199.032~~, 199.133, 199.135, 199.143, 199.145, 199.155, 199.183, 199.185 FS., s. 1, Ch. 2001-885, L.O.F. History—New 4-17-72, Revised 12-20-73, Amended 5-8-79, Formerly 12C-2.04, Amended 11-21-91, 5-18-93, 10-9-01, \_\_\_\_\_.

12C-2.005 Reporting Requirements – Due Date – Payment of Tax – Discounts Allowed.

(1)(a)1. Governmental Leasehold Annual Tax –

(a)1.a. Every person, regardless of domicile, who leases property from a governmental entity in this state, is required to file a return with the Department. All intangible personal property subject to tax is required to shall be assessed at its just value as of January 1 of each year. The tax is to be reported on a Governmental Leasehold Intangible Personal Property Tax Return (Form DR-601G, incorporated by reference in Rule 12C-2.0115, F.A.C.). The return and the tax are shall be due June 30 and shall be paid on or before June 30 of each the year it is due to be paid.

2.b. A No return, accompanied with tax due, for the current tax year, that is postmarked or delivered to received by the Department on or before department shall be considered delinquent if it bears a postmark date of June 30 of the tax year will be considered timely filed or earlier. A return that bears a postmark, or is delivered to the Department, after June 30 of the tax year is delinquent.

e. When June 30 falls on a Saturday, Sunday, or legal state or federal holiday, returns postmarked or delivered to the Department department on the next succeeding workday will be deemed to have been filed timely. For purposes of this rule, a legal holiday means a holiday that is observed by federal or state agencies as a legal holiday as this term is defined in Chapter 683, F.S., and s. 7503 of the Internal Revenue Code of 1986, as amended. A "legal holiday" pursuant to s. 7503 of the Internal Revenue Code of 1986, as amended, means a legal holiday in the District of Columbia or a statewide legal holiday at a location outside the District of Columbia but within an internal revenue district.

d. The full amount of the tax shown on a return must accompany the return at the time it is filed.

2.e. The following discounts may be claimed Annual taxes paid during the following periods shall be entitled to a discount for early payment when the return and payment are postmarked or delivered to the Department on or before the last day of the month of the following periods:

a.(F) 4% during January and February;

b.(H) 3% during March;

- ~~c.(III)~~ 2% during April;  
~~d.(IV)~~ 1% during May;  
~~e.(V)~~ No discount ~~during for taxes paid in~~ June.

~~3.2.~~ The postmark date will determine the date of payment for payments mailed to the department. If no postmark is available, ~~then~~ the date indicated by the taxpayer on the return signature line or the date of delivery to the Department ~~department~~ will be the date of payment.

~~(b)4.~~ When the tax due, before discount is less than \$60, no return is required to be filed and no tax is due. Taxpayers who receive a Government Leasehold Intangible Personal Property Tax Return from the Department for which no tax is due may file the return, without payment, to inform the Department that no tax is due. Filing this informational return will eliminate additional inquiries from the Department regarding the filing of the return. Taxpayers who are under audit, examination, or investigation by the Department will be required to file a completed return, even the amount of tax due with the return is less than sixty dollars (\$60). No person subject to the annual tax shall be required to file a return or pay a tax if the tax due, before discount, is less than sixty dollars (\$60.00).

2. The annual return filing requirement will be satisfied by a corporation filing an annual report with the Department of State which indicates whether the corporation has a liability for the intangible tax. Corporations not required to file an annual report with the Department of State must file an intangible tax return even though no tax is due.

(2) Nonrecurring Tax –

(a) The nonrecurring 2 mill tax on notes, bonds and other obligations for the payment of money which are secured by mortgage, deed of trust or other lien on Florida real property is ~~shall be~~ due and payable at the time the instrument is presented for recordation.

(b) If there is no written instrument, or if the written instrument is not presented for recordation, the nonrecurring tax of 2 mills ~~is shall be~~ due and payable within 30 days following the creation of the obligation.

(c) If a mortgage, deed of trust, or other instrument evidencing a lien subject to the nonrecurring tax secures a revolving line of credit, a line of credit, or future advances, the tax ~~is due, shall be paid~~ as provided in paragraphs (a) and (b) ~~of this subsection~~ on the initial debt or obligation, excluding future advances. Thereafter, each time a future advance is made under a future advance mortgage additional nonrecurring tax ~~is due shall be paid~~.

(3) Extension of Time ~~time~~ for Filing ~~filing~~ Government Leasehold Tax Return ~~annual tax~~.

(a)1. The Department will ~~department shall~~ grant an extension of time of 3 months for filing a return or reporting ~~report~~ and paying the tax when it is determined there is

reasonable cause for granting the extension. Reasonable cause for the purpose of administering these provisions shall be deemed to be one of the following:

a. Having been granted an extension of time to file federal income taxes. A copy of the extension from the Internal Revenue Service ~~IRS~~ must accompany the request for extension of time; or

b. A tax payment of 100% of last year's intangible tax or 90% of the current year's tax accompanies the request for extension; or

c. The records necessary to complete the return are not available due to fire, illness or death of the person having the knowledge to complete the return; or

d. Reasonable cause is established under the provisions of Rule 12-13.007, F.A.C.

2. All requests for extensions of time, for filing returns or reporting ~~reports~~ and paying the tax, must be filed with the Department on a Governmental Leasehold Intangible Personal Property Tax Application for Extension of Time to File Return (Form DR-602G, incorporated by reference in rule 12C-2.0115, F.A.C.) ~~made in writing~~ and must be received by the Department on or before June 30 of the tax year ~~department~~ prior to the due date. Request for extension of time to file an intangible tax return is to be made on form DR-602 (Intangible Tax Application for Extension of Time to File Return, incorporated by reference in Rule 12C-2.0115, F.A.C.). The Department will notify inform taxpayers only if the request is ~~of requests that are denied~~.

~~2.3.~~ The extension of time covers the period July 1 through September 30. No penalty will be assessed if the return is filed and the tax due is paid on or before September 30 of the tax year. All taxes paid after June 30 of the tax year with an extension of time are subject to interest as provided prescribed in Rule 12C-2.007, F.A.C. Interest will be assessed on tax paid after June 30, including those taxes for which an extension of time to file and pay has been granted.

(b) Examples:

1. A taxpayer requested and was granted an extension of time to file ~~a an intangible~~ tax return and paid the tax due with the return. The extension was granted through September 30 of the tax year. On September 30 of the tax year, intangible tax in the amount of \$100 is paid. No penalties are due because of the approved extension of time to file. However, interest in the amount of \$3.00 is due. (See Rule 12C-2.007, F.A.C.)

Tax Due With Return	\$100
Penalties	0
Interest	<u>3</u>
Total Due With Return	\$103
Interest	3
Total Due With Return	\$103

2. A taxpayer is granted an extension of time to file ~~a an~~ intangible tax return and pay the tax due with the return. The extension was granted through September 30 of the tax year. On October 1 of the tax year a return is filed and the intangible tax is paid. On October 1, ~~this date~~ the extension of time to file is void. The taxpayer is liable for all penalties and interest from June 30 of the tax year ~~date~~ until the date paid. (See Rule 12C-2.007, F.A.C.)

Tax Due With Return	\$100
Penalties: Delinquency (40%)	
Late Filing (40%)	
[Maximum delinquency and late filing Penalty (40%)]	40
Interest	<u>3</u>
Total Due With Return	<u>\$143</u>
Interest	<u>3</u>
Total Due With Return	\$143

Specific Authority 199.202, 213.06(1) FS. Law Implemented 196.199(2)(b), 199.042, 199.052, 199.135, 199.202, 607.1622 FS. History—New 4-17-72, Revised 12-20-73, Amended 11-17-74, Formerly 12C-2.05, Amended 11-21-91, 10-9-01, 5-4-03,\_\_\_\_\_.

#### 12C-2.006 Taxable Situs – Reporting Requirements – Who Shall File a Return.

(1) Every person who is a legal resident of this state, or any person, regardless of domicile who has management or control of intangible personal property that has acquired a taxable situs in this state, shall file a return with the Department on or before June 30, except as provided in paragraph 12C-2.005(1)(b) and subsection (3), F.A.C.

(b)1. Individuals, married couples filing jointly, and guardians filing on behalf of their ward shall file on form DR-601I, Intangible Personal Property Tax Return (incorporated by reference in Rule 12C-2.0115, F.A.C.).

2. Corporations, partnerships, affiliated groups, and fiduciaries shall file on form DR-601C, Intangible Personal Property Tax Return for Corporation, Partnership, and Fiduciary Filers (incorporated by reference in Rule 12C-2.0115, F.A.C.).

3. A group of corporations, Subchapter S corporations, or limited liability companies may choose to file as an affiliated group if they meet the following criteria:

a. An affiliated group has a common parent that directly owns at least 80% of all classes of stock or membership interest in a limited liability company and at least 80% of each class of nonvoting stock or membership interest in a limited liability company of one or more of the corporations or limited liability companies in the group. As used here, the term nonvoting stock or membership interest does not include stock or membership interests in a limited liability company that is limited and preferred as to dividends.

b. The affiliated group may be connected through a chain of ownership from the parent to the subsidiaries or from the parent to subsidiary to the subsidiary's subsidiary.

c. The election to file as an affiliated group must be made each year. A notice of the election must be filed with the Department on or before June 30 of the tax year. The election and notice is made by selecting the affiliated group filing status on form DR-601C. Failure to file the notice of the election shall bar the filing of a consolidated return except as provided in this rule. An affiliated group which does not intend to file a consolidated return shall indicate its intent by filing separate returns for each entity subject to the intangible tax.

d. An affiliated group which has failed to file any returns for one year may choose to file a consolidated intangible tax return for one delinquent year provided the group has filed consolidated returns for the three immediate prior years. If timely returns were filed by members of the group, the group may not file a consolidated return after the due date for filing a consolidated return.

e. The parent entity files a consolidated return. This parent entity does not have to have a taxable situs in Florida. All subsidiaries that meet the ownership rule must be included in the consolidated group. Subsidiary entities that are foreign to the United States must be included in the consolidated group if the ownership test is met. When a consolidated return is filed, all accounts receivable between the entity's that are part of the consolidated group return are to be eliminated. Also, the parent entities investments in subsidiaries that are included as part of the consolidated group are to be eliminated. Accounts receivable and the parent entity's investments in subsidiaries that are not part of the consolidated group remain as items subject to the intangible tax. The capital investment of the parent entity, owned by a member of the consolidated group, is not eliminated from taxation.

f. An affiliated group filing a consolidated return must include the following with the intangible tax return:

(I) A consolidated balance sheet for the group identifying the taxable items and the eliminated items

(II) A separate balance sheet for each entity included in the consolidated group.

(III) A list identifying the parent entity's name, Employer Identification Number, state of charter and charter number, and mailing address (including city, state and zip code) and the name, Employer Identification Number, state of charter and charter number, and mailing address (including city, state and zip code) for each entity included in the consolidated return.

4. Governmental Leasehold Estates are to be reported on form DR-601G, Governmental Leasehold Intangible Personal Property Tax Return for Individual and Joint Filers (incorporated by reference in Rule 12C-2.0115, F.A.C.).

(2) A person will be required to file completed returns even though that person may owe less than sixty dollars (\$60.00) tax, if that person is under audit, examination, or investigation by the Department.

(3) Trustees

(a) For tax years beginning after December 31, 2000, trustees are no longer required to file intangible tax returns or pay a tax.

(b) For tax year 2000 and previous tax years, the taxable situs of a trust shall be in Florida if the trustee's usual place of business where the books and records pertaining to the trust are kept is in Florida or, if the trustee has no principal place of business, then taxable situs shall be determined as follows:

1. If a Florida resident is sole trustee of a foreign trust, the trust is deemed to have a taxable situs in Florida and the corpus is subject to tax.

2. If there is more than one trustee, and all are Florida residents, only one return is to be filed.

3. When trustees are both residents and nonresidents and management and control of the trust is with the Florida trustee, then a return for the trust is to be filed by the Florida trustee.

4. When trustees are both residents and nonresidents, and management or control is with an out of state trustee, then no return is necessary by the Florida trustee.

5. When there are two trustees, one is a resident and one a nonresident and they share equally in management and control of the trust, the assessment of property shall be apportioned between them.

6. When there are three or more trustees, and they are residents and nonresidents and they share equally in the management and control, the trust has a taxable situs in this state if the majority of the trustees are residents of this state. In such a case, only one return is to be filed for the trust. If the majority of the trustees are nonresidents, the trust does not have a taxable situs in this state and no return is to be filed.

(4) Grantor Subject to Tax — A Florida domiciled grantor of a trust is subject to intangible tax on an item of intangible personal property held as an item of trust principal under the following circumstances:

(a) The grantor retains the right to revoke the trust in whole or in part.

(b) The grantor has the power to appoint or direct distribution of trust principal, other than by naming or removing beneficiaries pursuant to a limited testamentary power to add beneficiaries other than the grantor, the grantor's creditors or creditors of the grantor's estate. Example. Individual A, a Florida domiciliary, transfers \$100 to the sole trustee of the A trust under a written trust agreement. Neither the trustee nor the trust are domiciled or transact business in Florida. The trust is irrevocable, and individual C is the sole beneficiary. The trust agreement provides that A may direct the trustee to distribute any item of trust property to any person other than A or A's creditors. The trust agreement also provides

that any person may Contribute property to the trust for no consideration, such property to be subject to the terms of the trust. On the last business day of a calendar year, A transfers all the shares of stock in ABC Corporation, with a just value of \$100 million, to the trust. On the first business day of the following calendar year, A appoints and directs the trustee to distribute the ABC stock to the B trust. The B trust contains the same provisions as the A trust, except that the B trust is revocable. Even if this A trust were found to be a valid (non illusory) trust, A would be treated as having retained ownership, management and control of the ABC stock, and would be subject to tax on the ABC stock.

(c) The grantor has the right to veto or rescind, or must approve of, the trustee's actions with respect to the item of trust principal.

(d) The grantor has the right to remove or appoint trustees, or the right to remove or appoint another person with such a right, unless the power is limited to specific conditions not within the control of the grantor or such other person.

(e) In no circumstances shall the annual tax be due more than once each year upon a particular item of intangible personal property.

(5) Personal Representatives:

(a) Personal representatives domiciled in Florida must file a return for all property in their custody if the decedent was domiciled in Florida, or the laws of the decedent's domiciliary state allow the tax situs of a decedent's estate to attach to the administrator after the letters of administration have been granted by a court.

(b) Personal representatives who are not residents of Florida, but are administering an estate of a decedent whose domicile was Florida, must file a return for the estate.

(6) Corporations: Every corporation electing to pay the tax as agent for its Florida stockholders must file a return by June 30 of the tax year, even if no tax is due with the return. If no return is filed or the return is filed after June 30, the election to pay the tax for stockholders will not be valid. Form DR 601C, Intangible Personal Property Tax Return (incorporated by reference in Rule 12C 2.0115, F.A.C.), is the form to be used when filing and paying the tax as agent for shareholders.

(7) Taxpayer Identification Number Required:

(a) Every return must list the Social Security number or Federal identification number of the property owner. An individual filer must list his or her Social Security number on the return. In the case of a joint return the Social Security numbers, if assigned, must be listed for both husband and wife. The husband's Social Security number is to be listed first on a joint return. Corporations, partnerships and fiduciaries are to list the employer identification number assigned by the Internal Revenue Service on the return.

(b) A fiduciary filing for more than one account must separately identify each account by the assigned taxpayer identification number.

Specific Authority 199.202, 213.06(1) FS. Law Implemented 199.052, 199.057, 199.062, 199.175, 199.202 FS. History—New 4-17-72, Revised 12-20-73, Amended 11-17-74, 9-27-76, 9-6-77, Formerly 12C-2.06, Amended 11-21-91, 1-5-94, 6-2-98, 10-9-01, 5-4-03, Repealed.

12C-2.0061 Transfer of Intangible Personal Property to Certain Out-of-State Entities.

~~(1) This rule delineates certain circumstances in which intangible personal property would not have taxable situs in Florida. This rule is intended to provide taxpayers with criteria under which intangible personal property may not be taxable. Failure to meet one or more of the following criteria does not create any presumption with respect to taxable situs or taxation of intangible personal property and means only that the taxpayer does not come within the guidelines of this rule. Taxable situs and taxability of intangible personal property held by taxpayers who fail to meet the following criteria will be judged upon the facts and circumstances applicable to the taxpayer. This rule does not provide the basis upon which an assessment can be made or sustained. If an item of intangible personal property, which would otherwise be subject to the annual tax, is transferred to a corporation or partnership organized under the laws of another state and domiciled in another state, the item does not have taxable situs if each of the following criteria are met, both for the corporation or partnership and any general partner:~~

~~(2) The laws of each applicable jurisdiction, including those governing formation and operation, have been complied with.~~

~~(3) The transfer is complete before January 1 of the tax year.~~

~~(a) Transfer means conveyance of legal title to and all ownership of, including all rights to control and manage in Florida, the item of intangible personal property.~~

~~(b) Voluntary transfer of the item back to the transferor, or to any other person domiciled in Florida, after January 1 does not, by itself, cause the item to have taxable situs in Florida for that tax year.~~

~~(4) Neither the transferor, nor any person domiciled in Florida, owns the item or may exercise management or control of the item in Florida. All management and control of the item occurs outside of Florida, including communications and correspondence concerning the item.~~

~~(a) Officers, employees, and other agents of the transferee exercised management and control outside of Florida. They must perform functions consistent with the responsibility for management and control of the item outside of Florida.~~

~~(b) Presence or residence of a shareholder, partner, board member, officer, employee, agent, or representative, in Florida does not, by itself, cause an item of intangible personal property owned by the corporation or partnership to have taxable situs in Florida.~~

~~If, however, the shareholder, partner, board member, officer, employee, agent, or representative may exercise management or control with respect to that item while in Florida, other than a shareholder or limited partner acting solely in its capacity as shareholder or limited partner respectively, then that item does not come within the guidelines of this section.~~

~~(5) The transferee is not legally or commercially domiciled in Florida.~~

~~(6) The transferee is not transacting business in Florida.~~

~~Example—Corporation X transacts business in Florida. It sells an item of tangible personal property on credit to a natural person, John Smith, in Florida. John Smith is a Florida resident. As a result of the transaction, Corporation X has an account receivable from Smith. ABC is a partnership that is not related to Corporation X, that is not domiciled in Florida, and that does not transact any business in Florida. On December 1, 1997, in a transaction that occurs outside of Florida, Corporation X sells the receivable to ABC for its fair market value, and retains no interest in or obligation with respect to the receivable; however, Corporation X does retain an option to purchase the receivable should ABC offer it for sale. No further transactions occur during 1997. No person domiciled or transacting business in Florida owned, managed, or controlled the receivable when it was owned by ABC. In a transaction that occurs outside of Florida after January 1, 1998, ABC sells the receivable back to Corporation X for its fair market value, and retains no interest in or obligation with respect to the receivable. On January 1, 1998, the receivable did not have taxable situs in Florida.~~

~~(7) Terms and conditions of the transfer are those of an arm's length transaction. Sale of an item of intangible personal property in exchange for its fair market value is one indication, though not conclusive, that the terms and conditions of the sale are those of an arm's length transaction.~~

~~(8) Books and records must be kept and maintained by the transferee outside Florida.~~

~~(9) Books and records and financial statements of the transferor, the transferee, and any involved agent (e.g., broker) must show entries consistent with ownership, management and control by the transferee outside of Florida.~~

~~(10) Reporting and payment requirements, under applicable federal or state laws, that are associated with the sale or other transfer of the item of intangible personal property, must have been complied with consistent with ownership, management and control outside of Florida.~~

~~(11) Documentary evidence must be maintained that establishes that legal transfer was completed to the transferee corporation or partnership before January 1 of the tax year, that management and control existed and was exercised outside of Florida, and that the transfer meets each of the above requirements. Examples of documents and items that may contain evidence establishing a legal transfer include the following and any modifications thereto. The absence of one~~

or more of the following documents and items does not mean that a taxpayer cannot otherwise establish that the taxpayer meets the criteria of this rule.

(a) Organizational documents filed with appropriate state officials.

(b) Formally and properly adopted by laws, minutes and resolutions of meetings.

(c) The principal place of business of the transferee, where the business of the transferee is actually carried on, is held out to be and is in fact maintained outside of Florida.

(d) Receipts for transportation, meals and lodging.

(e) In the case of a security, notification to issuers and stock brokerage firms of change of ownership.

(f) In the case of an account receivable, notification to the obligor of change of ownership, management, and control.

(g) Officers and any other employees and/or other agents of the transferee receive compensation consistent with the responsibility for management and control of the assets.

(h) Maintenance by the transferee of an account with a bank or other financial institution in a state, other than Florida, where it maintains its principal place of business.

(i) Tax returns and proof of payment for federal tax and taxes of all applicable states.

(j) Any and all forms and records and fees required to be filed, kept or paid by federal law or the law of any relevant state.

(k) Contemporaneous written explanations of how transactions were effectuated, and why they are considered to be at "arms length."

(l) Contracts, sales agreements, invoices, and other instruments relevant to transactions.

(m) Evidence of consideration exchanged in the transfer of the item of intangible personal property and in other transactions related to it.

Specific Authority 199.202, 213.06(1) FS. Law Implemented 199.052, 199.175 FS. History--New 6-2-98, Repealed.

#### 12C-2.0062 Management or Control.

(1) This rule provides guidance on management and control for purposes of Rules 12C-2.0061 and 12C-2.0063, F.A.C., which describe certain circumstances in which an item of intangible personal property would not have taxable situs. This rule is also intended to provide taxpayers with separate criteria under which management or control would not exist with regard to intangible personal property. Taxable situs and taxability of intangible personal property held by taxpayers whose circumstances do not fall within the following provisions concerning management and control will be judged upon the facts and circumstances applicable to the taxpayer. This rule does not provide the basis upon which an assessment can be made or sustained.

(2) Control is power, authority, or right to exercise influence over an item of intangible personal property. Management is indicated by organizing, effecting or implementing control.

(a) The terms control or manage do not include any ministerial function or any processing activity. A ministerial function is an act the performance of which does not involve the exercise of discretion or judgment. A processing activity is an activity undertaken to administer or service intangible personal property in accordance with such terms, guidelines, criteria or directions as are provided solely by the owner of the property. Methods, systems, or techniques chosen by the processor to implement such terms, guidelines, criteria or directions are not considered the exercise of management or control.

(b) Except as provided in sub-paragraph (2)(a) of this rule, management or control of an item of intangible personal property includes the possession or exercise, in whole or in part, of the right to:

1. Transfer or otherwise dispose of the item, including by selling, conveying, encumbering, assigning, delegating, alienating, or abandoning; or

2. Compromise, release, relinquish, or waive any right or claim with respect to the item.

(3) If a person exercises control or management of intangible personal property, that person will be considered to control or manage the property regardless of any written or oral agreements to the contrary. An isolated act by an employee, representative or agent without authority, does not by itself constitute management or control.

(4) Management or control of an item of intangible personal property does not include a shareholder or limited partner acting solely in its capacity as shareholder or a limited partner of a corporation or limited partnership, respectively, that owns the item. Where an employee in the course of their employment exercises management or control over intangible personal property, the acts of the employee shall be attributed solely to the employer as if the employer has performed the acts.

(5) Servicing agreements. A servicing agreement, whereby the servicing agent performs ministerial functions or processing activities regarding intangible personal property, does not confer management or control over the intangible personal property on the servicing agent.

Specific Authority 199.202, 213.06(1) FS. Law Implemented 199.052, 199.175 FS. History--New 6-2-98, Repealed.

#### 12C-2.0063 Intangible Personal Property Held in Trusts.

(1) This rule delineates certain circumstances in which intangible personal property would not have taxable situs in Florida. Failure to meet one or more of the following criteria does not create any presumption with respect to taxable situs. An item of intangible personal property, otherwise subject to

tax, that is transferred to and held in a valid trust does not have taxable situs in Florida when each of the following criteria are met:

(2) The trust must be formed and operate pursuant to a fully executed and acknowledged written trust agreement, and the trust must be valid under the laws of the state in which it was created and laws governing the trust.

(a) The transfer of intangible personal property to the trust must be valid and complete prior to January 1 of the tax year. Transfer means the conveyance of legal title to and all ownership of, including all rights to control and manage, the item of intangible personal property.

(b) The transfer of intangible personal property to a trust which would be deemed illusory under applicable laws is not a valid transfer for purposes of the intangible tax.

(3) The trustees must have been granted full fiduciary powers by the terms of the written trust agreement.

(4) The grantor is not a Florida domiciliary or must not have any right or privilege reserved to or granted for himself, with respect to any right of ownership, management or control of the trust or any item of trust principal.

(5) The trust beneficiary is not a Florida domiciliary or has no rights other than to receive distributions of income or distributions from trust principal at the discretion of the trustees.

(6) If the trust includes any of the following powers, an item of intangible personal property constituting trust principal is not within the guidelines of this rule that describe certain, but not all, circumstances in which items of intangible personal property would not have taxable situs in Florida:

(a) The grantor retains the right to:

1. Revoke the trust, or

2. Appoint assets out of the trust corpus, or

3. Name and/or remove beneficiaries (except pursuant to a limited testamentary power to add beneficiaries other than the grantor, the grantor's creditors or creditors of the grantor's estate).

(b) The grantor or any other Florida domiciliary has the right to remove the trustee, unless the power is limited to specific conditions not within the control of the grantor or such other person.

(7) A trust provision that requires the reversion of assets back to the grantor does not, in and of itself, make the property subject to tax unless the provision directs the form or type of assets that must be returned to the grantor. A grantor may include any person contributing assets to the trust. Example: Individual A transfers \$100 to the sole trustee of a trust under a written trust agreement. Neither the trustee nor the trust are domiciled or transact business in Florida. The trust is irrevocable, and individual B is the sole beneficiary. B is domiciled in Florida. No powers are expressly reserved to A by the literal terms of the trust agreement. The trust agreement provides that any person may contribute property to the trust

for no consideration, such property to be subject to the terms of the trust. The trust agreement requires that the trustee distribute to B, on the first business day following January 1 of each calendar year, all trust assets contributed and any additional principal in excess of the \$100. On the last business day of a calendar year, B transfers shares of stock in ABC Corporation, with a just value of \$100 million, to the trust. B would be treated as the grantor with respect to the ABC stock for purposes of this rule. The ABC stock would not be within the guidelines of this rule, in that the ABC stock must be returned to B, the grantor.

Specific Authority 199.202, 213.06(1) FS. Law Implemented 199.052, 199.175 FS. History--New 6-2-98, Amended 10-9-01, Repealed \_\_\_\_\_.

12C-2.007 Penalties and Interest.

(1) Delinquent Penalty.

(a) Any annual or nonrecurring tax which is not paid by the due date shall accrue a delinquent penalty of 10 percent of the tax due, per month or portion of a month, will accrue on the governmental leasehold estates intangible tax and the nonrecurring intangible tax that is not paid on or before the due date. The delinquent penalty will not to exceed a maximum of 50 percent of the tax due.

(b) Example:

1. Tax Return and payment postmarked July 5th of current tax year.

2. Tax due \$100

3. Calculation of Penalty:

Tax Due	\$100.00
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1 month late (1-10 = .10)	x 10
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Penalty	\$ 10.00
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(2) Late Filing Penalty. A late filing penalty of 10 percent of the tax due, per month or portion of a month, will accrue on governmental leasehold estates intangible tax returns not filed on or before the due date. The late filing penalty will not exceed 50 percent of the tax due.

(a) Any annual tax return not filed by the due date shall be charged a specific late filing penalty for each year or portion of a year the return remains unfiled. The late filing penalty accrues at the rate of 30 percent of the tax due with the return for each year or portion of a year until paid. This penalty is in addition to any other penalty which may be due.

(b) Example:

1. Tax return and payment postmarked July 5th of current tax year.

2. Tax due \$100

3. Calculation of Penalty:

Tax due	\$100
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Delinquency penalty	\$ 10
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Late filing penalty	\$ 30
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Tax and penalty due	\$140
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Tax & penalty due	\$140
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(3) ~~The combined penalties provided in subsections (1) and (2) will not exceed 10 percent of the tax due per month, or portion of a month, and is limited to 50 percent of the tax due. Beginning with tax year 1999 and thereafter, when a tax payment is delinquent and the tax return is filed after June 30 of the tax year, the maximum for the combined penalties shall be 10 percent per month, not to exceed a maximum of 50 percent of the tax due with the return.~~

~~(4) Omitted Property Penalty.~~

~~(a) Property which is omitted from a return shall be subject to a specific penalty of 30 percent of the tax due on the omitted property and is also subject to the delinquency penalty.~~

~~(b)1. Examples:-~~

Tax due on omitted property	\$100
Delinquent penalty for 1 month	\$ 10
Omitted property penalty (.30)	\$ 30
Tax & penalty due	\$140

~~2. Same as Example 1, except omitted property was discovered during an audit 2 years after the tax was due.~~

Tax due on omitted property	\$100
Delinquent penalty for 1 month	\$ 50
(50% Maximum)	\$ 30
Tax & penalty due	\$180

~~(4)(5) Undervaluation Penalty.~~

~~(a) Governmental leasehold estate property Property which has been reported at an amount a value less than market just value is shall be subject only to a specific undervaluation penalty of 10 percent 30% of the tax due attributed to the undervaluation.~~

~~(b) Example: Property reported at a value of \$100,000. Its just value is \$200,000.~~

Tax due on undervaluation	\$100
Undervaluation penalty	
(100 x .30)	\$30
Total Tax plus penalty	\$130

~~(6) Penalty for Late Filing of a Security Position Statement.~~

~~(a) Security dealer/investment advisors who fail to timely file their Florida customer position statements are subject to an initial penalty of \$10 per customer position statement, plus the greater of 1% of the initial penalty or \$50 per month until the position statements are filed. The minimum penalty charged for failure to provide the customer position statements is \$100.~~

~~(b) Security dealer/investment advisors who do not hold securities on account for customers must notify the Department that they do not hold securities for customers. Failure to provide this notice on or before June 30 will subject the security dealer/investment advisor to a \$100 penalty.~~

~~(c) Position statements which are submitted in a form which is not compatible with the Department's data processing equipment or which are inaccurate are not consider filed.~~

~~(5)(7)(a) Interest accrues. All taxpayers shall pay interest at the following rate:~~

~~1. One Percent per month (prorated daily using the daily factor of .000328767) for payments due prior to January 1, 2000.~~

~~2. For payments due on or after January 1, 2000, the rate of interest established pursuant to Section 213.235, F.S., and Rule 12-3.0015, F.A.C. (prorated daily).~~

~~(b) Interest is due based on the amount of tax paid after June 30 of the tax year regardless of any extension of time granted by the Department for paying the tax or filing a return. Interest accrues on the unpaid tax beginning July 1 of the tax year and is calculated through and including the date of payment.~~

~~(8) Penalties for delinquency, late filing, undervaluation, or omission will be settled or compromised upon a showing by the taxpayer that the result was due to reasonable cause and not willful neglect as provided in Chapter 12-13, F.A.C. Interest cannot be waived unless there is doubt as to liability or collectability.~~

Specific Authority 199.202, 213.06(1), 213.21 FS. Law Implemented 196.199(2)(b), 199.052, 199.282, 213.235 FS. History--New 4-17-72, Revised 12-20-73, Amended 9-27-76, 4-2-78, Formerly 12C-2.07, Amended 11-21-91, 5-18-93, 4-2-00, 10-9-01, 5-4-03, \_\_\_\_\_.

12C-2.008 Information Reports.

~~(1) Each tax year, every corporation qualified or doing business in this state shall provide its Florida shareholders and the Department a written notification where applicable of the following:~~

~~(a) The corporation's election to pay the tax as agent for its Florida shareholders. The notice shall be filed on an Intangible Personal Property Tax Return for Corporation, Partnership, and Fiduciary Filers (form DR-601C, incorporated by reference in Rule 12C-2.0115, F.A.C.) by completing Schedule E and checking the notification box. A copy of the notice given to Florida shareholders is to be attached to the return.~~

~~(b) On or before April 1 of the tax year, corporations electing to pay the tax as agent for shareholders shall notify their Florida shareholders in writing of the election to pay the intangible tax as agent for shareholders. A representative copy of the written notice is to be attached to form DR-601C and filed with the Department.~~

~~(2)(a)1. Security brokers are required to file a position statement for each customer for whom they hold securities whose mailing address is within the state.~~

~~2. Security brokers means those broker/dealers registered with the Department of Banking and Finance, Division of Securities for the purpose of selling securities in this state.~~

~~(b)1. The position statement shall contain all the information prescribed by Section 199.062(3), F.S., and shall be filed on magnetic medium unless a hardship is shown. In~~

~~eases where hardships are established a paper copy of the position statement for each customer shall be sent to the department.~~

~~2. Examples of a hardship:~~

~~a. The broker/dealer does not have access to computer equipment; or~~

~~b. The broker/dealer has less than 100 customers.~~

~~(c) A broker/dealer claiming a hardship must contact the Florida Department of Revenue, Return Reconciliation, Building F, 5050 W. Tennessee Street, Tallahassee, Florida 32399 0100.~~

~~(3) Trustees and personal representatives shall file an information return when the beneficiary of the trust or estate reports the assets on his or her personal return. The return shall list all assets reported by the beneficiary and shall be on the form to be filed by a trustee or personal representative. Bank trust departments may satisfy the information return requirement by filing a list of trusts and the beneficiaries who have included the trust or estate assets on their personal return.~~

~~(4) Fiduciaries shall provide the department with a copy of all inventories, accountings, or amended inventories required to be filed with the court.~~

~~(5)(a) Personal representatives of estates shall file with the Department a copy of the Preliminary Notice and Report (form DR 301, incorporated by reference in Rule 12C 3.008, F.A.C.).~~

~~(b) Personal representatives of estates shall file with the Department a copy of the estate inventory, or amended inventory, whether or not an inventory is required to be filed with the court. They are to be mailed to: Florida Department of Revenue, Compliance Support, 4070 Esplanade Way, Room 335 R, Tallahassee, Florida 32399 0100. The Department of Revenue shall have 30 days following the service of the estate inventory or Federal Estate Tax Return (form 706) in which to file or amend a claim for taxes owed by the decedent.~~

~~Specific Authority 199.202, 213.06(1) FS. Law Implemented 199.052, 199.057, 199.062, 199.185, 607.1622, 733.702 FS. History-- New 4-17-72, Revised 12-20-73, Amended 4-21-75, Formerly 12C-2.08, Amended 7-31-90, 11-21-92, 1-5-94, 10-9-01, 5-4-03, Repealed \_\_\_\_\_.~~

~~12C-2.010 Valuations.~~

~~(1) Annual Tax.~~

~~(a) Shares of stock of corporations regularly listed on any stock exchange or regularly traded over the counter shall be valued at their closing price on the last business day of the previous calendar year.~~

~~(b) Shares of stock of corporations which are subject to restrictions or are letter stock shall be valued based on the facts and circumstances of each case. Taxpayers owning shares of restricted stock, wishing to establish a discount prior to filing a return, may request a letter of technical advice or a technical assistance advisement.~~

~~(c) Shares of stock in corporations which are closely held and are not regularly traded over the counter, having no actual sales within a reasonable period of time, shall be valued using generally accepted valuation methods applied to the following valuation approaches:~~

~~1. Capitalization of earnings or dividends;~~

~~2. Weighted average of factors;~~

~~3. Adjusted book value;~~

~~4. In addition, consideration shall be given to the influence of the following factors on the marketability of the shares being valued:~~

~~a. The nature of the business;~~

~~b. The history of the enterprise;~~

~~c. The economic outlook in general;~~

~~d. The economic condition and outlook for the industry;~~

~~e. The book value of the stock;~~

~~f. The adjusted book value of the stock;~~

~~g. The financial condition of the business;~~

~~h. The earning capacity of the business;~~

~~i. The dividend paying capacity—whether or not the company has paid a dividend;~~

~~j. The company's value of goodwill or other intangible value;~~

~~k. The sales of the stock;~~

~~l. The size of the block to be valued; and~~

~~m. The market price of stocks of corporations in the same or similar line of business.~~

~~(d) Shares of stock of corporations subject to restrictive agreements—Where shares of stock were acquired subject to an option reserved by the issuing corporation to repurchase at a certain price, the option may represent the fair market value. If the option or buy and sell agreement, is the result of voluntary action by the stockholder and is binding during his life as well as at death, such an agreement may or may not fix the value, depending on the facts and circumstances of each case. Where the stockholder is free to dispose of his shares during his life and the option is to become effective only upon death, the fair market value is not limited to the option price.~~

~~(e) Shares of stock have no taxable value until issued.~~

~~(f) Treasury stock acquired by the corporation for a specific purpose is valued based upon the purpose for which it was acquired.~~

~~(g)1. The interest of a limited partner in a limited partnership registered with the Securities and Exchange Commission is to be valued at its traded market value when traded on an exchange or over the counter.~~

~~2. Those limited partnership interests having no current traded market value are to be valued at their acquisition cost.~~

~~3. A taxpayer who believes his limited partnership interest has a value less than the acquisition cost may submit evidence with his return to establish a lesser value.~~

4. The interest of a limited partner in a partnership which is organized as an investment fund is valued for tax purposes based only on the assets in the portfolio which are subject to tax under Chapter 199, F.S. For example: The fund holds in its portfolio of assets U.S. Government Debt obligations (50%), State of Florida bonds (25%), Corporate bonds (15%), and other securities (10%). The taxable value of an interest in this limited partnership (fund) would be 25% of the value of the limited partnership interest (net asset value).

(h) ~~Accounts receivable shall be valued at their outstanding balance as of the close of business on the last day of the previous calendar year, less a deduction of a reasonable amount for uncollectible accounts. Such deduction shall be established by actual amounts or shown by the history of uncollectible accounts. This provision shall apply even if the business is on a cash basis accounting system. Cross Reference subsection 12C-2.003(9), F.A.C.~~

(i) ~~Notes not secured by realty — The fair market value of a note will be presumed to be the unpaid balance on January 1 of each year, unless it can be shown to the satisfaction of the department that the note has a value less than the unpaid balance on January 1.~~

(j) ~~Business Trust — A money market or mutual fund which is organized under an agreement or indenture of trust shall be valued based upon the following guidelines to determine what portion, if any, of the net asset value of the trust will be exempt from taxation:~~

1. ~~The portion of the net asset value of the trust that is attributable to direct obligations of the United States Government is exempt from taxation.~~

2. ~~If the remaining portion of the net asset value of the trust, after removing the portion representing United States Government obligations, represents assets which are themselves exempt from Florida's intangible tax, then this portion of the net asset value of the trust's portfolio is also exempt from tax.~~

3. ~~If the remaining portion of the net asset value of the trust, after removing the portion attributable to United States Government obligations, represents any asset which is taxable under Florida law, then the remaining portion of the net assets value of the trust is subject to tax.~~

(k) ~~Bonds regularly traded on an exchange or over the counter are to be valued at their traded price. Bonds for which no traded value can be established can be valued at their face value.~~

(l) ~~Taxpayers who feel that a security does not have a value equal to the published traded value at years end or whose security has no traded value may present evidence with their intangible tax return to establish a lesser value. Any value established by the taxpayer is subject to audit by the Department.~~

(1)(m) Leases of Governmental Property Leasehold estates and possessory interest in governmental property.

(a)1. The just value of a lease of lessee's leasehold estate or possessory interest in governmental property described in subsection 12D-3.003(3), F.A.C., is shall be determined by valuing the lease rental payments for the remaining term of the lease on January 1 of the tax year, subject to the following provisions:

1.a. The lease ~~rental~~ payments to be valued do shall not include any amount for taxes, interest, insurance, repairs, maintenance, exclusive franchise or concession fees, costs of utilities, or similar charges required to be paid the lessor, and ~~shall~~ include only the amount paid by the lessee for the use of real or tangible property provided or owned by the governmental lessor, whether designated as a fixed sum, a percentage, or a variable amount.

2.b. If lease ~~rental~~ payments are nominal amounts, such as \$1 or \$10 per year, or the payments are significantly less than a fair market rental for the property, the annual fair market rent which would be paid by the lessee in the open market for comparable property under similar terms and circumstances will shall be the lease ~~rental~~ payment to be valued.

3.c. If the ~~lease rental~~ payments required by the lease are based on some factor other than the passage of time, such as a percentage of sales or profits, the lease ~~rental~~ payment to be valued will shall be based on the average annual rent actually paid by the lessee in prior years, providing the amount so determined is not nominal or significantly less than the fair market rental for the property. The average annual rental used will shall be determined from the amounts paid by the lessee for a period not to exceed the previous five years. If the average so determined is nominal or is significantly less than fair market value for the property, the lease ~~rental~~ payment to be discounted will shall be the annual fair market rental for the property.

4.d. Otherwise, the analyzed lease ~~rental~~ payment required under the lease is shall be the amount to be valued. The valuation factors to be used shall be based on the Federal Reserve discount rate – Atlanta – on the last business day of the preceding year, plus one percent.

5.e. The period for which the lease ~~rental~~ payments are to be valued shall be the number of years remaining under the lease, exclusive of renewal options, as of January 1 of the tax year. The year in which the lease will expire shall be considered a full year for the purpose of this rule.

6.f. If the final period for which the lease ~~rental~~ payment is to be valued is less than a year, the lease ~~rental~~ payment shall be valued using the 1 year value factor and the tax apportioned based on the number of months during the year that the lease is in effect.

(b)2. Nothing in this paragraph exempts tangible personal property, buildings, or real property improvements owned by the lessee from ad valorem taxation. Such items are not

includable in the just value of the lessee's interest in leased governmental property classified as intangible property. Cross Reference – Chapter 12D-3, F.A.C.

~~(c)3.~~ The following examples illustrate the provisions of this paragraph:

~~1.a.~~ Lessee makes \$4,000.00 annual payments to lessor that ~~which~~ includes \$1,000.00 tax on a lease with 10 years remaining and the Federal Reserve discount rate – Atlanta – is 11%. The value of the lessee's interest ~~is would be~~ determined by discounting the net annual rent of \$3,000.00 for 10 years at 12%. This results in a taxable value of \$16,950.60.

~~2.b.~~ A lessee has 10 years remaining on a percentage lease with an original term of 13 years and the Federal discount rate – Atlanta – is 11%. The lessee has paid \$5,000.00 in the first previous year, \$6,000.00 in the second previous year and \$4,000.00 in the third previous year. The value of the lessee's interest would be determined by averaging the prior payments of \$5,000.00, \$6,000.00, and \$4,000.00. The lessee's interest of \$5,000.00 would be discounted for 10 years at 12% or \$28,251.00.

(2) Nonrecurring Tax.

(a) All obligations for the payment of money, evidenced by note, bond, or deed of trust secured by a written specific lien on real property located in this state are valued at an amount ~~shall have a value~~ equal to the principal amount of indebtedness at the time of execution.

(b) Agreements for deed constitute intangible property within the classification subject to the nonrecurring tax as a lien in equity on real property. The agreements for deed or contracts for deed are ~~shall be~~ taxable at the principal amount of indebtedness at the time the agreement is executed.

~~(3) All other forms of intangible property not specifically covered by the preceding subsections of this section shall be valued in accordance with generally accepted valuation principles.~~

Specific Authority 199.202, 213.06(1) FS. Law Implemented 196.199(2)(b), 199.023, 199.052, 199.103, 199.155 FS. History–New 4-7-72, Revised 12-0-73, Amended 9-27-76, 8-8-78, 12-31-80, Formerly 12C-2.10, Amended 11-21-91, 5-18-93, 10-9-01,\_\_\_\_\_.

12C-2.0105 Tax Credits.

(1) Credit for taxes paid to another state.

~~(a) A credit is allowed every taxpayer subject to tax, other than a natural person, against the tax imposed on intangible personal property. The credit shall be allowed for an ad valorem intangible tax paid in a state other than Florida on intangible property which is also subject to intangible tax in Florida.~~

~~(b) The credit allowed is the lesser of the intangible tax paid to the other state or the intangible tax imposed by Florida on the same property.~~

~~(c) Persons claiming this credit shall attach to their intangible tax return a schedule of property which is subject to an ad valorem tax in Florida and another state. The schedule shall contain a description of the property, its taxable value, the other state in which it is also subject to tax, the amount of tax imposed and paid to the other state and the amount of intangible tax imposed by Florida on the property.~~

~~(2) Credit allowed banks and savings associations~~

~~(a) Banks and saving associations claiming this credit are to mark the box on the intangible tax return indicating that the return is for a bank or saving association.~~

~~(b) The credit is determined by subtracting the amount of credit allowed under Section 220.68, F.S., from 33 percent of the prior years intangible tax payment. The product of this subtraction is the amount of credit allowed. If the product is zero or a negative number no credit is allowed.~~

~~(c) The credit provided by this subsection applies only to tax year 1999 and previous tax years.~~

Specific Authority 199.202(2), 213.06(1) FS. Law Implemented 199.104, 199.106 FS. History–New 5-18-93, Amended 10-9-01, Repealed\_\_\_\_\_.

12C-2.011 Administration.

(1) Nonrecurring Tax – Payments made directly to Department.

~~(1)~~ Only nonrecurring tax due on obligations or advances made under instruments which have been previously recorded or which are not normally recorded or which are not normally taxed at the time of recording may be paid directly to the Department. This will include, but will not be limited to, tax payments due on an advance made under a future advance clause of a recorded mortgage on real property, advances made under a revolving line of credit secured by a recorded mortgage on real property, or the obligation created under an agreement or contract for deed.

(2) Persons paying the nonrecurring tax directly to the Department are required to file a report using department shall ~~use~~ the format described below to report and pay the tax:

(a)1. Include ~~Such report shall include~~ the taxpayer's name, mailing address, city and state, and the taxpayer's identification number.

2. Identify ~~To identify~~ the obligation for which tax is being paid, including the following the report shall also contain:

- a. The name of the obligor;
- b. The county in which the real property is located;
- c. The ~~the~~ official record book and page number of the recording, if any;
- d. The parcel number assigned by the county property appraiser or legal description;
- e. The amount on which tax is being paid;
- f. The date on which obligation or advance was made; and
- g. The amount of tax.

(b) ~~Taxpayers must mail these tax~~ Tax payments to ~~shall~~ be mailed to Florida Department of Revenue, 5050 West Tennessee Street, Tallahassee, Florida 32399-0100 or may be presented to a local office of the Department of Revenue.

(3) Taxpayers may apply to the ~~Department~~ department to pay the nonrecurring tax by ~~attaching~~ a list ~~attached~~ to ~~the~~ a report.

(a) ~~This No person shall use this procedure may not be used without prior approval of the Department~~ department.

(b) Persons wishing to apply for approval ~~should send a written request to report by list shall make requests to the~~ Florida Department of Revenue, Central Registration, P. O. Box 6480, Tallahassee, Florida 32314-6480.

(c) All persons desiring or using this procedure ~~are shall be~~ subject to audit and ~~are required to shall~~ make their records available for inspection by the ~~Department~~ department.

(d) All persons approved to use this procedure ~~are required to shall~~ keep a journal, account book or other record of original entry, showing a listing of all obligations or advances which have been made or executed. The journal ~~must include shall show~~ a daily listing, or a listing as required by the ~~Department, department~~ and ~~shall show~~ the county of recording, the official record book and page number of the recording, if any, the amount of each obligation or advance, the date the obligation was created or advance was made and the amount of tax paid, and the date on which the tax payment was made.

(e) The list ~~must shall~~ contain the same information as required by paragraph (2)(a).

~~(4)(a) The authority to use this procedure shall not be unreasonably withheld by the department.~~

~~(4)(a)(b) Any~~ However, any person having a history of delinquent tax payments for any tax or of returned checks ~~will shall~~ be denied the use of this procedure.

~~(b)(c) The authority to use this procedure will may be canceled by the Department~~ department when any person knowingly files a false report, fails or refuses, or neglects to file the proper report or fails to maintain proper records.

Specific Authority 199.202(2), 213.06(1) FS. Law Implemented ~~199.103, 199.133, 199.135, 199.222, 199.232, 199.292~~ FS. History—New 4-17-72, Amended 9-26-77, 10-16-80, Formerly 12C-2.11, Amended 11-21-91,\_\_\_\_\_.

#### 12C-2.0115 Public Use Forms.

(1)(a) The following public use forms and instructions are employed by the Department in its dealings with the public related to administration of the intangible tax. These forms are hereby incorporated and made a part of this rule by reference.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading the form from the Department's Internet site at [www.myflorida.com/dor/forms](http://www.myflorida.com/dor/forms); or, 2) faxing a forms request to the Distribution Center at (850)922-2208; or, 3) calling the Distribution Center at (850)488-8422; or, 4) writing the Florida

Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) visiting any local Department of Revenue Service Center to personally obtain a copy. Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

Form Number	Title	Effective Date
<del>(2)</del> DR-601-C	2006 Florida Intangible Personal Property Tax Return for Corporation, Partnership, and Fiduciary Filers as of January 1, 2006 (R. 01/06)	10/06
<del>(3)</del> DR-601CN	2006 Instructions for Filing Form DR-601C Intangible Personal Property Tax Return for Corporation, Partnership and Fiduciary Filers (R. 01/06)	10/06
<del>(4)</del> DR-601CS	2006 Schedules B, C, D, and E for use with DR-601C (R. 01/06)	10/06
<del>(2)(5)</del> DR-601-G	Government Leasehold Intangible Personal Property Tax Return for 2008 2006 Tax Year (R. 01/08 01/06)	10/06
<del>(6)</del> DR-601-I	2006 Florida Intangible Personal Property Tax Return for Individual and Joint Filers as of January 1, 2006 (R. 01/06)	10/06
<del>(7)</del> DR-601IN	2006 Instructions for Filing Form DR-601I Intangible Personal Property Tax Return for Individual and Joint Filers (R. 01/06)	10/06
<del>(8)</del> DR-601HS	2006 Schedules B, C, D, and E for use with DR-601I (R. 01/06)	10/06
<del>(3)(9)</del> DR-602G	Governmental Leasehold Intangible Personal Property Tax Application for Extension of Time to File Return (R. 01/07 01/05)	06/05
<del>(4)(10)</del> DR-35011	Intangible Tax Self-Audit Worksheet (R 06/07 07/06)	10/06
<del>(5)(11)</del> DR-350112	Taxpayer Affidavit (R. 06/01)	05/03
<del>(12)</del> DR-350617	Application for Exclusion from Filing Stockbroker Position Statement (R. 01/05)	06/05
<del>(13)</del> DR-350618	Stockbroker Instructions and Specifications or Reporting Information or Magnetic Media (R. 01/06)	10/06
<del>(14)</del> DR-350619	Stockbroker Filing Magnetic Media Transmittal (R. 01/05)	06/05
<del>(15)</del> DR-350620	Stockbroker Information Report (R. 01/05)	06/05

Specific Authority 199.202(2), 213.06(1) FS. Law Implemented ~~196.199(2), 199.023, 199.032, 199.042, 199.052, 199.062, 199.103, 199.105, 199.135, 199.232, 199.292~~ FS. History—New 11-21-91, Amended 1-5-94, 10-9-01, 5-4-03, 9-28-04, 6-28-05, 10-30-06,\_\_\_\_\_.

12C-2.012 Refunds.

(1)(a) Any person entitled to a refund of intangible personal property taxes may seek a refund by filing an Application for Refund-Intangible Personal Property Tax (Form ~~form~~ DR-26I, incorporated by reference in Rule 12-26.008, F.A.C.) with the Department. Form DR-26I must be in accordance with the timing provisions of Section 215.26(2), F.S., and must meet the requirements of Section 213.255(2) and (3), F.S., and Rule 12-26.003, F.A.C.

~~(b)1. Form DR-26I, Application for Refund-Intangible Personal Property Tax, must be filed with the Department for tax paid on or after October 1, 1994, and prior to July 1, 1999, within 5 years after the date the tax was paid.~~

~~(b)2. Form DR-26I, Application for Refund-Intangible Personal Property Tax, must be filed with the Department for tax paid on or after July 1, 1999, within three (3) years after the date the tax was paid.~~

(2)(a) An automatic refund of the amount of overpayment of tax will be granted by the Department when the Department determines upon examination that an overpayment of the tax with the return has occurred, that no additional information is required to determine the correct amount of tax due, and that the overpayment of tax is in accordance with the timing provisions of Section 215.26(2), F.S.

(b) For example, an automatic refund will be granted by the Department when an examination of the return reveals that:

1. The discount pursuant to Section 199.042(2), F.S. (2005), has been understated.

~~2. The exemption provided in Section 199.185(2), F.S., has been understated.~~

~~2.3. The payment made with a Governmental Leasehold Intangible Personal Property Tax an~~ Application for Extension of Time to File Return (Form ~~form~~ DR-602, incorporated by reference in Rule 12C-2.0115, F.A.C.) exceeds the amount of tax due when the return is filed; or

~~3.4. A mathematical error on the return, such as the use of an incorrect tax rate or other calculation error, results in an overpayment.~~

Specific Authority 199.202, 213.06(1) FS. Law Implemented ~~196.199(2)(b), 199.042(2), 199.185(2), 199.232, 199.252,~~ 213.255(2), (3), 215.26(2) FS. History—New 4-17-72, Formerly 12C-2.12, Amended 11-21-91, 5-4-03, 9-28-04, \_\_\_\_\_.

## BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

## PUBLIC SERVICE COMMISSION

RULE NOS.:	RULE TITLES:
25-6.065	Interconnection of Small Photovoltaic Systems
25-6.066	Net-Metering of Customer-Owned Renewable Resources
25-6.067	Interconnection of Customer-Owned Renewable Resources

PURPOSE AND EFFECT: To amend Rule 25-6.065, F.A.C., to encourage further development of renewable resources within the state and to develop Rules 25-6.066 and 25-6.067, F.A.C., on net-metering and expedited interconnection standards for customer-owned renewable generating resources. Undocketed.

SUBJECT AREA TO BE ADDRESSED: The rules will address issues associated with expedited interconnection with host utilities by customer-owned renewable generating resources and net-metering of those systems.

SPECIFIC AUTHORITY: 350.127(2), 366.051 FS.

LAW IMPLEMENTED: 366.04(2)(c), (5), (6), 366.041, 366.05(1), 366.81, 366.91 FS.

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

DATE AND TIME: Thursday, August 30, 2007, 9:30 a.m.

PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770. 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: Mark Futrell, Division of Economic Regulation, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6692, e-mail address: [mfutrell@psc.state.fl.us](mailto:mfutrell@psc.state.fl.us)

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

## DEPARTMENT OF CORRECTIONS

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

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to subdivide and revise disciplinary charges for clarity and tracking purposes.

SUBJECT AREA TO BE ADDRESSED: Inmate discipline – penalties for misconduct.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.14, 944.279, 944.28 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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

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

	Maximum Disciplinary Actions
<b>SECTION 1 – ASSAULT, BATTERY, THREATS, AND DISRESPECT</b>	
<del>1-1</del> <u>1-1</u> <del>Assault or battery or attempted assault or battery, with a deadly weapon</del>	<u>60 DC + All GT</u>
<del>1-2</del> <u>1-2</u> <del>Other assault or battery or attempted assault or battery</del>	<u>60 DC + 180 GT</u>
<del>1-1-3</del> <u>1-1-3</u> No change.	No change
<del>1-2-4</del> <u>1-2-4</u> No change.	No change
<del>1-3-5</del> <u>1-3-5</u> No change.	No change
<del>1-4-6</del> <u>1-4-6</u> No change.	No change
<u>1-5</u> <u>Aggravated battery or attempted aggravated battery on a correctional officer</u>	<u>60 DC + All GT</u>
<u>1-6</u> <u>Aggravated battery or attempted aggravated battery on staff other than</u> <u>correctional officer</u>	<u>60 DC + All GT</u>
<u>1-7</u> <u>Aggravated battery or attempted aggravated battery on someone other than staff</u> <u>or inmates (vendor, etc.)</u>	<u>60 DC + All GT</u>
<u>1-8</u> <u>Aggravated battery or attempted aggravated battery on an inmate</u>	<u>60 DC + All GT</u>
<u>1-9</u> <u>Aggravated assault or attempted aggravated assault on a correctional officer</u>	<u>60 DC + All GT</u>
<u>1-10</u> <u>Aggravated assault or attempted aggravated assault on staff other than</u> <u>correctional officer</u>	<u>60 DC + All GT</u>
<u>1-11</u> <u>Aggravated assault or attempted aggravated assault on someone other than staff</u> <u>or inmates (vendor, etc.)</u>	<u>60 DC + All GT</u>
<u>1-12</u> <u>Aggravated assault or attempted aggravated assault on an inmate</u>	<u>60 DC + All GT</u>
<u>1-13</u> <u>Battery or attempted battery on a correctional officer</u>	<u>60 DC + All GT</u>
<u>1-14</u> <u>Battery or attempted battery on staff other than correctional officer</u>	<u>60 DC + All GT</u>
<u>1-15</u> <u>Battery or attempted battery on someone other than staff or inmates (vendor, etc.)</u>	<u>60 DC + All GT</u>
<u>1-16</u> <u>Battery or attempted battery on an inmate</u>	<u>60 DC + All GT</u>
<u>1-17</u> <u>Assault or attempted assault on a correctional officer</u>	<u>60 DC + 180 GT</u>
<u>1-18</u> <u>Assault or attempted assault on staff other than correctional officer</u>	<u>60 DC + 180 GT</u>
<u>1-19</u> <u>Assault or attempted assault on someone other than staff or inmates (vendor, etc.)</u>	<u>60 DC + 180 GT</u>
<u>1-20</u> <u>Assault or attempted assault on an inmate</u>	<u>60 DC + 180 GT</u>
SECTIONS 2-8 No change.	
<b>SECTION 9 – MISCELLANEOUS INFRACTIONS</b>	
9-1 through 9-7 No change.	
<u>9-9</u> <u>Tattooing, or being tattooed, or body art to include body piercing, scarring or</u> <u>other non-life threatening acts.</u>	<u>30 DC + 60 GT</u>
9-10 through 9-29 No change.	
<del>9-30</del> <u>Self-Mutilation — includes self-disfigurement</u> <u>such as body piercing, scarring or other</u> <u>non-life threatening acts. Determination of</u> <u>whether an act constitutes self-mutilation</u> <u>as opposed to a suicide attempt shall be made by</u> <u>health care staff.</u>	<u>30 DC + 60 GT</u>
<del>9-30</del> <u>9-30</u> No change.	No change.
<del>9-31</del> <u>9-31</u>	
<del>9-31</del> <u>9-31</u> No change.	No change.
<del>9-32</del>	

<del>9-32</del>	No change.	No change.
<del>9-33</del>		
<del>9-33</del>	No change.	No change.
<del>9-34</del>		
<del>9-34</del>	No change.	No change.
<del>9-35</del>		
<del>9-35</del>	No change.	No change.
<del>9-36</del>		
SECTIONS 10. through 11. No change.		

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

## DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:

33-601.901 Confidential Records

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Form DC4-711B, Consent and Authorization for Use and Disclosure Inspection and Release of Confidential Information for compliance with Health Insurance Portability and Accountability Act (HIPAA).

SUBJECT AREA TO BE ADDRESSED: Release of confidential health information.

SPECIFIC AUTHORITY: 20.315, 944.09, 945.10, 945.25 FS.

LAW IMPLEMENTED: 944.09, 945.10, 945.25, 947.13 FS., 42 USCS 290 ee-3, 45 CFR Parts 160, 164.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.901 Confidential Records.

(1) through (2) No change.

(3) The following records or information contained in department files shall be confidential and shall be released for inspection or duplication only as authorized in this rule:

(a) Medical reports, opinions, memoranda, charts or any other medical record of an inmate or offender, including dental and medical classification reports as well as clinical drug treatment and assessment records; letters, memoranda or other documents containing opinions or reports on the description, treatment, diagnosis or prognosis of the medical or mental condition of an inmate or offender; the psychological screening

reports contained in the admission summary; the psychological and psychiatric evaluations and reports on inmates or offenders; health screening reports; Mentally Disordered Sex Offender Status Reports. Other persons may review medical records only when necessary to ensure that the inmate's or offender's overall health care needs are met, or upon a specific written authorization from the inmate or offender whose records are to be reviewed, or as provided by law. If a request for inmate or offender medical records is submitted upon consent or authorization given by the patient inmate or offender, the department's Consent and Authorization for Use and Disclosure, Inspection and Release of Confidential Information, Form DC4-711B, or a legally approved, HIPAA complaint release of protected health information form from another governmental agency shall be utilized. Form DC4-711B is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is \_\_\_\_\_ ~~2-9-06~~. Offenders under supervision, or previously under supervision, who desire information from their own records, shall be referred to the agency or office originating the report or document to obtain such information.

(b) through (11) No change.

Specific Authority 20.315, 944.09, 945.10, 945.25 FS. Law Implemented 944.09, 945.10, 945.25, 947.13 FS., 42 USCS 290 ee-3, 45 CFR Parts 160 and 164. History—New 10-8-76, Amended 6-10-85, Formerly 33-6.06, Amended 1-12-89, 7-21-91, 9-30-91, 6-2-92, 8-4-93, 6-12-96, 10-15-97, 6-29-98, Formerly 33-6.006, Amended 9-19-00, 7-8-03, 2-9-06,\_\_\_\_\_.

## WATER MANAGEMENT DISTRICTS

### Southwest Florida Water Management District

RULE NO.: RULE TITLE:

40D-2.091 Publications Incorporated by Reference

PURPOSE AND EFFECT: The proposed amendment to the Basis of Review For Water Use Permit Applications will allow agricultural permittees to submit the required Irrigation Water Use Form for winter and spring crops to the District by September 1 of each year, rather than August 1 of each year.

SUBJECT AREA TO BE ADDRESSED: Agricultural water use permittees are required to submit the Irrigation Water Use Form for winter and spring crops by August 1 of each year.

The Irrigation Water Use Form is to include information on crop type, acreage, planting dates, season length and soil type. The proposed amendment changes the due date for the Irrigation Water Use Form to August 1 of each year.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Karen A. Lloyd, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

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

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.:	RULE TITLE:
62-348.100	Purpose

PURPOSE AND EFFECT: As required by HB 197 (Chapter 2007-191, Laws of Florida), which created Section 373.414(6)(e), F.S., in 2007, the Department proposes to develop a new Chapter 62-348, F.A.C. This rule will provide the mitigation criteria for mining of peat in herbaceous and historically herbaceous wetlands for the horticultural industry. The rule will only be applicable to the mining of predominantly high quality peat that will be used by the horticultural industry in products that incorporate other renewable or recyclable materials to replace or reduce the use of natural peat. The rule will not be applicable where excavation will be in the underlying sand or rock, where mining is part of a larger plan of development, or if any portion involves an Outstanding Florida Water. The mitigation requirements will allow a percentage of the excavated wetlands to be replaced with open water under certain conditions. The proposed rules will not require design modification to reduce impacts to wetlands below a specific Uniform Mitigation Assessment Method value to be established, except as

necessary to reduce or eliminate adverse impacts to water quality, offsite flooding, significant historic or archeological resources, or listed species or their habitats.

SUBJECT AREA TO BE ADDRESSED: Development of a new Chapter 62-348, F.A.C., to address wetland permitting and mitigation for peat mining for the horticultural industry, as required by HB 197, which created Section 373.414(6)(e), F.S., in 2007.

SPECIFIC AUTHORITY: 373.414, 373.4142, 373.459, 373.4595, 378.403, 378.503, 378.804, 403.265 FS.

LAW IMPLEMENTED: 373.414, 373.4142, 373.459, 373.4595, 378.403, 378.503, 378.804, 403.265 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: Howard J. Hayes, Florida Department of Environmental Protection, Bureau of Mine Reclamation, 2051 East Paul Dirac Drive, Tallahassee, Florida 32316-3760; or e-mail [Howard.Hayes@dep.state.fl.us](mailto:Howard.Hayes@dep.state.fl.us).

For information regarding mailings, schedules, and copies of notices contact Mary VanTassel at (850)245-8486 or e-mail: [Mary.VanTassel@dep.state.fl.us](mailto:Mary.VanTassel@dep.state.fl.us).

Further information and updates on this proposed rule also may be obtained from the Department's web site at: <http://www.dep.state.fl.us/water/wetlands/erp/rules/rulestat.htm>. (OGC Tracking No. 07-1077)

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

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.:	RULE TITLE:
62-528.200	Underground Injection Control: Definitions

PURPOSE AND EFFECT: The definition for "municipal injection well" is being amended to be clear that only fluids that had first passed through the head of the permitted domestic wastewater treatment facility may be injected through the well in order for the injection well to be classified as a municipal injection well.

SUBJECT AREA TO BE ADDRESSED: The definition for "municipal injection well."

SPECIFIC AUTHORITY: 373.309, 403.061, 403.087 FS.

LAW IMPLEMENTED: 373.308, 403.021, 403.061, 403.087, 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 30, 2007, 1:30 p.m.

PLACE: Room 611, Bob Martinez Building, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Donnie McClaugherty, P.G., Department of Environmental Protection, Ground Water Regulatory Section, MS 3580, 2600 Blair Stone Rd., Tallahassee, FL 32399-2400; telephone (850)245-8645. 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: Donnie McClaugherty, P.G., Department of Environmental Protection, Ground Water Regulatory Section, MS 3580, 2600 Blair Stone Rd., Tallahassee, FL 32399-2400; telephone (850)245-8645

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

## DEPARTMENT OF HEALTH

### Board of Acupuncture

RULE NO.: RULE TITLE:

64B1-4.001 Acupuncture Program Requirements

PURPOSE AND EFFECT: To update and clarify licensure requirements.

SUBJECT AREA TO BE ADDRESSED: Acupuncture Program Requirements.

SPECIFIC AUTHORITY: 457.102, 457.104, 457.105 FS.

LAW IMPLEMENTED: 456.033, 457.102, 457.105 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: Pamela E. King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

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

## DEPARTMENT OF HEALTH

### Board of Acupuncture

RULE NO.: RULE TITLE:

64B1-7.0015 Continuing Education Requirement

PURPOSE AND EFFECT: To address Continuing Education requirements.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Requirement.

SPECIFIC AUTHORITY: 456.013, 457.104, 457.107, 457.108, 457.1085 FS.

LAW IMPLEMENTED: 456.013, 457.107, 457.108, 457.1085, 457.109 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: Pamela E. King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

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

## DEPARTMENT OF HEALTH

### Division of Environmental Health and Statewide Programs

RULE NOS.:

RULE TITLES:

64E-2.023

Trauma Center Requirements

64E-2.024

Process for the Approval of Trauma Centers

64E-2.025

Extension of Application Period

64E-2.026

Certificate of Approval

64E-2.027

Process for Renewal of Trauma Centers

64E-2.028

Site Visits and Approval

64E-2.029

Application by Hospital Denied Approval

PURPOSE AND EFFECT: To notice proposed revisions to the Florida Trauma Center Standards – DH Pamphlet 150-9, pursuant to the December 2006 revisions to the American College of Surgeons Guidelines.

The proposed rule revisions change the date of the Trauma Center Standards – DH Pamphlet 150-9 from December 2004 to December 2007. This document is incorporated by reference in the above rules, pursuant to Section 395.401(2), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Proposed Revisions to the Trauma Center Standards.

SPECIFIC AUTHORITY: 395.401(2), 395.4025 FS.

LAW IMPLEMENTED: 395.401(2) FS.

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

DATE AND TIME: Friday, August 24, 2007, 1:00 p.m. EDT

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, FL 33607, Conference Call Number: (888)808-6959, Conference Code: 2354440

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Susan McDevitt, Office of Trauma, Department of Health, 4052 Bald Cypress Way, Bin C-18, Tallahassee, Florida 32399-1738, (850)245-4440, ext. 2760; Email: susan\_mcdevitt@doh.state.fl.us; Fax: (850)488-2512. The preliminary rule text and revisions to DH Pamphlet 150-9 can be found on the following website: <http://www.doh.state.fl.us/demo/Trauma/notices.htm> under "Notices and Upcoming Events."

## DEPARTMENT OF HEALTH

### Division of Environmental Health and Statewide Programs

RULE NOS.:	RULE TITLES:
64E-12.001	General
64E-12.002	Definitions
64E-12.003	Water Supply
64E-12.004	Food Service: Tiers and Catering
64E-12.005	Housing
64E-12.006	Vector and Vermin Control
64E-12.007	Bedding, Towels, Clothing and Personal Items
64E-12.008	Laundry
64E-12.009	Medications, Alcohol, Poisonous or Toxic Substances
64E-12.011	Recreational Areas
64E-12.012	Radon Testing
64E-12.013	Animal Health and Safety

**PURPOSE AND EFFECT:** The purpose of the proposed rule change is to incorporate technical and scientific advancements that promote the protection of the public from a safety, health, and sanitation perspective. The effect of these changes will be to update the department's rules to more accurately reflect today's safety and health standards based on the Food and Drug Administration, Centers for Disease Control and Prevention, other safety related data resource guidelines and make the rules more easily understandable for the regulated community and regulatory officials. Additionally, the purpose of the proposed change is to clarify identified standards in the existing rule as requested by the regulated community and regulatory officials. Effects of these changes will provide added clarity to existing rule language.

**SUBJECT AREA TO BE ADDRESSED:** The changes will define terms used in statute and rule that have been identified as confusing or ambiguous, as well as incorporate current safety, health and general sanitation requirements that better safeguard the public against illnesses, injury and disease.

**SPECIFIC AUTHORITY:** 381.006 FS.

**LAW IMPLEMENTED:** 381.006(6), (16) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Robin Eychaner, Environmental Specialist III, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin A08, Tallahassee, FL 32399-1710, (850)245-4277

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

#### 64E-12.001 General.

(1) This rule chapter prescribes sanitary practices relating to construction, operation and maintenance of ~~c~~Community ~~b~~Based ~~r~~Residential facilities. ~~If a requirement there is any written or implied language in this rule chapter that may conflicts with a specific requirement in any other Florida state licensing agency's rule, then that agency's standards shall prevail and will be addressed by that agency's officials written to regulate a specific type community based residential facility, the rule written for that specific type establishment will be followed.~~

(2) Base camps of wilderness programs shall be exempt from subsections (6) and (7) of Rule 64E-12.005, F.A.C., of this chapter, and the mobile components of wilderness programs shall be exempt from all sections of this rule.

(3) Personal services may be provided to the residents through coordinated outsourcing by the community based residential facility or by a contract provider.

Specific Authority 381.006, 381.006(16) FS. Law Implemented 381.006(6), (16), 386 FS. History—New 6-18-87, Formerly 10D-23.001, Amended.

#### 64E-12.002 Definitions.

For the purpose of this chapter, the following words and phrases shall have the meaning indicated:

(1) Approved – means acceptable by law.

(2) Community Based Residential Facilities – means group care facilities as established under Section 381.006(16), F.S., used as a primary domicile by the resident and located in any building or buildings, section of a building, or distinct part of a building or other place, whether operated for profit or not, which undertakes, through its ownership or management, to provide for a period exceeding 24 hours, housing, food service, and one or more personal services for persons not related to the owner or administrator by blood or marriage, who require such services. This term does not include family foster homes as defined in paragraph 409.175(2)(e), F.S., or foster care

facilities as defined in paragraph 393.063(15), F.S., of the Florida Statutes, and correctional facilities, such as detention centers, jails or prisons.

(3) Department – means the Florida Department of Health and county health departments.

(4) Food Preparation – means the manipulation of foods intended for human consumption by such means as washing, slicing, peeling, chipping, shucking, scooping, and or portioning. The term also includes those activities involving temperature changes, combining ingredients, opening ready-to-eat food packages, or any other activity causing physical or chemical alterations in the food.

(5) Hot Water – means water heated to a minimum temperature of 100 degrees Fahrenheit (°F).

(6) Law – means applicable statutes, rules, codes, or ordinances adopted by local, state, and federal agencies that have regulatory oversight or inspection authority.

(7) Minor – means any person under the age of 18 years old.

(8) Open Water Hazard – means any body of water such as canals, creeks, holding ponds, rivers, lakes, or swamps which are unrestricted by a barrier at least 4 feet in height, on or abutting the property of a community based residential facility. This term does not include pools or spas and small ornamental fish ponds, or above ground fountains which are less than 24 inches deep and have less than 200 square feet of surface area.

(9) Personal Services – means providing supervision, custodial care, or assisting a resident with the tasks or functions in their daily living activities, such as bathing, dressing, laundry, eating, ambulation, grooming, toileting, or monitoring medications.

(10) Potentially Hazardous Food – means any perishable food which consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting:

(a) Rapid and progressive growth of infectious or toxigenic microorganisms; or

(b) The slower growth of Clostridium botulinum. The term “potentially hazardous food” does not include foods which have a pH level of 4.6 or below, or a water activity (Aw) value of 0.85 or less, or air-cooled hard-boiled eggs with the shell intact.

(11) Renovation – means any structural or equipment changes in the food storage, service, preparation, or dining area. This does not include replacing existing equipment with like equipment. Substantial renovation includes structural changes to an existing establishment which costs in excess of 33 percent of the assessed value of the facility as determined by the county property appraiser.

(12) Resident – means a person living residing in and receiving personal services care from a community based residential facility, or personal services through coordinated outsourcing, typically due to a specific emotional, social, or health related condition.

(13) Vector – means an organism that transmits a pathogen. This term includes, but is not limited to insects, rodents and bats.

(14) Wading Pool – means a temporary and portable pool that holds water, is less than 24 inches in depth, and without motors. It may also be known as a kiddie pool.

Specific Authority 381.006, 381.006(16) FS. Law Implemented 381.006(6); (16) FS. History–New 6-18-87, Amended 8-7-96, Formerly 10D-23.002, Amended \_\_\_\_\_.

64E-12.003 Water Supply.

(1) Water supplies shall be adequate to serve the demands of the facility and shall be constructed, operated and maintained in accordance with requirements of Chapters 62-550 and 62-555 or Chapter 64E-8, Florida Administrative Code (F.A.C.).

(a) Routine Testing. Facilities served by a private well drinking water supply not regulated by Chapter 64E-8 or 62-550, F.A.C., shall test the water and submit bacteriological water test results to the local county health department (CHD):

1. Before opening the facility.

2. At least every 12 months.

3. Upon relocation.

4. Before having the well placed in service after construction, repair, or modification or.

5. After an emergency situation, such as a flood, that may introduce contaminants to the system.

(b) Test results must be negative for bacteriological contamination.

(c) Positive test results require the facility to temporarily provide potable water from a source approved by law for the purpose of drinking, cooking, and oral contact until test results are negative. In addition, a well that tests positive shall be disinfected, flushed, and tested for bacterial contamination.

(d) Laboratory test results must be submitted on forms provided by the testing laboratory.

(e) Testing can be obtained through the local county health department or a certified independent laboratory.

(2) Drinking water shall be accessible to all residents. When drinking fountains are available, they shall be designed in compliance with the plumbing provisions of the State Building Code, as adopted in Rule 9B-3.047, F.A.C. State Plumbing Code, Chapter 553.06, Florida Statutes (F.S.). When no approved drinking fountains are available, residents shall be provided with single service cups or clean drinking utensils which shall be stored and dispensed in a manner to prevent contamination. Common drinking cups are prohibited.

(3) No change.

Specific Authority 381.006, 381.006(16) FS. Law Implemented 381.006(6), (16) FS. History--New 6-18-87, Amended 8-7-96, Formerly 10D-23.003, Amended \_\_\_\_\_.

64E-12.004 Food Service: Tiers and Catering.

There ~~are shall be~~ three ~~tiers levels~~ of food service, each with different minimal requirements ~~in community-based residential facilities~~ based on facility type or the number of residents in care. Only one tier of service as listed in sections one to three (1-3) below will be applied to any facility. Facilities receiving or providing catered food must meet applicable standards as described in subsection (4) below.

(1) Tier I. Facilities meeting the definition of "adult family-care home" regardless of the number of residents as defined in Section 400.618, F.S., and other community based residential facilities with a maximum capacity to house up to 5 residents, shall comply with the following requirements: If food service is provided in the facility for 10 or fewer residents in care, the facility shall comply with the following requirements:

(a) Food used in the facility shall be clean, wholesome, free from spoilage and safe for human consumption. Home canned food shall not be used. Canned food shall be from sources that are approved by law.

(b) The facility shall ~~store, prepare and serve foods in such a manner as to~~ protect food from dust, flies, rodents and other vermin, toxic materials, unclean equipment and utensils, unnecessary handling, coughs and sneezes, flooding by sewage, overhead leakage and all other sources of contamination at all times during storage, food preparation, transportation both on and off premises, and service.

(c) Food storage equipment shall be provided to keep all potentially hazardous foods at safe temperatures, 41<sup>5</sup>°F degrees Fahrenheit or below or 140<sup>2</sup>°F degrees Fahrenheit or above, except during necessary periods of preparation and service. Potentially hazardous food shall not have been out of temperature more than 4 cumulative hours during the course of thawing, preparation, service and cooling.

(d) No change.

(e) Refrigeration units and hot food storage units used for the storage of potentially hazardous foods shall be provided with a numerically scaled indicating thermometer accurate to plus or minus 3° F. The thermometer shall be located in the warmest or coldest part of the units as may be applicable and of such type and so situated that the temperature can be easily and readily observed.

(f) Labeling and Dating. Food containers shall be labeled with their contents and labels shall correctly identify the contents of the container. Potentially hazardous foods and potentially hazardous foods that are in a form which is edible without washing, cooking, or additional preparation, including previously cooked foods such as leftovers, must be stored in accordance with the date marking and disposition requirements of subsections 64E-11.004(14) and (15), F.A.C.

(2) Tier II. Except as described in subsection (1) above, if ~~If~~ food service is provided in a ~~the~~ facility with a maximum capacity to house from ~~for 6 to 10~~ residents or fewer more, but fewer than 25, residents in care, the facility shall comply with the following requirements:

(a) In Chapter 64E-11, F.A.C.:

1. Sections 64E-11.002, Definitions;
2. 64E-11.003, Food Supplies;
3. 64E-11.004, Food Protection;
4. 64E-11.005(1)(2)(b., c., e., f.)(3)(4)(5), Personnel;
5. 64E-11.013(3)(c), 1., 2., 4. of Chapter 64E-11, F.A.C., shall apply.

(b) Facilities opening, initially licensed by the licensing agency, or renovating on or after October 1, 2007 shall, prior to construction or renovation of a food service operation or prior to substantial facility renovation, notify the department and provide plans of the proposed construction or renovation, for review and approval at least 90 days prior to the start of the project. Plans shall be submitted by the owner, prospective operator, or their designated representative. All plans shall be in compliance with this section, shall be drawn to scale, describe the layout, construction, finish schedule, general operation of the facility, equipment design and installation, and similar aspects of the facility's food service operation. A copy of the intended menu shall be provided to the department as part of the plan review.

(c) The floor surfaces in kitchens, all the rooms and areas in which food is stored or prepared and in which utensils are washed or stored, shall be of smooth, nonabsorbent material and constructed so ~~they~~ it can be easily cleaned and shall be kept clean and in good repair.

(d) The walls and shelving ~~ceilings~~ of all food preparation areas, food storage areas, utensil washing and handwashing rooms or areas shall have smooth, easily cleanable surfaces. Walls shall be washable up to the highest level reached by splash or spray.

(e) Hot and cold running water under pressure shall be easily accessible where food is prepared and where utensils are washed.

(f) A ~~handwashing sink facilities~~, provided with hot and cold running water under pressure, shall be located within the food preparation area. A sign must be posted clearly designating the sink for handwashing purposes in ~~new residential facilities and residential facilities which are extensively altered.~~ A hand washing sink shall not be used for any other purpose. Facilities inspected and approved by the department prior to October 1, 2007, are exempt from this requirement until such time as kitchen renovation will occur or substantial renovation will occur at the facility.

(g) In addition to the designated one compartment handwashing sink in paragraph (f) above, a two compartment sink or one compartment sink and a residential use dishwasher shall be provided for warewashing. Notwithstanding the

provisions in paragraph (f) above, if a facility has a two compartment sink and a residential dishwasher, one compartment of the two compartment sink can be designated as a handwashing sink when labeled and used exclusively as such. Existing facilities shall have until October 1, 2008, to comply with this requirement.

(h) Multi-use equipment and utensils shall be constructed and repaired with materials that are non-toxic, corrosion resistant and nonabsorbent; and shall be smooth, easily cleanable and durable under conditions of normal use; and shall not impart odors, color or taste nor contribute to the contamination of food.

(i) All multi-use eating and drinking utensils shall be thoroughly cleaned with hot water and an effective detergent, then shall be rinsed free of such solution, then effectively sanitized as defined in Chapter 64E-11, F.A.C.

~~(h) A three compartment sink or two compartment sink and dishwasher with an effective, automatic sanitizing cycle, shall be provided. Machine sanitization may be accomplished by the use of chemical solutions, hot water or hot air. After sanitizing, utensils shall be air dried and properly stored. Other types of warewashing devices may be approved by the county health unit.~~

(j) Refrigeration units and hot food storage units used for the storage of potentially hazardous foods shall be provided with a numerically scaled indicating thermometer accurate to plus or minus 3 degrees Fahrenheit. The thermometer shall be located in the warmest or coldest part of the units as may be applicable and of such type and so situated that the temperature can be easily and readily observed.

(k) Potentially hazardous foods and potentially hazardous foods that are in a form which is edible without washing, cooking, or additional preparation, including previously cooked foods such as leftovers, must be stored in accordance with the date marking and disposition requirements of subsections 64E-11.004(14) and (15), F.A.C.

(l) The facility shall protect food and food equipment from all sources of contamination at all times during storage, food preparation, service, and transportation both on and off premises.

~~(j) No live animals shall be kept or allowed in the food storage, preparation and serving area.~~

(m) Live animals and pets living in or visiting a community based residential facility shall not enter the kitchen or any food preparation areas when food is being prepared or served. Preventing pets and animals from entering the kitchen or food preparation areas must be effective and may consist of passive restraint through obedience training, use of physical barriers such as a gate, physical restraint such as limiting the animal to a room outside of the kitchen or food preparation area, or any other effective means. Animals and pets shall not be fed, watered, bedded, kept, or caged in the kitchen, food preparation, food storage, or dining area. Animal care supplies

shall not be kept in the kitchen or other food storage areas. If live animals have access to kitchen and dining areas during non-food preparation and service times, then the facility shall effectively sanitize the dining tables, kitchen counter top surfaces, food preparation surfaces, and other similar surfaces immediately before the next meal service or food preparation begins. Persons handling or having direct physical contact with an animal must wash their hands immediately prior to preparing or serving food.

(n) As part of an organized activity, residents may participate in food preparation under direct supervision of the designated staff person in charge of food service activities, who is knowledgeable in food hygiene safety.

(o) Labeling. Food containers shall be labeled with their contents and labels shall correctly identify the contents of the container.

(3) Tier III. If food service is provided in a hospice residential unit or a the facility with a maximum capacity of for 1125 or more residents, it shall comply with Chapter 64E-11, F.A.C. Existing facilities shall have until September 30, 2008, to comply with the requirements of Chapter 64E-11, F.A.C., except for item paragraph (b) below.

(a) Any organized food preparation activity in which residents may participate in food preparation as part of the organized activity, under the direct supervision of a trained food service employee per Rule 64E-11.012, F.A.C. This does not apply to specific designated therapeutic classes with activities for an individual or a group of individuals as part of their occupational, physical, or rehabilitation therapy activities to regain basic self sufficiency skills. These therapy classes are provided by a licensed occupational or physical therapist.

(b) Facilities with capacities of 11-24 residents that have been in continuous operation since initial regulation or licensing by the department prior to October 1, 2007, are exempt from subsection 64E-11.008(7), F.A.C., until the facility remodels the kitchen or dining area, or substantially remodels the facility.

(4) Catering. If food is catered from outside sources, the caterer shall be licensed or regulated by a state or federal regulatory food program with Chapter 64E-11, F.A.C. Catered food once delivered to a community based residential facility must be adequately protected. If a community based residential facility caters additionally to outside sources, it must meet all Chapter 64E-11, F.A.C., licensing standards.

(a) When catering is provided as the primary means of food supply, a copy of a current catering agreement shall be provided to the local county health department at least annually and when a change in the agreement occurs. The agreement shall minimally include the designated delivery times, method of hot and cold holding once food is delivered, whether bulk or individually portioned food will be provided, and a designated responsible party for cleaning and sanitizing any multi-use equipment and utensils.

(b) Upon delivery of catered food to a community based residential facility, catered food must be adequately protected from contamination. The facility shall maintain a daily log indicating the date and time of delivery, name or type of potentially hazardous food(s), and using an accurate food thermometer measure and log the food temperatures upon arrival. Entries in the log shall be made at the time of delivery. These temperature logs shall be maintained and retained at the facility for a period not less than 6 months. The records required by this section must be made available for review by the department upon department request.

(c) If outside catering is not the primary means of food supply to the facility, and the facility only partakes in the occasional carry-out or delivery of items such as, pizza, wings, sub-sandwiches, fried chicken, or barbequed food, the catering requirements listed in paragraphs (a) and (b) above, do not apply.

Specific Authority 381.006, 381.006(16), 381.0072(2)(a) FS. Law Implemented 381.006(6), (16), 381.0072(2)(a), (b), (c); 386 FS. History—New 6-18-87, Formerly 10D-23.006, Amended \_\_\_\_\_.

#### 64E-12.005 Housing.

(1) The facility shall provide safe and sanitary housing free from objects, materials, and conditions that constitute a danger to the residents.

(2) Floors, walls, ceilings, windows, doors and all appurtenances of the structures shall be of sound construction, properly maintained, easily cleanable and shall be kept clean.

(a) Floor surfaces shall be of non-slip type and maintained free of loose or broken tiles and boards, holes, uneven projections, protruding nails, tears, splinters, water spillage and other tripping hazards. Bathtubs and showers shall contain slip-resistant strips, slip-resistant rubber bath mats, or slip-resistant surfaces.

(b) through (c) No change.

(d) All external windows designed to open shall be accessible and operable.

(3) No change.

(4) All areas of the facility shall be well lighted. Dormitories, bedrooms, toilets, bathing rooms, shower rooms, and dayrooms shall have light fixtures that provide capable of providing at least 20 foot candles of illumination in all areas of the room, measured at a distance 30 inches from the floor, to permit observation, cleaning and maintenance. Light fixtures shall be maintained to work as designed and kept clean.

(5) No change.

(6) No change.

(7) Mechanical cooling devices shall be used and in working condition made available for use in those areas of buildings occupied by residents when inside temperatures exceed 85° Fahrenheit. Exceptions are made when the resident is capable and in control of the thermostat or cooling devices in their personal area and chooses for it to exceed 85° Fahrenheit.

(8) All heating and cooling systems shall be consistent with current building and fire code rules applicable to the area where the facility is located, as determined by building and fire officials.

(9) No change.

(10) Plumbing shall be maintained in compliance with the requirements of the plumbing provisions of the State Building Code, as adopted in Rule 9B-3.047, F.A.C. and State Plumbing Code, Chapter 553.06, F.S.

(11) through (12) No change.

Specific Authority 381.006, 381.006(16) FS. Law Implemented 381.006(6), (16) FS. History—New 6-18-87, Amended 8-7-96, Formerly 10D-23.009, Amended \_\_\_\_\_.

#### 64E-12.006 Vector and Vermin ~~Insect and Rodent~~ Control.

(1) Effective control measures shall be utilized to minimize the presence of rodents, flies, cockroaches and other vectors insects on the premises. The primary means of pest control shall be the use of integrated pest management (IPM) systems and tools. IPM tools, such as "Integrated Pest Management for Schools: How-to Manual" which are recognized by the United States Environmental Protection Agency, are approved practices for the control of pests throughout a residential facility. The manual is available at <http://www.epa.gov/pesticides/ipm/schoolipm/index.html> or by writing for a free copy to EPA Pesticides Section, U.S. EPA Region 9, 75 Hawthorne Street (CMD-5), San Francisco, CA 94105. Use of IPM systems and tools does not restrict the use of licensed pest control companies or individuals.

(2) The creation, maintenance or causing of any condition capable of propagating insects, or rodents, vectors and vermin will not be permitted. All buildings shall be effectively maintained rodent-proofed and rodent free. All outside openings shall be effectively sealed or screened with 16 mesh screening or equivalent, to prevent entry of insects, or rodents, or other vermin, except in wilderness programs when mosquito netting is provided to each resident.

Specific Authority 381.006, 381.006(16), FS. Law Implemented 381.006(6), (16) FS. History—New 6-18-87, Amended 8-7-96, Formerly 10D-23.010, Amended \_\_\_\_\_.

#### 64E-12.008 Laundry.

(1) No change.

(2) Laundry rooms shall have fixtures that provide at least 30 foot-candles of illumination, be kept clean and free of lint build-up, and be properly ventilated as specified in the State Building Code, as adopted in Rule 9B-3.047, F.A.C. Lighting will be measured 30 inches above the floor. Laundry rooms shall be well lighted and properly ventilated. Clothes dryers shall be vented to the exterior. Carts used for transporting dirty clothes, linens and towels shall not be used for transporting clean articles unless the carts have been thoroughly cleaned and sanitized.

Specific Authority 381.006, 381.006(16) FS. Law Implemented 381.006(6), (16) FS. History--New 6-18-87, Formerly 10D-23.012, Amended \_\_\_\_\_.

64E-12.009 Medications, Alcohol, Poisonous or Toxic Substances.

(1) Poisonous, or toxic substances ~~compounds~~ are to be stored apart from food and other areas that would constitute a hazard to the residents. All containers containing poisonous or toxic substances must be clearly labeled to indicate their contents.

(2) All toxic, poisonous, and alcoholic substances shall be kept in locked areas, such as a locked office, locked cabinet, or locked cupboard at all times when not in use. This does not apply to alcoholic beverages. Alcoholic beverages shall be kept out of a child's reach.

(3) Medications shall be kept in locked areas, such as a locked office, locked cabinet, or locked box at all times when not in use. This is in addition to a childproof medicine bottle cap, lid, or other packaging. Exceptions are extended to adults capable of self medication, life saving medications such as epinephrine pens, insulin, nitro glycerin, or asthma inhalers that may be needed by the resident who is capable of self-medication in an emergency due to illness or disease. Medicine containers or packaging must be clearly labeled indicating the prescribed individual's name and its contents. Medications requiring refrigeration or which are stored in a food service or food storage area, shall be stored in such a manner that they do not pose a contamination hazard to food.

Specific Authority 381.006, 381.006(16) FS. Law Implemented 381.006(6), (16) FS. History--New 6-18-87, Formerly 10D-23.013, Amended \_\_\_\_\_.

64E-12.011 Recreational Areas.

(1) through (2) No change.

(3) If swimming pools, spas, or open water hazards are located on the property of a ~~available in~~ community based residential facilities, the ~~pools should be~~ facility shall provide direct supervision ~~by an adult employee when in use used or when the area is occupied by children minors~~ and other residents that ~~cannot swim~~ are not capable of self-preservation. The individual responsible for supervision during water activities or near water hazards must have successfully completed the community water safety course specified in paragraph (b) below.

(a) Wading or kiddie pool is not allowed.

(b) All community based residential facilities with swimming pools, spas, or open water hazards must have a person on staff who has completed a community water safety course administered by the American Red Cross, YMCA, or any aquatic training program granted approval under paragraph 64E-9.008(1)(d), F.A.C.

(c) All residential pools and spas, regardless of construction date, shall meet the requirements of Chapter 515, of the Florida Statutes.

(d) Water safety devices shall be provided for residential pools. A shepherd's hook shall be provided securely attached to a one piece pole not less than 16 feet in length, and at least one 18 inch diameter lifesaving ring with sufficient rope attached to reach all parts of the pool from the pool deck. Safety equipment shall be mounted in a conspicuous place and be readily available for use. Residential spas and hot tubs are exempt from this requirement.

Specific Authority 381.006, 381.006(16), FS. Law Implemented 381.006(6), (16), FS. History--New 6-18-87, Amended 8-7-96, Formerly 10D-23.015, Amended \_\_\_\_\_.

64E-12.012 Radon Testing.

Radon Testing shall be conducted in accordance with requirements listed in Chapter 404 of the Florida Statutes. Radon testing information can be obtained at 1(800)543-8279.

Specific Authority 404.056(4), (6), 381.006 FS. Law Implemented 404.056(4), 381.006(16) FS. History--New \_\_\_\_\_.

64E-12.013 Animal Health and Safety.

(1) Animals requiring rabies vaccination under Section 828.30, F.S., must be vaccinated for rabies and their vaccinations must be current at the time of inspection. Proof of rabies vaccination or veterinary certification of vaccination exemption shall be kept on the premises at all times.

(2) All animals must be kept in good health and free from disease or under treatment by a licensed veterinarian. Indoor animals frequenting the outside must have an annual screening for internal parasites by a licensed veterinarian. Any animal positive for internal parasites must be treated appropriately by the licensed veterinarian. Animals being kept or having access to the indoors must be treated for flea control throughout the year to prevent infestations.

(3) Aggressive, venomous, or potentially dangerous animals must be restricted from access by the residents at all times and kept in such a manner so as not to be able to become free roaming and cause or inflict harm to the residents, visitors, or employees. These animals may not be housed in the residents' sleeping quarters.

Specific Authority 381.006(6), 381.006(16) FS. Law Implemented 381.006(6), (16) FS. History--New \_\_\_\_\_.

## DEPARTMENT OF FINANCIAL SERVICES

### Division of Insurance Agents and Agency Services

RULE NO.:

RULE TITLE:

69B-240.001

Military Sales Practices

PURPOSE AND EFFECT: The proposed rule chapter sets forth standards to protect active duty service members of the United States Armed Forces from dishonest and predatory insurance sales practices.

SUBJECT AREA TO BE ADDRESSED: The proposed rule chapter is intended to regulate the sale of life insurance including the sale of annuities to United States' military service members.

SPECIFIC AUTHORITY: 624.308(1), 626.9541(1), 626.9611(2) FS.

LAW IMPLEMENTED: 626.307(1), 626.951, 626.9521, 626.9541(1), 626.9611 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: Thursday, August 30, 2007, 9:30 a.m.

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Nancy Rowell, (850)413-5401. 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: Nancy Rowell, Director of Agent and Agency Services, Division of Insurance Agent and Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0319, phone (850)413-5401

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

#### MILITARY SALES PRACTICES

##### 69B-240.001 Military Sales Practices.

(1) The purpose of this rule is to set forth standards to protect active duty service members of the United States Armed Forces from dishonest and predatory insurance sales practices by declaring certain identified practices to be false, misleading, deceptive, or unfair.

(2) Scope – This rule shall apply only to the solicitation or sale of any life insurance or annuity product by an insurance producer to an active duty service member of the United States Armed Forces.

(3) Exemptions – This rule shall not apply to solicitations or sales involving:

(a) Credit insurance;

(b) Group life insurance or group annuities where there is no in-person, face-to-face solicitation of individuals by an insurance producer or where the contract or certificate does not include a side fund;

(c) Individual stand-alone health policies, including disability income policies;

(d) Contracts offered by Servicemembers' Group Life Insurance (SGLI) or Veterans' Group Life Insurance (VGLI), as authorized by 38 U.S.C. Section 1965 et seq., which are hereby incorporated by reference;

(e) Life insurance contracts offered through or by a non-profit military association, qualifying under Section 501 (c) (23) of the Internal Revenue Code (IRC), and which are not underwritten by an insurer; or

(f) Contracts used to fund:

1. An employee pension or welfare benefit plan that is covered by the Employee Retirement and Income Security Act (ERISA);

2. A plan described by Sections 401(a), 401(k), 403(b), 408(k) or 408(p) of the IRC, which are hereby incorporated by reference, if established or maintained by an employer;

3. A government or church plan defined in Section 414 of the IRC, which is hereby incorporated by reference, a government or church welfare benefit plan, or a deferred compensation plan of a state or local government or tax exempt organization under Section 457 of the IRC, which is hereby incorporated by reference;

4. A nonqualified deferred compensation arrangement established or maintained by an employer or plan sponsor;

5. Settlements of or assumptions of liabilities associated with personal injury litigation or any dispute or claim resolution process; or

6. Prearranged funeral contracts.

(g) Nothing herein shall be construed to abrogate the ability of nonprofit organizations (and/or other organizations) to educate members of the United States Armed Forces in accordance with Department of Defense (DoD) Instruction 1344.07 – PERSONAL COMMERCIAL SOLICITATION ON DoD INSTALLATIONS, which is hereby incorporated by reference.

#### (4) Definitions

(a) “Active Duty” means full-time duty in the active military service of the United States and includes members of the reserve component (National Guard and Reserve) while serving under published orders for active duty or full-time training or in a drill status in the National Guard or United States Armed Forces Reserve.

(b) “Department of Defense (DoD) Personnel” means all active duty service members and all civilian employees, including nonappropriated fund employees and special government employees, of the Department of Defense.

(c) “General Advertisement” means an advertisement having as its sole purpose the promotion of the reader's or viewer's interest in the concept of insurance, or the promotion of the insurer or the insurance producer.

(d) “Insurer” means an insurance company conducting activities requiring to be licensed under the laws of this state to provide life insurance products, including annuities.

(e) “Insurance producer” means a person conducting activities required to be licensed under the laws of this state to sell, solicit, or negotiate life insurance, including annuities.

(f) “Life Insurance” means insurance coverage on human lives including benefits of endowment and annuities, and may include benefits in the event of death or dismemberment by accident and benefits for disability income and unless otherwise specifically excluded, includes individually issued annuities.

(g) “Military Installation” means any federally owned, leased, or operated base, reservation, post, camp, building, or other facility to which service members are assigned for duty, including barracks, transient housing, and family quarters.

(h) “MyPay” is a Defense Finance and Accounting Service (DFAS) web-based system that enables service members to process certain discretionary pay transactions or provide updates to personal information data elements without using paper forms.

(i) “Service Member” means any active duty officer (commissioned and warrant) or enlisted member of the United States Armed Forces.

(j) “Side Fund” means a fund or reserve that is part of or otherwise attached to a life insurance policy (excluding individually issued annuities) by rider, endorsement, or other mechanism which accumulates premium or deposits with interest or by other means. The term does not include:

1. Accumulated value or cash value or secondary guarantees provided by a universal life policy;

2. Cash values provided by a whole life policy which are subject to standard nonforfeiture law for life insurance; or

3. A premium deposit fund which:

a. Contains only premiums paid in advance which accumulate at interest;

b. Imposes no penalty for withdrawal;

c. Does not permit funding beyond future required premiums;

d. Is not marketed or intended as an investment; and

e. Does not carry a commission, either paid or calculated.

(k) “Specific Appointment” means a prearranged appointment agreed upon by both parties and definite as to place and time.

(l) “United States Armed Forces” means all components of the Army, Navy, Air Force, Marine Corps, and Coast Guard.

(5) The following acts or practices when committed on a military installation by an insurance producer with respect to the in-person, face-to-face solicitation of life insurance are declared to be unfair or deceptive acts or practices by Section 626.9541 or 626.9551, F.S.:

(a) Soliciting the purchase of any life insurance product “door to door” or without first establishing a specific appointment for each meeting with the prospective purchaser.

(b) Soliciting service members in a group or “mass” audience or in a “captive” audience where attendance is not voluntary.

(c) Making appointments with or soliciting service members during their normally scheduled duty hours.

(d) Making appointments with or soliciting service members in barracks, day rooms, unit areas, or transient personnel housing or other areas where the installation commander has prohibited solicitation.

(e) Soliciting the sale of life insurance without first obtaining permission from the installation commander or the commander’s designee.

(f) Posting bulletins, notices, or advertisements, which have not been authorized by the installation commander.

(g) Failing to present DD Form 2885, Personal Commercial Solicitation Evaluation, to service members solicited or encouraging service members solicited not to complete or submit a DD Form 2885, which is hereby incorporated by reference.

(h) Accepting an application for life insurance or issuing a policy of life insurance on the life of an enlisted member of the United States Armed Forces without first obtaining for the insurer’s files a completed copy of any required form which confirms that the applicant has received counseling or fulfilled any other similar requirement for the sale of life insurance established by regulations, directives, or rules of the DoD or any branch of the Armed Forces.

(i) Using DoD personnel, directly or indirectly, as a representative or agent in any official or business capacity with or without compensation with respect to the solicitation or sale of life insurance to service members.

(j) Participating or using another insurance producer to participate in any United States Armed Forces sponsored education or orientation program.

(6) The following acts or practices by an insurance producer constitute corrupt practices, improper influences or inducements and are declared to be unfair or deceptive acts or practices prohibited by Section 626.9541 or 626.9551, F.S., regardless of the location where committed:

(a) Submitting, processing, or assisting in the submission or processing of any allotment form or similar device used by the United States Armed Forces to direct a service member’s pay to a third party for the purchase of life insurance. The foregoing includes, but is not limited to, using or assisting in using a service member’s “MyPay” account or other similar internet or electronic medium for such purposes. This subsection does not prohibit assisting a service member by providing insurer or premium information necessary to complete any allotment form.

(b) Receiving funds from a service member for the payment of premium from a depository institution with which the service member has no formal banking relationship. For purposes of this section, a formal banking relationship is established when the depository institution:

1. Provides the service member a deposit agreement and periodic statements and makes the disclosures required by the Truth in Savings Act, 12 U.S.C. § 4301 et seq., which are hereby incorporated by reference, and the regulations promulgated thereunder, which are hereby incorporated by reference; and

2. Permits the service member to make deposits and withdrawals unrelated to the payment or processing of insurance premiums.

(c) Employing any device or method or entering into any agreement whereby funds received from a service member by allotment for the payment of insurance premiums are identified on the service member's Leave and Earnings Statement or equivalent or successor form as "Savings" or "Checking" and where the service member has no formal banking relationship as defined in paragraph (6)(b).

(d) Entering into any agreement with a depository institution for the purpose of receiving funds from a service member whereby the depository institution, with or without compensation, agrees to accept direct deposits from a service member with whom it has no formal banking relationship.

(e) Using DoD personnel, directly or indirectly, as a representative or agent in any official or unofficial capacity with or without compensation with respect to the solicitation or sale of life insurance to service members, or to the family members of such personnel.

(f) Offering or giving anything of value, directly or indirectly, to DoD personnel to procure their assistance in encouraging, assisting, or facilitating the solicitation or sale of life insurance to another service member.

(g) Offering or giving anything of value to a service member for his or her attendance to any event where an application for life insurance is solicited.

(h) Advising a service member to change his or her income tax withholding or state of legal residence for the sole purpose of increasing disposable income to purchase life insurance.

(i)1. Making any representation, or using any device, title, descriptive name, or identifier that has the tendency or capacity to confuse or mislead a service member into believing that the insurer, insurance producer, or product offered is affiliated, connected or associated with, endorsed, sponsored, sanctioned, or recommended by the U.S. Government, the United States Armed Forces, or any state or federal agency or government entity. Examples of prohibited insurance producer titles include, but are not limited to, "Battalion Insurance

Counselor," "Unit Insurance Advisor," "Servicemen's Group Life Insurance Conversion Consultant," or "Veteran's Benefits Counselor."

2. Nothing herein shall be construed to prohibit a person from using a professional designation awarded after the successful completion of a course of instruction in the business of insurance by an accredited institution of higher learning. Such designations include, but are not limited to, Chartered Life Underwriter (CLU), Chartered Financial Consultant (ChFC), Certified Financial Planner (CFP), Master of Science In Financial Services (MSFS), or Masters of Science Financial Planning (MS).

(j) Soliciting the purchase of any life insurance product through the use of or in conjunction with any third party organization that promotes the welfare of or assists members of the United States Armed Forces in a manner that has the tendency or capacity to confuse or mislead a service member into believing that either the insurer, insurance producer, or insurance product is affiliated, connected or associated with, endorsed, sponsored, sanctioned, or recommended by the U.S. Government, or the United States Armed Forces.

(k) Using or describing the credited interest rate on a life insurance policy in a manner that implies that the credited interest rate is a net return on premium paid.

(l) Excluding individually issued annuities, misrepresenting the mortality costs of a life insurance product, including stating or implying that the product "costs nothing" or is "free."

(m) Making any representation regarding the availability, suitability, amount, cost, exclusions, or limitations to coverage provided to a service member or dependents by SGLI or VGLI, which is false, misleading, or deceptive.

(n) Making any representation regarding conversion requirements, including the costs of coverage, or exclusions or limitations to coverage of SGLI or VGLI to private insurers which is false, misleading, or deceptive.

(o) Suggesting, recommending, or encouraging a service member to cancel or terminate his or her SGLI policy or issuing a life insurance policy which replaces an existing SGLI policy unless the replacement shall take effect upon or after the service member's separation from the United States Armed Forces.

(p) Deploying, using, or contracting for any lead generating materials designed exclusively for use with service members that do not clearly and conspicuously disclose that the recipient will be contacted by an insurance producer, if that is the case, for the purpose of soliciting the purchase of life insurance.

(q) Failing to disclose that a solicitation for the sale of life insurance, if that is the case, will be made when establishing a specific appointment for an in-person, face-to-face meeting with a prospective purchaser.

(r) Failing to clearly and conspicuously disclose the fact that the product being sold is life insurance or an annuity contract.

(s) Failing to make, at the time of sale or offer to an individual known to be a service member, the written disclosures required by Section 10 of the "Military Personnel Financial Services Protection Act," Pub. L. No. 109-290, p.16, which are hereby incorporated by reference.

(t) When the sale is conducted in-person face-to-face with an individual known to be a service member, failing to provide the applicant at the time the application is taken:

1. An explanation of any free look period with instructions on how to cancel if a policy is issued; and

2. Either a copy of the application or a written disclosure. The copy of the application or the written disclosure shall clearly and concisely set out the type of life insurance or annuity contract, the death benefit applied for and its expected first year cost. A basic illustration that meets the requirements of Section 626.99, F.S., shall be deemed sufficient to meet this requirement for a written disclosure.

(u) Excluding individually issued annuities, recommending the purchase of any life insurance product which includes a side fund to a service member unless the insurer has reasonable grounds for believing that the life insurance death benefit, standing alone, is suitable.

(v) Offering for sale or selling a life insurance product which includes a side fund to a service member, who is currently enrolled in SGLI, is presumed unsuitable unless, after the completion of a needs assessment, the insurer demonstrates that the applicant's SGLI death benefit, together with any other military survivor benefits, savings and investments, survivor income, and other life insurance are insufficient to meet the applicant's insurable needs for life insurance.

1. "Insurable needs" are the risks associated with premature death, taking into consideration the financial obligations and immediate and future cash needs of the applicant's estate and/or survivors or dependents.

2. "Other military survivor benefits" include, but are not limited to: the Death Gratuity, Funeral Reimbursement, Transition Assistance, Survivor and Dependents' Educational Assistance, Dependency and Indemnity Compensation, TRICARE Healthcare benefits, Survivor Housing Benefits and Allowances, Federal Income Tax Forgiveness, and Social Security Survivor Benefits.

(w) Excluding individually issued annuities, offering for sale or selling any life insurance contract which includes a side fund:

1. Unless interest credited accrues from the date of deposit to the date of withdrawal and permits withdrawals without limit or penalty;

2. Unless the applicant has been provided with a schedule of effective rates of return based upon cash flows of the combined product. For this disclosure, the effective rate of

return will consider all premiums and cash contributions made by the policyholder and all cash accumulations and cash surrender values available to the policyholder in addition to life insurance coverage. This schedule will be provided for at least each policy year from one (1) to ten (10) and for every fifth policy year thereafter ending at age 100, policy maturity, or final expiration; and

3. Which by default diverts or transfers funds accumulated in the side fund to pay, reduce, or offset any premiums due.

(x) Excluding individually issued annuities, offering for sale or selling any life insurance contract which after considering all policy benefits, including but not limited to endowment, return of premium or persistency, does not comply with standard nonforfeiture law for life insurance.

(y) Selling any life insurance product to an individual known to be a service member that excludes coverage if the insured's death is related to war, declared or undeclared, or any act related to military service except for an accidental death coverage, e.g., double indemnity, which may be excluded.

(7) The department has authority to investigate the affairs of any person to whom this rule applies to determine whether such person has violated this rule. If such investigation demonstrates that a violation of this rule has occurred, the person in violation shall be subject to the procedures and penalties provided in Sections 626.9571, 626.9581, 626.9591, and 626.9601, F.S.

Specific Authority 624.308(1), 626.9541(1), 626.9611(2) FS. Law Implemented 626.307(1), 626.951, 626.9521, 626.9541(1), 626.9611 FS. History--New \_\_\_\_\_.

## Section II Proposed Rules

### DEPARTMENT OF REVENUE

#### Sales and Use Tax

##### RULE NOS.:

12A-1.038

12A-1.039

12A-1.056

##### RULE TITLES:

Consumer's Certificate of

Exemption; Exemption Certificates

Sales for Resale

Tax Due at Time of Sale; Tax Returns and Regulations

**PURPOSE AND EFFECT:** 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) provide instructions for the Department's on-line Certificate Verification System, which allows users to verify the validity of an entity's Florida Consumer's Certificate of Exemption number and the validity of a purchaser's sales tax certificate of registration number; (2) update information on where to contact the Department regarding the verification of an entity's Florida Consumer's Certificate of Exemption number or the

verification of a certificate of registration number; and (3) clarify that selling dealers are required to maintain copies of the Florida Consumer's Certificate of Exemption of each entity to which they make tax-exempt sales and are required to maintain a copy of the annual resale certificate of each customer to which they make tax-exempt sales.

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: (1) to provide instructions for the authority granted under Chapter 2006-52, L.O.F., which allows taxpayers to forego their authorized collection allowance and to direct the Department to transfer the foregone collection allowance to the Educational Enhancement Trust Fund; and (2) remove provisions regarding the Apalachicola Bay Oyster Surcharge, rendered obsolete by Chapter 2006-185, L.O.F.

SUMMARY: The proposed amendments to Rule 12A-1.038, F.A.C. (Consumer's Certificate of Exemption; Exemption Certificates): (1) provide instructions for use of the Department's on-line Certificate Verification System, which allows users to verify the validity of an entity's Florida Consumer's Certificate of Exemption number; (2) update information on where to contact the Department regarding the verification of an entity's Florida Consumer's Certificate of Exemption number; and (3) clarify that selling dealers are required to maintain copies of the Florida Consumer's Certificate of Exemption of each entity to which they make tax-exempt sales.

The proposed amendments to Rule 12A-1.039, F.A.C. (Sales for Resale): (1) provide instructions for use of the Department's on-line Certificate Verification System, which allows users to verify the validity of a purchaser's sales tax certificate of registration number; (2) update information on where to contact the Department regarding the verification of a certificate of registration number; and (3) clarify that selling dealers are required to maintain a copy of the annual resale certificate of each customer to which they make tax-exempt sales.

The proposed amendments to Rule 12A-1.056, F.A.C. (Tax Due at Time of Sale; Tax Returns and Regulations): (1) provide instructions regarding the authority granted under Chapter 2006-52, L.O.F., for taxpayers to forego their authorized collection allowance and direct the Department to transfer the amount of the foregone collection allowance to the Educational Enhancement Trust Fund; and (2) remove provisions regarding the Apalachicola Bay Oyster Surcharge, rendered obsolete by Chapter 2006-185, L.O.F.

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

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

SPECIFIC AUTHORITY: 212.07(1)(b), 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 95.091(3), 125.0104(3)(g), 125.0108(2)(a), 212.02(4), (14), 212.03(2), 212.0305(3)(c), 212.031(3), 212.04(3), (4), 212.05(1)(b), (i), (j), 212.0506(4), (11), 212.055, 212.06(1)(a), (c), (16), 212.0601, 212.0606, 212.07(1), 212.08(5)(m), (6), (7), 212.085, 212.11, 212.12(1), (2), (3), (4), (5), 212.13(5)(c), (d), 212.14(2), 212.15(1), 212.17(6), 212.18(2), (3), 212.21(2), 213.053(10), 213.235, 213.755, 373.41492, 376.70, 376.75, 403.718, 403.7185, 681.117 FS.

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

DATE AND TIME: September 5, 2007, 9:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. 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 RULES IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE FULL TEXT OF THE PROPOSED RULES IS:

12A-1.038 Consumer's Certificate of Exemption; Exemption Certificates.

(1) through (2) No change.

(3) SALES MADE TO EXEMPT ENTITIES OTHER THAN GOVERNMENTAL UNITS.

(a) through (e) No change.

(f) The validity of a Florida Consumer's Certificate of Exemption may be verified by using the Department's on-line Certificate Verification System at [www.myflorida.com/dor/eservices](http://www.myflorida.com/dor/eservices) or by calling the Department's automated nationwide toll-free verification ~~Department of Revenue's touch-tone telephone authorization~~ system at 1(877)357-3725. Persons with hearing or speech impairments may call the Department's TDD; at 1(800)367-8331.

(g)1. TRANSACTION AUTHORIZATION NUMBER ISSUED AT POINT-OF-SALE – VALID FOR A SINGLE TRANSACTION ONLY. In lieu of obtaining a copy of the exempt entity's valid Consumer's Certificate of Exemption for each sale, the selling dealer may obtain a Transaction

Authorization Number or a Vendor Authorization Number from the Department when making a tax-exempt sale to the exempt entity or its authorized representative.

2. The selling dealer may obtain a transaction authorization number at the point-of-sale by using the Department's on-line Certificate Verification System at [www.myflorida.com/dor/eservices](http://www.myflorida.com/dor/eservices) or by calling the Department's automated nationwide toll-free verification system at 1(877)357-3725. When using the Department's on-line Certificate Verification System, the dealer may key up to five Florida Consumer's Certificate of Exemption numbers into the system. When using the Department's automated nationwide toll-free verification system, Using a touch-tone telephone, the selling dealer is prompted to key in a single Florida the purchaser's Consumer's Certificate of Exemption number Number. Either verification The system will either issue a 13-digit transaction authorization number or alert the selling dealer that the purchaser does not have a valid Florida Consumer's Certificate of Exemption. Selling dealers using the automated telephone verification system who do not have a touch-tone telephone will be connected to a live operator during the hours of 8:00 a.m. to 7:00 p.m. (Eastern Time), Monday through Friday. Persons with hearing or speech impairments may call the Department's TDD at 1(800)367-8331.

3. The selling dealer must document the transaction authorization number on the sales invoice, purchase order, or other document that is prepared by the purchaser or the selling dealer to document the tax exempt purchase by the exempt entity.

4. A transaction authorization number is valid for a single sales transaction and is not valid to properly document subsequent sales made to the same entity. The selling dealer must obtain a new vendor authorization number for subsequent tax exempt transactions.

(h)1. **VENDOR AUTHORIZATION NUMBER FOR REGULAR CUSTOMERS – VALID FOR CALENDAR YEAR ISSUE.** In lieu of obtaining a copy of the exempt entity's valid Florida Consumer's Certificate of Exemption or a Transaction Authorization Number from the Department for each sale to the entity, the selling dealer may obtain a Vendor Authorization Number for that entity. This option is available to selling dealers throughout the calendar year without limitation. The selling dealer must maintain a copy of the exempt entity's Florida Consumer's Certificate of Exemption in its books and records.

2. The “vendor authorization number” is a customer-specific authorization number that will be valid for all sales made to an exempt entity during the calendar year.

3. To obtain vendor authorization numbers, the selling dealer may use the Department's on-line Certificate Verification System at [www.myflorida.com/dor/eservices](http://www.myflorida.com/dor/eservices) or send a written request must forward to the Department, using

an electronic medium, a list of the dealer's regular customers for which the dealer has a Consumer's Certificate of Exemption number. Dealers obtaining authorization numbers by submitting a written request to the Department may obtain the The electronic format for sending the customer data may be obtained from the Department's web site at [www.myflorida.com/dor](http://www.myflorida.com/dor) or call by calling the Department at (850)488-3516 to obtain the electronic format.

a. The written request should be forwarded to the Florida Department of Revenue, Production Control, G-18 Carlton Building, Tallahassee, Florida 32399-0100, along with an electronic file containing a list of the dealer's regular customers for which the dealer has a Florida Consumer's Certificate of Exemption number on file. In response to the request, the Department will issue to the selling dealer, using the same electronic medium, a list containing a unique vendor authorization number for each exempt entity who is a holder of a valid Florida Consumer's Certificate of Exemption.

b. The Department's on-line Certificate Verification System allows the user to verify up to five Florida Consumer's Certificate numbers and to obtain a transaction authorization number for single sales made to each exempt entity at once. The system also allows the user to upload a batch file of up to 50,000 accounts for verification of a Florida Consumer's Certificate of Exemption and, 24 hours later, retrieve the file containing the vendor authorization numbers for all sales made to an exempt entity during the calendar year.

4. The selling dealer may make tax-exempt sales to the exempt entity during the period in which the vendor authorization number for that entity is valid. Vendor authorization numbers are valid for the remainder of the calendar year during which they are issued. However, vendor authorization numbers issued by the Department in November or December are valid for the remainder of that calendar year and the next calendar year.

(4) through (6) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 95.091(3), 212.02(4), (14)(c), 212.05(1)(j), 212.06(1)(c),(16), 212.0601, 212.07(1), 212.08(5)(m), (6), (7), 212.085, 212.18(2), (3), 212.21(2) FS. History-Revised 10-7-68, 6-16-72, Amended 9-28-78, 7-20-82, 4-29-85, Formerly 12A-1.38, Amended 8-10-92, 3-17-93, 9-14-93, 12-13-94, 10-2-01, 6-12-03, 7-31-03, 6-28-04,\_\_\_\_\_.

12A-1.039 Sales for Resale.

(1) through (2) No change.

(3) Except as provided in subsection (4), a dealer making a sale for resale is required to document the exempt sale by CHOOSING ONE of the following three methods:

(a) No change.

(b) **TRANSACTION RESALE AUTHORIZATION NUMBER ISSUED AT POINT-OF-SALE – VALID FOR SINGLE TRANSACTION ONLY.** In lieu of obtaining a copy of the purchaser's Annual Resale Certificate for each When

~~making a tax-exempt sale made~~ for the purposes of resale, the selling dealer may obtain a Transaction Resale Authorization Number from the Department ~~in lieu of obtaining a copy of an Annual Resale Certificate from the purchaser or a Vendor Resale Authorization Number from the Department.~~

1. A "transaction resale authorization number" must be obtained by the selling dealer at the point-of-sale by using the Department's on-line Certificate Verification System at [www.myflorida.com/dor/eservices](http://www.myflorida.com/dor/eservices) or by calling the Department's through use of an automated nationwide toll-free telephone verification system at ~~The nationwide toll-free number to access the system is 1(877)357-3725.~~

2. When using the Department's on-line Certificate Verification System, the dealer may key up to five (5) purchaser's sales tax certificate of registration numbers into the system. When using the Department's automated nationwide toll-free verification system, the ~~The~~ selling dealer is prompted to must key in a single in the purchaser's sales tax certificate of registration number through use of a touch tone phone. The system will either issue a 13-digit thirteen (13) digit transaction resale authorization number or alert the selling dealer that the purchaser does not have a valid resale certificate. Selling dealers using the automated telephone verification system ~~Callers~~ who do not have a touch-tone phone will be connected to a live operator during the hours of 8:00 a.m. to 7:00 p.m. (Eastern Time), Monday through Friday. Persons with hearing or speech impairments may call the Department's TDD; at 1(800)367-8331.

3. A transaction resale authorization number is not valid to exempt subsequent resale purchases or rentals made by the same purchaser. A selling dealer must obtain a new transaction resale authorization number for each and every resale transaction.

4. The selling dealer must document the transaction resale authorization number on the sales invoice, purchase order, or a separate form that is prepared by either the purchaser or the selling dealer. The sales invoice, purchase order, or separate form must contain the following statement: "The purchaser hereby certifies that the property or services being purchased or rented are for resale." This statement must be followed by the signature of the purchaser. The signature may be obtained by the selling dealer through use of an electronic signature pad or other electronic method.

5. Alternatively, in lieu of meeting the requirements of subparagraph 4., the transaction resale authorization number may be documented on a properly completed Uniform Sales and Use Tax Certificate-Multijurisdiction, as provided in subsection (8) of this rule.

(c) VENDOR RESALE AUTHORIZATION NUMBER FOR REGULAR CUSTOMERS WHO HAVE PREVIOUSLY SUBMITTED DOCUMENTATION TO THE SELLING DEALER – VALID FOR CALENDAR YEAR ISSUED. In lieu of obtaining a Transaction Authorization Number or a

copy of the purchaser's valid Annual Resale Certificate for each ~~When making a tax-exempt sale made~~ for the purposes of resale, the selling dealer may obtain a Vendor Resale Authorization Number from the Department; ~~in lieu of obtaining a Transaction Authorization Number or a copy of the purchaser's Annual Resale Certificate.~~ This option is available to selling dealers throughout the calendar year without limitation. The selling dealer must maintain a copy of the purchaser's Annual Resale Certificate, whether valid or outdated.

1. The "Vendor Resale Authorization Number" is a customer-specific authorization number that will be valid for all sales for resale made to a particular customer during the calendar year.

2. To obtain vendor resale authorization numbers, the selling dealer may use the Department's on-line Certificate Verification System at [www.myflorida.com/dor/eservices](http://www.myflorida.com/dor/eservices) or send a written request ~~must send~~ to the Department, using an electronic medium, a list of the dealer's regular customers for which the dealer has a resale certificate number or an outdated Annual Resale Certificate on file.

a. The written request may be forwarded to the Department or may be submitted on Form ~~form~~ DR-600013, Request for Verification that Customers are Authorized to Purchase for Resale, or by providing the following information: date of request; name of the dealer's business; return address; name and telephone number of a contact person. The written request, or completed Form ~~form~~ DR-600013, should be forwarded to: Florida Department of Revenue, Production Control, G-18 G30 ~~G-18~~ Carlton Building, Tallahassee, Florida 32399-0100, along with a list of the dealer's regular customers for which the dealer has a valid Annual Resale Certificate on file or an outdated Annual Resale Certificate on file. The electronic format for sending the customer data is provided in Form ~~form~~ DR-600013 and may be obtained from the Department's web site at [www.myflorida.com/dor](http://www.myflorida.com/dor) or by calling the Department at 1(850)488-3516. In response to this request, the Department will issue to the selling dealer, using the same electronic medium, a list containing a unique vendor resale authorization number for each customer who is an active registered dealer.

b. The Department's on-line Certificate Verification System allows the user to verify up to five purchasers' sales tax certificate of registration numbers and to obtain a transaction authorization number for single sales made to each purchaser at once. The system also allows the user to upload a batch file of up to 50,000 accounts for verification of an Annual Resale Certificate number and, 24 hours later, retrieve the file containing the vendor authorization numbers for sales made for the purposes of resale to each purchaser during the calendar year.

3. The selling dealer may make exempt sales for resale to a customer during the period in which the vendor resale authorization number for that customer is valid. Vendor resale authorization numbers are valid for the remainder of the calendar year during which they are issued. However, vendor resale authorization numbers issued by the Department in November or December shall be valid for the remainder of the current calendar year and the next calendar year.

(4) through (8) No change.

Specific Authority 212.07(1)(b), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 95.091(3), 212.02(14), 212.05(1)(b), (i), 212.07(1), 212.085, 212.13(5)(c), (d), 212.17(6), 212.18(2), (3), 212.21(2), 213.053(10) FS. History—Revised 10-7-68, 1-7-70, 6-16-72, 9-26-77, Amended 7-20-82, 4-12-84, Formerly 12A-1.39, Amended 1-2-89, 9-14-93, 12-13-94, 10-2-01, 6-12-03,\_\_\_\_\_.

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

(1) No change.

(2) COLLECTION ALLOWANCE.

(a) As compensation for the prescribed record keeping, accounting for, and remitting taxes or fees on the same documents utilized for sales and use tax, such seller, person, lessor, dealer, owner, and remitter shall be allowed a collection allowance.

(b) The collection allowance (except for dealers who make mail order sales, see subsection (5) of Rule 12A-1.103, F.A.C.) shall be computed at the rate of 2.5 percent on the first \$1,200 of tax due. There shall be no additional collection allowance authorized for tax collected in excess of \$1,200. Therefore, the maximum amount of collection allowance authorized for any filing period shall be \$30.

(c) Dealers operating more than one place of business and filing under a consolidated tax return, where the consolidated return provides the monthly business activity for each location, are allowed the collection allowance for each reporting and registered location. Dealers who report tax collected within each county using a county-control number are entitled to the collection allowance based upon the total amount reported on the county-control reporting number.

(d) The collection allowance will not be allowed when:

1. The tax reported on the return is delinquent at the time of payment;

2. The required tax return is delinquent; or

3. The required tax return filed is incomplete. An "incomplete return" is a return that lacks such uniformity, completeness, and arrangement that the physical handling, verification, or review of the return, or determination of other taxes and fees reported on the return, may not be readily accomplished.

(e)1. Any dealer who files a timely return may elect to donate the amount of collection allowance that is allowed on that return to the Educational Enhancement Trust Fund. The

revenues deposited into this trust fund will to go school districts that have adopted resolutions stating that the funds from this trust fund will be used to ensure that up-to-date technology is purchased for the classrooms in those districts and that teachers are trained in the use of the technology. Dealers who are located outside Florida or whose business is located in a county where the school district has not adopted the required resolution may also elect to donate the amount of collection allowance that is allowed on their return to the trust fund. Funds received from these dealers will be equally distributed to school districts that have adopted the required resolutions.

2. Dealers who elect to donate their collection allowance must make an election on each original return that is timely filed with the Department, as provided in subsection (1). The payment required with the return must include the amount of collection allowance to be donated and must be timely filed, as provided in subsection (1). Dealers making the election on their return should not enter the amount of collection allowance on the return. Dealers who operate two or more places of business and file a consolidated return, as provided in paragraph (1)(f), must make the election on the consolidated return (Form DR-15CON, Consolidated Summary-Sales and Use Tax Return) and should not enter the amount of collection allowance on the location returns (Form DR-7, Consolidated Sales and Use Tax Return). The amount of the collection allowance will not be transferred to the Educational Enhancement Trust Fund when a dealer makes an election to donate the amount of its allowed collection allowance but does not include that amount with its payment. Form DR-15CON, Consolidate Summary-Sales and Use Tax Return, and Form DR-7, Consolidated Sales and Use Tax Return, are incorporated by reference in Rule 12A-1.097, F.A.C.

3. When a dealer files a return and makes the payment required with the return timely, the election to donate the amount of the collection allowance to the Educational Enhancement Trust Fund may not be rescinded for that return. Dealers are not permitted to file an amended return to make an election to donate the amount of the collection allowance to the trust fund when the election was not made on the original return as filed.

4. The election to donate the collection allowance to the Educational Enhancement Trust Fund applies only when the dealer files a timely return. The amount of collection allowance transferred to the trust fund will be the amount remaining after resolution of any tax, interest, or penalty due when the dealer makes an election to transfer the amount of collection allowance on:

a. A return that is filed with the Department after the due date, as provided in subsection (1);

b. A return that is incomplete, as provided in this subsection; or

c. When the dealer underpays the amount of tax due with the return.

(3) ESTIMATED TAX.

(a) through (b) No change.

(c) The following are not required to be included in computing the estimated tax liability:

1. through 4. No change.

5. The Miami-Dade County Lake Belt mitigation fee or water treatment plant upgrade fee imposed under Section 373.41492, F.S.

(d) through (e) No change.

(4) PENALTIES AND INTEREST.

(a) The penalties and interest provided in this subsection apply to the following sales and use taxes, discretionary sales surtax, surcharges, or fees imposed by or administered under Chapter 212, F.S.:

~~1. Apalachicola Bay oyster surcharge;~~

2. through 4. renumbered 1. through 3. No change.

4.5. Miami-Dade County Lake Belt mitigation fee or water treatment plant upgrade fee;

6. through 13. renumbered 5. through 12. No change.

(b) through (g) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 125.0104(3)(g), 125.0108(2)(a), 212.03(2), 212.0305(3)(c), 212.031(3), 212.04(3), (4), 212.0506(4), (11), 212.055, 212.06(1)(a), 212.0606, 212.11, 212.12(1), (2), (3), (4), (5), 212.14(2), 212.15(1), 213.235, 213.755, ~~370.07(3)~~, 373.41492, 376.70, 376.75, 403.718, 403.7185, 681.117 FS. History—Revised 10-7-68, 6-16-72, Amended 10-21-75, 6-9-76, 11-8-76, 2-21-77, 4-2-78, 10-18-78, 12-23-80, 8-26-81, 9-24-81, 11-23-83, 5-28-85, Formerly 12A-1.56, Amended 3-12-86, 1-2-89, 12-19-89, 12-7-92, 10-20-93, 10-17-94, 3-20-96, 4-2-00, 6-19-01, 8-1-02, 4-17-03, 9-28-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Buzz McKown, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4721

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 30, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule Chapter 12A-1, F.A.C. (Sales and Use Tax), were noticed in the Florida Administrative Weekly on February 2, 2007 (Vol. 33, No. 5, pp. 411-416). A rule development workshop was held on February 20, 2007. No one appeared to provide comment regarding these proposed rule changes. No written comments were received by the Department regarding these proposed rule changes. However, comments were received at

the rule development workshop regarding the proposed amendments to Rule 12A-1.027, F.A.C. (Printing of Tangible Personal Property), and Rule 12A-1.038, F.A.C. (Consumer's Certificate of Exemption; Exemption Certificates), intended to provide administrative requirements for the exemption provided in Chapter 2006-144, L.O.F. This law creates s. 212.08(7)(ccc), F.S., providing an exemption for certain advertising materials distributed free of charge by mail in an envelope. The proposed amendments to implement this new exemption have been removed from this rulemaking to allow the Department to continue its dialogue with participants at the rule development workshop in development of the administrative requirements for this new exemption.

## DEPARTMENT OF REVENUE

### Sales and Use Tax

RULE NOS.:

12A-1.096

RULE TITLES:

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-1.096, F.A.C. (Industrial Machinery and Equipment for Use in a New or Expanding Business), is to: (1) incorporate the provisions of Chapter 2006-56, L.O.F., which amends Section 212.08(5)(b), F.S. (Machinery and equipment used to increase productive output); and (2) revise the requirements for the administration of the exemption provided for industrial machinery and equipment used in a new or expanding business consistent with Section 212.08(5)(b), F.S., as amended.

Chapter 2006-56, L.O.F., deletes the \$50,000 tax threshold per calendar year on the purchase of industrial machinery and equipment used to increase productive output by certain industries. All industries will no longer be required to meet the \$50,000 tax threshold per calendar year. This law also revises the exemption for machinery and equipment used in mining operations by removing the requirement that the exemption is only available by taking a credit against severance taxes and removing the requirement that mining operations must show an increase in the creation of new jobs. The proposed amendments remove these obsolete requirements.

The proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms), adopt, by reference, changes to Form DR-1214, Application for Temporary Tax Exemption Permit.

SUMMARY: The proposed amendments to Rule 12A-1.096, F.A.C. (Industrial Machinery and Equipment for Use in a New or Expanding Business), clarify that a "fixed location" is a location or plant site that is used, or intended to be used, for an extended or indefinite period of time for spaceport activities or for manufacturing, processing, compounding, or producing items of tangible personal property for sale. The definition of "mining activities," rendered obsolete by Chapter 2006-56,

L.O.F., is removed. Examples are added to the definition of the term “physically comparable,” for clarity. The term “production process” is clarified to mean that the production process may include quality control activities after the items have been packaged, such as good manufacturing practices as mandated by the Federal Food and Drug Administration to detect adulterated food or food that has been prepared, packaged, or held under insanitary conditions. Additional provisions are added to clarify that the production process does not include product design activities. The proposed amendments define the terms “purchase” and “purchase agreement” for purposes of the exemption.

The proposed amendments revise the provisions describing the terms “new business” and “expanding business.” Pursuant to these proposed amendments, businesses that purchase additional machinery and equipment to begin manufacturing component parts for existing lines of products that were previously purchased from vendors will be classified as an “expanding business” and will be required to meet the statutory requirement to increase productive output. For these expanding businesses, that statutory requirement will be met when the first component part is manufactured for existing lines of products, as the production of that first component part represents a 100 percent increase in productive output of that component part. In addition, the proposed amendments clarify that the physical productive output measurement must be based on physical production data that is directly relevant to the business and/or product(s) being produced. Examples are added to the provisions for a “new business” and for an “expanding business” to clarify this classification.

The proposed amendments revise the provisions describing the term “expanding business,” removing provisions regarding the \$50,000 tax threshold per calendar year on the purchase of industrial machinery and equipment used to increase the productive output of tangible personal property. This tax threshold requirement was repealed by Chapter 2006-56, L.O.F. The proposed amendments also remove provisions regarding mining activities rendered obsolete by Chapter 2006-56, L.O.F.

The proposed amendments provide that existing products that merely incorporate newer technology are not considered to be a distinct and separate economic activity.

The proposed amendments clarify that an application for refund must meet the requirements of Section 213.255(2) and (3), F.S., and Rule 12-26.003, F.A.C., to be considered complete.

The proposed amendments provide additional examples of types of industrial machinery and equipment to clarify whether post-production machinery and equipment used for refrigerated, frozen, or heated storage of finished goods inventory qualifies for the exemption. Provisions are added to clarify that conveyors used to transport work-in-process within the production line at the fixed location will qualify for

exemption. Additional examples are provided, and obsolete provisions are removed, to clarify whether computers and related equipment will be considered a part of the production process and qualify for exemption. Obsolete provisions regarding agricultural equipment, which became fully exempt under the provisions of Section 212.08(3), F.S., as amended in 2005, are removed. Additional provisions are included to clarify whether monitoring equipment, office equipment, security systems, motor vehicles, and locomotives or railroad cars will qualify for the exemption.

The proposed amendments consolidate and clarify provisions for the application of the exemption to leases of machinery and equipment for new and expanding businesses.

The proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms), adopt, by reference, changes to Form DR-1214, Application for Temporary Tax Exemption Permit.

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

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

**SPECIFIC AUTHORITY:** 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (7), 212.11(5)(b), 212.12(1)(b)2., 212.17(6), 212.18(2), (3), 213.06(1), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2), (7) FS.

**LAW IMPLEMENTED:** 92.525(1)(b), (3), 95.091, 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 201.17(1)-(5), 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1), (4), (5), 212.12(1), (2), (9), (13), 212.13, 212.14(5), 212.17, 212.18(2), (3), 213.235, 213.255(2), (3), 213.29, 213.37, 215.26, 219.07, 288.1258, 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7) FS.

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

**DATE AND TIME:** September 5, 2007, 1:30 p.m.

**PLACE:** Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. 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 RULES IS: Jeffery L. Soff, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4719

THE FULL TEXT OF THE PROPOSED RULES IS:

12A-1.096 Industrial Machinery and Equipment for Use in a New or Expanding Business.

(1) Definitions – The following terms and phrases when used in this rule ~~shall~~ have the meaning ascribed to them except where the context clearly indicates a different meaning:

(a) “Fixed location” means ~~a being permanently affixed to one (1) location or plant site that is used, or intended to be used, for an extended or indefinite period of time for spaceport activities or for manufacturing, processing, compounding, or producing items of tangible personal property for sale.~~ The term also includes a location where a ~~any~~ portable plant ~~which~~ is set up for a period of not less than six months in a stationary manner so as to perform the same industrial manufacturing, processing, compounding, or production process that could be performed at a permanent location or plant site. The geographical limits of the fixed location for purposes of this rule are limited to the immediate permanent location or plant site. Facilities or plant units that are within the same building, or that are on the same parcel of land if not contained in a building, are considered to be one fixed location.

(b) “Industrial machinery and equipment” means tangible personal property or other property with a depreciable life of 3 years or more that is used as an integral part in the manufacturing, processing, compounding, or production of tangible personal property for sale or is exclusively used in spaceport activities. Buildings and their structural components are not industrial machinery and equipment unless the building or structural component is so closely related to the industrial machinery and equipment that it houses or supports that the building or structural component can be expected to be replaced when the machinery and equipment itself is replaced. Heating and air conditioning systems are not considered industrial machinery and equipment, unless the sole justification for their installation is to meet the requirements of the production process, even though the system may provide incidental comfort to employees, or serves, to an insubstantial degree, ~~nonproduction non-production~~ activities. For example, a dehumidifier installed for the sole purpose of conditioning air in a factory, where the manufacturing of electronic components requires a controlled-humidity environment, will be considered industrial machinery and equipment. (See subsection ~~(8)(9)~~ of this rule.)

(c) “Integral to” means that the machinery and equipment provides a significant function within the production process, such that the production process could not be complete without that machinery and equipment.

(d) “Manufacture, process, compound, or produce for sale” means the various industrial operations of a business where raw materials will be put through a series of steps to make an item of tangible personal property that will be sold. The industrial operations must bring about a change in the composition or physical nature of the raw materials. Where materials are merely repackaged or redistributed, those operations are not manufacturing, processing, compounding, or producing for sale. The item of tangible personal property may be sold to another manufacturer for further processing or for inclusion as a part in another item of tangible personal property that will be sold, or the item may be sold as a finished product to a wholesaler or an end consumer. The business performing the manufacturing, processing, compounding, or production process may or may not own the raw materials. However, the phrase “manufacture, process, compound, or produce for sale” does not include fabrication, alteration, modification, cleaning, or repair services performed on items of tangible personal property belonging to others where such items of tangible personal property are not for sale.

~~(e) “Mining activities” means phosphate and other solid minerals severance, mining, or processing operations. Mining activities end at the point where the mineral is readily identifiable as the final product of mining or where it is ready to be compounded or mixed with other materials to form a new material. (See subsection (4) of this rule.)~~

~~(e)(f)~~ “Physically comparable” means the similarity or equivalency of the characteristics of the items of tangible personal property being manufactured, processed, compounded or produced. Physical comparability applies to the units used to measure the increase in productive output of an expanding business.

1. Example: All models of microwave ovens made by a manufacturer, regardless of specific features, would be physically comparable. However, if the manufacturer also made coffee makers, the coffee makers would not be physically comparable to microwave ovens, even though both items are generally considered small kitchen appliances.

2. Example: A beverage manufacturer produces a variety of soft drinks in various sized cans and bottles. The production of the various sized cans and bottles of soft drinks is not physically comparable. However, production is physically comparable when converted to a common physical unit, such as gallons of product.

~~(f)(g)~~ “Production process” or “production line” means those industrial activities beginning when raw materials are delivered to the new or expanding business’ fixed location and generally ending when the items of tangible personal property have been packaged for sale, or are in saleable form if packaging is not done. However, the production process may include quality control activities after the items have been packaged (or are in salable ~~saleable~~ form if packaging is normally not done), such as if such quality control activities

~~are required by good manufacturing practices as mandated by the Federal Food and Drug Administration to detect adulterated food or food that has been prepared, packaged, or held under insanitary conditions or mandated by state or federal government agencies.~~

1. The production process may encompass more than one fixed location if the business transfers work-in-process from one fixed location to a second fixed location for further manufacturing, processing, compounding, or production. For example, a company purchases machinery and equipment to produce raw orange juice at one fixed location, and this raw orange juice is transferred as work-in-process to a second fixed location where the company will use the raw orange juice to make five different products.

2. A production process does not include natural processes occurring before raw material is delivered to the receiving operation or after the packaging operation. For example, the natural transformation of grass or feed into raw milk by dairy cows is not part of the production process. In this case, the production process begins with ~~when the cows (i.e., raw materials) are brought into the milking parlor.~~ The ~~Neither is the~~ planting, growing, or harvesting of crops, and ~~nor~~ the raising of livestock or poultry are not, part of the production process. The ~~Also, the~~ natural aging or fermentation of alcoholic beverages or other food products, after they have been packaged, is also not part of the production process. The ~~There, the~~ production process ends when the alcoholic beverage or other food product has been packaged for sale.

3. The production process does not include product design activities. For example, the computer aided design of a product where the final design program or computer file for that product will be sent to or downloaded to industrial machinery and equipment for the physical creation of the product is not a part of the production process. Similarly, the production process for printed materials does not include the initial conception or creation of the written matter. For example, the writing of a story by a reporter for subsequent printing in a newspaper is not a part of the production process. (See subsection (8) ~~paragraph (9)(b)~~ of this rule regarding machinery and equipment and the production process.)

~~(g)(4)~~ “Productive output” ordinarily means the number of units actually produced by a single plant or operation in a single continuous 12-month period. The increase in productive output ~~is shall be~~ measured by the output for 12 continuous months immediately following the completion of the installation of machinery and equipment for the expansion project as compared to the productive output of 12 continuous months immediately preceding the beginning of the installation of machinery and equipment for the expansion project. However, if a different 12-month continuous period would more accurately reflect the increase in productive output as a result of a business expansion, the increase in productive output will be measured during that alternate 12-month

continuous period, provided that prior to the start of production by the expanded business the Executive Director or the Executive Director’s designee agrees to such alternate measuring period. Such alternate continuous 12-month measuring period approved by the Executive Director or the Executive Director’s designee must begin within 24 months following the completion of installation of qualifying machinery and equipment. If an alternate 12-month measuring period is requested by the business entity and is agreed to by the Executive Director or the Executive Director’s designee, only the selected alternate 12-month period will be used to measure the increased productive output for the business expansion, even though some 12-month period other than the selected and approved 12-month period may show a production increase of 10 percent or more as a result of the expansion project. Productive output may not be measured by sales dollars or by production labor hours for the purposes of this exemption.

(h) “Purchase,” “purchases,” or “purchasing” means the transfer of title or possession, or both, of industrial machinery and equipment for a consideration. The terms also include the acquisition of industrial machinery and equipment under a lease or rental agreement.

(i) “Purchase agreement” means a document, in the form of a purchase order issued by the purchaser, a contract for purchase with a seller or vendor, a memorandum of understanding, or a lease or rental agreement with a lessor.

~~(j)(4)~~ “Spaceport activities” means those activities as defined in Section 212.02, F.S. Florida Statutes.

(2) New Business.

(a) The purchase of industrial machinery and equipment, parts and accessories, and the installation labor thereof, is exempt from tax when purchased by a new business which uses such machinery and equipment at a fixed location in this state for exclusive use in spaceport activities, or to manufacture, process, compound, or produce items of tangible personal property for sale.

(b) Machinery and equipment must be purchased, or a purchase agreement made, before the new business begins spaceport activities or starts production, and delivery of the purchased items must be made within 12 months from the beginning of spaceport activities or the start of production.

(c) The date of purchase of the machinery and equipment is established by the date of the purchase agreement. If no purchase agreement was made, or in the absence of proof that a purchase agreement was made prior to the determined beginning of spaceport activities or the start of production, the machinery and equipment vendor’s sales invoice will be the controlling document for determining whether the machinery and equipment qualifies for the exemption. No exemption will be allowed even though delivery of machinery and equipment is made within 12 months from the beginning of spaceport activities or the start of production if the machinery and

equipment was ordered after the beginning of spaceport activities or the start of production. If a purchase agreement that was made prior to the start of production is amended or changed after the start of production, any amendments or changes that increase the quantity of an item of machinery or equipment will not qualify for the exemption. Any amendments or change orders to that purchase agreement that provide for the substitution of a like kind item of machinery or equipment will qualify for the exemption.

(d)1. The start of production ~~is shall be~~ the date that a product is manufactured, processed, compounded, or produced where such product will be inventoried for sale or will be immediately sold. However, if this date does not reflect the actual start of production, the date of the start of production will shall be determined by the Executive Director or the Executive Director's designee on a case by case basis. In such cases, the business is required to shall maintain sufficient records to enable the Executive Director or the Executive Director's designee to make a proper determination as to the initial production activities of the new facility. (See subsection (6)(7) of this rule for record keeping requirements.)

a. Initial test or trial runs necessary to calibrate or evaluate the operation of machinery and equipment, where the products made are scrapped or sold for salvage value, are not considered to be the start of production. The operation of machinery and equipment at less than full capacity, where the products made are inventoried or immediately sold, is considered to be the start of production.

b. Production is considered to have started even though the production line may not be complete, if any part(s) of the production process is subcontracted to others and a finished product can be inventoried or immediately sold.

2. The beginning of spaceport activities ~~is shall be~~ the date that industrial machinery and equipment is first exclusively used for that purpose. However, if this does not reflect the actual beginning of spaceport activities, the date will shall be determined by the Executive Director or the Executive Director's designee on a case-by-case basis. In such cases, the business is required to shall maintain sufficient records to enable the Executive Director or the Executive Director's designee to make a proper determination as to the beginning of spaceport activities of the new facility. (See subsection (6)(7) of this rule for record keeping requirements.)

(e) The Executive Director or the Executive Director's designee will shall determine if a business qualifies for the exemption as a new business, based on the facts in each particular case.

1. A new business means a newly-formed company that opens a facility or plant, at a fixed location in this state, to manufacture, process, compound, or produce items of tangible personal property for sale, or to exclusively use industrial machinery and equipment in spaceport activities.

2. A new business means an addition to, or the enlargement of, an existing facility or plant, or the installation of additional machinery and equipment, for the purpose of manufacturing, processing, compounding, or producing items of tangible personal property for sale that represent a distinct and separate economic activity from other items that have been or are being produced at that same fixed location, or to exclusively use industrial machinery and equipment in distinct and separate spaceport activities. For example, a company that currently manufactures washing machines would be considered a new business for the purpose of installing a dedicated assembly line for the manufacturing of refrigerators. A new business does not mean an addition to, or the enlargement of, an existing facility or plant, or the installation of additional machinery and equipment at an existing facility or plant, for the purpose of manufacturing, processing, compounding, or producing component parts that were previously purchased from, or fabricated by, outside sources for inclusion in that business' finished items of tangible personal property for sale. (See subsection (4)(5) of this rule regarding manufacturing business classification factors.)

3. A new business means opening a new facility or plant, at a fixed location in this state, to manufacture, process, compound, or produce an item of tangible personal property for sale, or to exclusively use industrial machinery and equipment in spaceport activities, provided no other facility or plant in this state that manufactured, processed, compounded, or produced the same or a similar item of tangible personal property, or performed the same or a similar spaceport activity, at a fixed location in this state, was closed to open the new facility or plant, or will be closed within 12 months. However, this limitation concerning the closure of a facility or plant is not applicable to a mining activity when a mine is closed due to the exhaustion or depletion of the mined resource such that mining is no longer economically feasible at that location.

4. A new business does not mean the change of ownership of an existing facility or plant, at a fixed location in this state, that manufactures, processes, compounds, or produces items of tangible personal property for sale, or exclusively uses industrial machinery and equipment in spaceport activities, by a purchase arrangement, merger, or some other similar means, unless such facility or plant ceased doing productive operations for a period of not less than 12 months.

### (3) Expanding Business.

(a) The purchase of industrial machinery and equipment, parts and accessories, and the installation thereof, is exempt from tax when purchased by an expanding business that uses such machinery and equipment at a fixed location in this state to increase the productive output of tangible personal property that is manufactured, processed, compounded, or produced for sale by not less than 10 percent, or for exclusive use in spaceport activities. Industrial machinery and equipment, parts and accessories, and the installation labor thereof, purchased

by a business for the purpose of expanding spaceport activities, or the operation of a plant at an existing fixed location in this state to manufacture, process, compound, or produce items of tangible personal property for sale is exempt from any amount of taxes imposed in excess of \$50,000 per calendar year. The taxpayer may elect to pay the entire \$50,000 in tax directly to the Department at the beginning of the expansion project or at the beginning of the calendar year, or accrue or pay the tax on each qualifying purchase until the \$50,000 tax limitation is reached. The business entity may then extend a Temporary Tax Exemption Permit in lieu of paying any additional sales tax in excess of the \$50,000 in tax for the remainder of the calendar year. For each subsequent year the project is ongoing, the taxpayer may again elect to pay the entire \$50,000 in tax directly to the Department at the beginning of the calendar year, or accrue or pay the tax on each qualifying purchase until the \$50,000 tax limitation is reached.

(b)1. Only the actual sales or use tax imposed on qualifying purchases for the calendar year shall apply to the \$50,000 tax threshold even though the tax may be paid in a subsequent calendar year.

2. ~~EXAMPLE 1. Sales or use tax paid to the state in January 1999 for the period ending December 31, 1998, would be allowed as part of the \$50,000 tax threshold for 1998, since the tax paid with the December 1998 sales tax return would have been imposed in 1998.~~

3. ~~EXAMPLE 2. Sales or use tax paid to the state in January 1999 for the period ending December 31, 1998, would not be allowed as part of the \$50,000 tax threshold for 1999, since the tax paid with the December 1998 sales tax return would have been imposed in 1998.~~

4. Expanding printing facilities or printing plant units are not subject to the \$50,000 tax threshold.

(b)(e) The Executive Director or the Executive Director's designee will ~~shall~~ determine whether a business qualifies for the exemption as an expanding business, based upon the facts of each case using the following guidelines, ~~provided the requirements of paragraphs (3)(a) and (d) are complied with:~~

1.a. An expanding business means an addition to, or the modernization or enlargement of, an existing facility or the installation of additional machinery and equipment to manufacture, process, compound, or produce an item of tangible personal property that which is already being produced at that fixed location in this state or ~~which~~ is similar to an item of tangible personal property that which is already being produced at that fixed location.

b. An expanding business means an addition to, or the modernization or enlargement of, an existing facility or the installation of additional machinery and equipment to begin manufacturing, processing, compounding, or producing a component item of tangible personal property that will be incorporated into a finished item of tangible personal property for sale that is already being produced at that fixed location.

When the component item of tangible personal property is manufactured, processed, compounded, or produced, the completion of the first component item meets the required productive output increase. When the business manufactures, processes, compounds, or produces that component for sale to others and incorporates that component in other items of tangible personal property for sale, the business would be classified as a new business.

c. For example, a washing machine manufacturer that previously purchased water pumps from an outside supplier as component parts for the washing machines would be considered an expanding business, rather than a new business, when it purchases machinery and equipment to begin manufacturing its own component water pumps and does not offer the water pumps for sale to others. When the first component water pump is produced, the manufacturer, as an expanding business, meets the required productive output increase.

~~d.b.~~ An expanding business means an addition to, or the modernization or enlargement of, an existing facility or the installation of additional machinery and equipment to perform a spaceport activity that is already being performed, or is similar to an activity that is already being performed, at that fixed location.

2. An expanding business means closing an existing plant or an operation in a plant in this state and moving it to a new location in this state within 12 months of the closing.

3. An expanding business means the purchase of an existing facility to manufacture, process, compound, or produce an item of tangible personal property that which is already being produced at that facility; or ~~which~~ is similar to an item of tangible personal property that which is already being produced at that facility.

~~(c)1.(d) To in order to~~ qualify for an exemption as an expanding business, the taxpayer is required to ~~shall~~ provide information to the satisfaction of the Executive Director or the Executive Director's designee that the items purchased will ~~shall~~ be or have been used to increase the productive output of the existing facility or specific product line(s) by not less than 10 percent. An expanding business is allowed to specify whether the 10 percent increase in productive output is for the entire plant or for specific product line(s). However, where the increase in productive output applies to a product or component that becomes part of different product lines, the increase in productive output will be determined by measuring the increase in the combined output of the different product lines. Similarly, if the additional machinery and equipment affects the productive output of more than one product line, the increase in productive output must be measured by all of the product lines that have been affected.

a. Example: If ~~For example, if~~ a company purchases machinery and equipment that increases its production of raw orange juice by 25 percent, and this raw orange juice is used by

the company to make five different products, the increase in productive output would be determined by measuring the volume increase in the combined output of all five different products.

b. Example: A beverage manufacturer that currently produces a variety of soft drinks in 12-ounce cans purchases machinery and equipment to begin making plastic bottles and also purchases additional mixing machinery and equipment to make more syrup for overall beverage production. Effectively, there are two separate expansion projects for this manufacturer. The plastic bottle expansion project will meet the required productive output increase requirement upon production of the first bottle. However, the productive output increase requirement for the additional mixing machinery and equipment must be measured by the amount of beverages produced at the plant.

c. Example: A manufacturer of coffeemakers, toasters, and microwave ovens purchases replacement machinery and equipment that is only used to make components for the coffeemakers. The productive output increase may be measured just on the production of coffeemakers.

2. The physical productive output measurement must be based on physical production data, which is directly relevant to the business and/or the product(s) being produced. A physical productive output measurement based on indirect or minor, variable components is not a relevant measurement. For example, a relevant measurement for a furniture manufacturer would be the number of pieces of furniture manufactured, not the amount of glue, paint, stain, or varnish used in the manufacturing of furniture.

3. Expanding spaceport activities are not subject to the increase in productive output requirement.

#### (4) Mining Activities.

(a) The exemption for new and expanding mining activities is available only by way of a prospective credit against severance taxes due under Chapter 211, F.S. In order to qualify for the exemption, businesses engaged in mining activities must demonstrate the following:

1. A new business must demonstrate the creation of at least 100 new Florida jobs;

2. An expanding business that has 2,500 or fewer Florida employees must demonstrate the creation of new Florida jobs in an amount equal to at least 5 percent of its Florida employees; or

3. For an expanding business that has more than 2,500 Florida employees, that business must demonstrate the creation of new Florida jobs in an amount equal to at least 3 percent of its Florida employees;

4. In addition to the requirements of subparagraph 2. or 3. above, expanding mining businesses must also meet the requirements of paragraphs (3)(a) and (d) above.

~~(b) "New Florida job" means a new position created and filled within 24 months after the completion of construction of the new or expanded facility. The term includes a transfer of a position from an existing Florida operation so long as the transfer is the result of the closure or reduction of the other Florida operation. For an expanding business, the number of existing Florida employees shall be determined as of the date on which the business commences construction of the expansion.~~

~~(c) The Office of Tourism, Trade, and Economic Development shall certify the creation of new Florida jobs to the Department of Revenue. The exemption to new and expanding businesses engaged in mining activities will not be approved until the Department of Revenue has received such certification.~~

#### (4)(5) Manufacturing Business Classification Factors.

(a) When an additional product is made at an existing fixed location, the determination whether that business is classified for the exemption as a new business or as an expanding business will depend upon whether the additional product represents an economic activity that is distinct and separate from a product, or a group of products, that is already being manufactured, processed, compounded, or produced at that fixed location.

(b) The Executive Director or the Executive Director's designee will make a determination regarding the classification of a business' application for exemption on a case-by-case basis. The Department will be guided by the following factors when making a determination:

1. The general nature of the applicant's predominant existing business;

2. The Standard Industrial Classification (SIC) or North American Industry Classification System (NAICS) industry number of the existing product(s) versus the additional product;

3. The raw materials or components used to make the existing product;

4. Whether the additional product is an alternative to, or represents a replacement for, the existing product(s);

5. The differences in machinery and equipment needed to make the existing product(s) versus the additional product; and

6. The units used to measure production of the existing product(s) versus the additional product.

(c) No single factor within paragraph (b) will decide whether the additional product represents a distinct and separate economic activity.

(d) Additional products ~~Products~~ that merely differ in size, color, flavor, style, packaging, or model line, or existing products that merely incorporate newer technology, are not considered to be a distinct and separate economic activity. For example, the manufacturing of electronic products based on

digital technology is not a distinct and separate economic activity from the manufacturing of electronic products based on analog technology.

(e) The business claiming an exemption as a new business has ~~shall have~~ the burden of demonstrating that the additional product represents a distinct and separate economic activity from a product, or group of products, that is already being manufactured, processed, compounded, or produced at the fixed location.

~~(5)(6)~~ Temporary Tax Exemption Permit – Refund or Credit.

~~(a)1.~~ To receive the exemption provided under subsection ~~subsections~~ (2) or (3), a qualifying business entity must apply to the Florida Department of Revenue, Technical Assistance and Dispute Resolution, Post Office Box 7443, Tallahassee, Florida 32314-7443, for a temporary tax exemption permit. The business entity seeking a temporary tax exemption must file an Application for Temporary Tax Exemption Permit (Form ~~form~~ DR-1214) with the Department prior to receiving a permit or refund for the new or expanded business. Upon a tentative affirmative determination of the business's qualification for exemption by the Executive Director or the Executive Director's designee, a temporary tax exemption permit will ~~shall~~ be issued to, or a refund authorized for, the business entity.

~~2. To receive the exemption provided by subsection (4) for mining activities, a qualifying business entity must also file an Application for Temporary Tax Exemption Permit (Form DR-1214). However, those businesses will not be issued a temporary tax exemption permit, since the exemption is only available to that industry by way of a prospective tax credit.~~

(b)1. A temporary tax exemption permit may be issued only to the qualified business entity which will use the qualifying machinery and equipment at a fixed location in this state in manufacturing, processing, compounding, or producing tangible personal property for sale, or for exclusive use in spaceport activities. Such permit may be extended by the business entity to its vendor(s) or to its authorized contractor(s) operating under lump sum, cost plus, fixed fee, guaranteed price, or any other type of contract executed for the purpose of constructing a new or expanded business. The authorized contractor(s) may, likewise, extend the temporary tax exemption permit to its vendor(s) for use in purchasing qualifying machinery and equipment tax exempt. The business entity that extends the temporary tax exemption permit to a contractor or subcontractor for the purpose of authorizing that contractor or subcontractor to purchase qualifying machinery and equipment tax exempt will be responsible for paying the sales and use tax on any nonqualified items purchased tax exempt by the contractor or subcontractor.

2. Upon completion of purchases of qualifying machinery and equipment, the temporary tax exemption permit is required ~~to shall~~ be ~~hand~~ delivered to the Department or returned by

certified or registered mail. If the permit is returned by mail, the permit should ~~shall~~ be mailed to the Florida Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443.

(c)1. If a qualifying business entity fails to apply for a temporary tax exemption permit before purchasing qualifying machinery and equipment for a new or expanded business, or if the initial determination by the Executive Director or the Executive Director's designee is negative, the exemptions provided by subsections (2) and (3) above may be obtained only by a refund to the business entity of previously paid taxes. Refunds will ~~shall~~ not be allowed until information has been provided to the satisfaction of the Executive Director or the Executive Director's designee that such machinery and equipment meets the requirements of this rule and is used as designated herein. Only the qualified business entity that ~~which~~ will use the qualifying machinery and equipment at a fixed location in this state in manufacturing, processing, compounding, or producing tangible personal property for sale, or for exclusive use in spaceport activities is entitled to request a refund of sales or use taxes paid on qualifying industrial machinery and equipment, or installation thereof. ~~A qualifying mining activity business under subsection (4) of this rule will receive the exemption by way of a credit against severance taxes instead of a refund of sales and use tax.~~

2. Before the owners of a qualifying new or expanded business under subsection (2) or (3) may request a refund of, ~~or a qualifying mining business under subsection (4) may request a credit for,~~ sales or use taxes paid by their contractors on qualifying industrial machinery and equipment, or installation thereof, the following certified statement(s) must be executed:

a. If a subcontractor was involved, the subcontractor must obtain a certified statement from its supplier(s) or other subcontractor(s) certifying that the supplier or other subcontractor has remitted the tax to the State, or certifying that the subcontractor has remitted use tax directly to the State. The subcontractor must then extend the statement(s) it has executed or obtained from suppliers or other subcontractors to the prime contractor; and,

b. The prime contractor must obtain a certified statement from its supplier(s) and subcontractor(s) certifying that the supplier or subcontractor has remitted the tax to the State, or certifying that the prime contractor has remitted use tax directly to the State. The prime contractor must then extend the statement(s) it has executed or obtained from its supplier(s) or subcontractor(s) to the qualifying new or expanded business entity to support the refund claim.

(d)1. The following is a suggested format for a certified statement that tax has been remitted to the State of Florida:

COMPANY, incorporated in the state of STATE, its undersigned officer who is duly authorized, hereby certifies to QUALIFYING NEW OR EXPANDING BUSINESS, OR CONTRACTOR, OR

SUBCONTRACTOR it has paid sales tax to the Department of Revenue, State of Florida, totaling the sum of \$\_\_\_\_\_. Said taxes were collected by COMPANY upon the sales of tangible personal property as evidenced by the attached invoice(s).

The company further certifies the sales tax for the attached invoice(s) was paid to the State of Florida in the month following the date of sale under sales tax number \_\_\_\_\_.

Dated at \_\_\_\_\_ County \_\_\_\_\_, Florida, this \_\_\_\_ day of \_\_\_\_ 20 \_\_\_\_.

AUTHORIZED OFFICER OF COMPANY

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

2. The above certified statement will not be necessary where the business entity claiming the refund has self-accrued and remitted the tax directly to the State of Florida. However, documentation that the tax has been remitted to the State of Florida in a timely manner is required.

(e) The right to a refund of, or credit for, sales or use taxes.

#### 1. New Businesses.

~~1.a.~~ An application for refund by a new business must be filed within 3 years after the date the tax was paid in accordance with the timing provisions of Section 215.26(2), F.S. However, an application for refund will ~~shall~~ not be considered complete pursuant to Section 213.255(2) and (3), F.S., and Rule 12-26.003, F.A.C., and a refund will ~~shall~~ not be approved, before the date the new ~~manufacturing or printing~~ business first places a product in inventory or immediately sells a product, or before the date a new business engaged in spaceport activities begins those activities.

~~b. The right to a credit for sales or use taxes paid by a new business engaged in mining activities shall not be allowed before the date the Department of Revenue has received the certification of new Florida jobs. (See subsection (4) of this rule.)~~

#### 2. Expanding Businesses.

~~2.a.~~ An application for refund by an expanding business must be filed within 3 years after the date the tax was paid in accordance with the timing provisions of Section 215.26(2), F.S. However, an application for refund will ~~shall~~ not be considered complete pursuant to Section 213.255(2) and (3), F.S., and Rule 12-26.003, F.A.C., and a refund will ~~shall~~ not be approved, before the date an expanding ~~manufacturing or printing~~ business can substantiate that the business expansion has increased the productive output at the existing facility by not less than 10 percent, or for an expanding business engaged in spaceport activities, before the date of completion of the installation of the machinery and equipment.

~~b. The right to a credit for sales or use taxes paid by an expanding business engaged in mining activities shall not be allowed before the date that business can substantiate that the business expansion has increased the productive output at the~~

~~existing facility by not less than 10 percent, and the Department of Revenue has received the certification of new Florida jobs. (See subsection (4) of this rule.)~~

~~(6)(7)~~ Record Keeping Requirements. The applicant is required to ~~shall~~ maintain all necessary books and records to support the exemption. All such books, invoices, certified statements, and other records must ~~shall~~ be open for inspection by the Department at all reasonable hours at the qualifying business entity's location in this state. Any qualifying business entity ~~that which~~ maintains such books and records at a point outside this state is required to ~~shall~~ make such books and records available for inspection by the Department where the general records are kept.

#### ~~(7)(8)~~ Exclusions.

(a) The exemptions provided by subsections (2) and (3) ~~do, (3), and (4) above shall~~ not apply to machinery and equipment purchased or used by electric utility companies; communication companies; oil or gas exploration or production operations; publishing firms that do not export at least 50 percent of their finished product out of the state; any firm subject to regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation; or any firm which does not manufacture, process, compound, or produce items of tangible personal property for sale, or exclusively use machinery and equipment in spaceport activities.

(b) If a publishing firm is also the printer of the finished product, the Department will consider the business to be a printer for the purpose of the exemption. Therefore, the above indicated 50 percent requirement would not apply to such a business.

~~(8)(9)~~ Types of industrial machinery and equipment that will or will not qualify for the exemption.

(a) For the purpose of this exemption, industrial machinery and equipment includes:

1. Special foundations required for the support of such qualifying machinery and equipment;
2. Electrical wiring from the nearest power panel or disconnect box to the qualifying machinery and equipment; and
3. Plumbing connections necessary to connect the machinery and equipment to the nearest water supply or drain line.

(b) The exemption for industrial machinery and equipment ends at that stage of the production process where the product produced is placed in a package (or is in salable ~~saleable~~ form if packaging is normally not done) to be sold to the wholesaler, retailer, or other purchaser. Machinery and equipment for the refrigerated, frozen, heated, or otherwise temperature-controlled storage or warehousing of packaged finished goods inventory, solely for preservation purposes, prior to shipment or delivery to customers, is not a part of the production process. However, the production process may include quality

~~control activities for perishable goods after the item of tangible personal property has been packaged (or is in saleable form if packaging is normally not done), if such quality control activities are required by good manufacturing practices mandated by state or federal government agencies.~~

1. Example: A manufacturer's cold storage facility that is used solely for the warehousing of processed and packaged foods is not a part of the production process regardless of the fact that custom palletized orders may be assembled within the cold storage facility for customers.

2. Example: A manufacturer produces a product that must be frozen to be in a salable condition. The facility that performs the freezing function also stores the product prior to shipment. The freezing facility will qualify as a part of the production process.

3. Example: Customer accessible refrigerated cases containing prepackaged meats in a butcher shop are not a part of the production process, regardless of the fact that a customer may request that a package of meat be recut, trimmed, or ground.

4. Example: Refrigerated cases containing meats or seafood that are only accessible by employees, where such meats or seafood may be further processed by packaging, cutting, grinding, or steaming or otherwise cooked, are a part of the production process.

5. Example: Bakery display cases where the baked goods are only accessible by bakery shop personnel for slicing or packaging are a part of the production process.

6. Example: Refrigerated or heated display cases or preparation units for deli items that are only accessible by deli personnel are a part of the production process.

7. Example: A citrus juice manufacturer is prohibited by federal regulations from selling its inventory of processed juice before required post-production microbial tests are performed. Accordingly, the refrigerated or frozen storage of processed juice is a part of the manufacturing process.

(c) Quality control equipment installed within the production line and required to perform quality checks on each item, article, or batch produced before the item, article, or batch can be sold qualifies for the exemption.

(d) Preproduction, random, or postproduction quality control equipment ~~qualifies~~ shall qualify as industrial machinery and equipment, if it is an integral part of the production process.

(e) Industrial machinery and equipment ~~that which~~ is an integral part of the production process, as well as in postproduction, such as a ~~forklift~~ fork lift, will qualify for the exemption.

(f) Pollution control equipment, or sanitizing and sterilizing equipment, that is an integral part of the production process qualifies for exemption.

(g) Monitoring machinery and equipment, such as computers, video, or other sensing systems or devices that are essential to that is an integral part of the production process, qualifies for exemption.

(h) Machinery and equipment used to remove waste materials away from industrial machinery and equipment, where the removal is required to maintain the operation of the production process, will qualify for exemption. For example, equipment used to remove wood chips and sawdust from around a qualified industrial wood lathe will qualify for exemption.

(i) Parts and accessories for industrial machinery and equipment purchased for replacement, maintenance, or repair purposes do not qualify for this exemption unless purchased by:

1. A new business before production or spaceport activities begin, and delivery is made within 12 months from the start of production or spaceport activities; or

2. An expanding business before the completion of the expansion project.

3. Parts and accessories purchased for replacement, maintenance, or repair that have already received an exemption pursuant to Section 212.08(7)(xx)(zz), F.S., are not entitled to shall not be allowed an exemption as provided in this rule for the same amount of tax pursuant to this paragraph.

(j) Conveyers or related equipment used to transport raw materials from the storage area located at the fixed location to the production line, or to transport work-in-process within the production line at the fixed location, will qualify for exemption.

(k) Computers and computer equipment.

1. Computers and computer equipment, such as computer aided manufacturing (CAM) systems used to direct and control the functions of exempt industrial machinery and equipment will qualify for exemption, even though such computers may also have non-production related applications or uses.

2. Computers and computer equipment, such as computer aided design (CAD) systems used in the conception or design of a product and computers and computer equipment used to input original images or data into a publishing system are not a part of the production process and will not qualify for exemption.

3. Computers and computer equipment used in an ancillary function, such as data storage or backup, are not a part of the production process and will not qualify for exemption.

4. Portable computers, such as laptops and similar portable devices, including digital cameras, will not qualify for exemption unless such items are exclusively used at the fixed location.

5. The initial purchase of software for qualifying computers and computer equipment will qualify for exemption. However, software license renewals will not qualify for exemption.

~~(f)~~ Machines used to control exempt industrial machinery and equipment through the reading or sensing of a tape or some other similar means will qualify for exemption.

~~(l)(m)~~ Masks, molds, jigs, or templates, where such property is integral to the production process, will qualify for exemption. The machinery and equipment that is integral to the creation or maintenance of those masks, molds, jigs, or templates will also qualify for exemption, even though such machinery and equipment is not a direct part of the production process.

~~(m)(n)~~ Machinery and equipment used in the general repair or maintenance of the plant or production machinery and equipment, such as welders, gear-pullers, or bench grinders, does not qualify for the exemption. However, specialized machinery and equipment that is continuously required to keep production machinery and equipment calibrated or in optimum condition, such as a sharpening machine in a sawmill, will qualify for the exemption.

~~(o)~~ Machinery and equipment qualifying for a partial exemption from tax under Section 212.08(3), F.S., is not eligible for the exemption under Section 212.08(5)(b), F.S.

~~(n)(p)~~ Scales at the start of, or within, the production process that are necessary to weigh raw materials or ingredients, or finished goods at the time of packaging, will qualify for the exemption.

~~(o)(q)~~ Office equipment, such as telephones, copy machines, typewriters, fax machines, desktop printers, or calculators, will not qualify for the exemption.

(p) Equipment used for communications purposes, such as telephones, radios, intercom systems, video or television equipment, or public address systems, will not qualify for exemption.

(q) Security systems for surveillance or to prevent or restrict access to the fixed location or areas within the fixed location will not qualify for exemption.

(r) Furniture items for office or production personnel will not qualify for the exemption.

(s) General or task lighting fixtures will not qualify for the exemption.

(t) Installation labor charges qualify for exemption. However, other installation costs, such as equipment rental or expendable supplies, which do not become a physical part of qualifying machinery and equipment, will ~~do~~ not qualify for exemption.

(u) Motor vehicles, as defined in Section 320.01, F.S., do not qualify for exemption.

(v) Locomotives or railroad cars that do not remain at the fixed location will not qualify for exemption.

~~(9)(10)~~ Operating Leases of Machinery and Equipment.

~~(a) The lease, letting, or rental of machinery and equipment, under the terms of an operating lease, shall be treated in the same way as a sale for the purpose of this exemption.~~

~~(a)(b)~~ When a qualifying new or expanding business entity leases industrial machinery, equipment, or parts thereof, in lieu of purchasing those items, the exemption from tax shall only apply to the original term of the lease agreement. Any subsequent renewal or extensions of the original term of the lease agreement are subject to tax shall be fully taxable.

~~(c) When a qualifying expanding business entity leases industrial machinery, equipment, or parts thereof, in lieu of purchasing those items, the tax exemption limitation for the sales or use taxes paid on such industrial machinery, equipment, or parts thereof, shall apply to each calendar year of the original term of the lease agreement. For example, an expanding business (non printing) that enters into a 60 month operating lease will be subject to the \$50,000 tax threshold for each calendar year that the lease is in effect. Any subsequent renewals or extensions of the original term of the lease agreement shall be fully taxable.~~

~~(b)(d)~~ The exercise of a purchase option in an operating lease is considered to be a purchase made after the start of production for a new business, or a purchase made outside the expansion project period for an expanding business, and is subject to tax.

#### (11) Capital Leases of Machinery and Equipment.

~~(a) The lease, letting, or rental of machinery and equipment, under the terms of a capital lease, sales-type lease, or direct financing lease, shall be treated in the same way as a sale for the purpose of this exemption.~~

~~(c)(b)~~ In the case of a capital lease, sales-type lease, or direct financing lease, such leases will be considered to be sales and purchases at their inception.

Specific Authority 212.08(5)(b)4., 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(4), ~~(10)(g), (14), (19), (21), (22), 212.05, 212.06, 212.08(5)(b), (7)(xx), 212.0805, 212.13(2), 213.255(2), (3), 215.26(2) FS. History—New 5-11-92, Amended 7-1-99, 6-28-00, 6-19-01, 3-6-02,\_\_\_\_\_.~~

#### 12A-1.097 Public Use Forms.

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

(a) through (b) No change.

Form Number	Title	Effective Date
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(2) through (20) No change.

(21) DR-1214	Application for Temporary Tax Exemption Permit	_____ 10/03
	(R. 07/06 04/03)	

(22) through (23) No change.

Specific Authority 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (7), 212.11(5)(b), 212.12(1)(b)2., 212.17(6), 212.18(2), (3), 213.06(1), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2), (7) FS. Law Implemented 92.525(1)(b), (3), 95.091, 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 201.17(1)-(5), 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1), (4), (5), 212.12(1), (2), (9), (13), 212.13, 212.14(5), 212.17, 212.18(2), (3), 213.235, 213.29, 213.37, 219.07, 288.1258, 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7) FS. History—New 4-12-84, Formerly 12A-1.97, Amended 8-10-92, 11-30-97, 7-1-99, 4-2-00, 6-28-00, 6-19-01, 10-2-01, 10-21-01, 8-1-02, 4-17-03, 5-4-03, 6-12-03, 10-1-03, 9-28-04, 6-28-05, 5-1-06, 4-5-07,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jeffery L. Soff, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4719

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Buzz McKown, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4721

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 30, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule Chapter 12A-1, F.A.C. (Sales and Use Tax), were noticed in the Florida Administrative Weekly on January 5, 2007 (Vol. 33, No. 1, pp. 1-11). A rule development workshop was held on January 24, 2007. In response to public comment, changes have been made to the proposed rule amendments.

## DEPARTMENT OF REVENUE

### Sales and Use Tax

RULE NO.: 12A-12.003  
RULE TITLE: Registration

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-12.003, F.A.C. (Registration), is to clarify the registration requirements for businesses at which retail sales of new motor vehicle tires or lead-acid batteries are made.

SUMMARY: The proposed amendments to Rule 12A-12.003, F.A.C. (Registration): (1) provide that dealers are required to obtain a separate certificate of registration for each place of business at which retail sales of new motor vehicle tires or lead-acid batteries are made; and (2) clarify that registered sales and use tax dealers who were not engaged in making retail sales of new motor vehicle tires or lead-acid batteries at the time of registration are required to register their new

business activity with the Department for purposes of reporting the solid waste fee imposed on the sale of new motor vehicle tires or lead-acid batteries.

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

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

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1), 403.718(3)(b), 403.7185(3)(b) FS.

LAW IMPLEMENTED: 212.18(3), 403.718, 403.7185 FS.

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

DATE AND TIME: September 5, 2007, 9:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

THE FULL TEXT OF THE PROPOSED RULE IS:

#### 12A-12.003 Registration.

(1)(a) Every person desiring to engage in or conduct business in this state of making retail sales of new motor vehicle tires or lead-acid batteries must register with the Department of Revenue and obtain a certificate of registration for each place of business. Dealers who hold a valid certificate of registration, who at the time ~~No additional registration is required for dealers who hold a valid certificate~~ of registration for purposes of sales and use tax were not engaged in or conducting such business, are required to change their registration with the Department and register their new tax obligation at each existing place of business.

(b) Registration with the Department for purposes of making retail sales of new motor vehicle tires or lead-acid batteries is available by using one of the following methods:

1. Registering through the Department's Internet site at the address shown in the parentheses (www.myflorida.com/dor) using the Department's "e-Services" without payment of a registration fee; or

2. Filing an Application to Collect and/or Report Tax in Florida (~~Form form~~ DR-1, incorporated by reference in Rule 12A-1.097, F.A.C.) with the Department, as indicated on the registration form, with the required \$5 application fee.

(c) A separate application is required for each place of business.

(d) Each application submitted to the Department must contain sufficient information to facilitate the processing of the application.

(2) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1), 403.718(3)(b), 403.7185(3)(b) FS. Law Implemented 212.18(3), 403.718, 403.7185 FS. History--New 1-2-89, Amended 10-16-89, 12-16-91, 4-2-00, 4-17-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Buzz McKown, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4721

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 30, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule Chapter 12A-12, F.A.C. (Solid Waste Fees), were noticed in the Florida Administrative Weekly on February 2, 2007 (Vol. 33, No. 5, pp. 416-417). A rule development workshop was held on February 20, 2007. No one appeared to provide comment regarding these proposed rule changes. No written comments have been received by the Department.

## DEPARTMENT OF REVENUE

### Sales and Use Tax

RULE NOS.:	RULE TITLES:
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-19.071	Department of Revenue Electronic Database
12A-19.100	Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rules 12A-19.070, 12A-19.071, and 12A-19.100, F.A.C., is to update provisions regarding the Department of Revenue's Address/Jurisdiction Database for purposes of determining the applicable communications

services tax rate to be applied to sales of communications services or for purposes of assigning insurance policies and premiums to local taxing jurisdictions.

SUMMARY: 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), clarify that the pending file containing approved address additions and the pending file containing approved address deletions are separate files maintained by the Department that may be used by dealers to update their databases more frequently than the statutory requirement to update their databases.

The proposed amendments to Rule 12A-19.071, F.A.C. (Department of Revenue Electronic Database): (1) clarify that when changes to the Department's Address/Jurisdiction Database have been approved, the approved address additions are stored in a pending file, and the approved address deletions are stored in a separate pending file; (2) specify the time periods during which requests for address changes are under review by the Department for inclusion in the next update to the database and the time periods during which the Department is unable to accept new submissions for address changes; (3) clarify that the list of authorized local government contact persons is available to those persons who have local government access; (4) adopt, by reference, updates to the on-line Guide for Address Change Requests used by local taxing jurisdictions in the maintenance of the Department's Address/Jurisdiction Database; (5) remove provisions regarding notification by the Department to requesting jurisdictions of file errors when submitting a change that is no longer necessary, because the local jurisdictions now upload their batch files through the Department's website and receive on-line notification whether the batch file contains formatting errors or has been accepted; (6) provide that an objection to the Address/Jurisdiction Database must be filed no later than August 3 for an assignment that became effective on July 1 or no later than February 1 for an assignment that became effective on January 1; and (7) provide technical changes to the Department's website address for the Address/Jurisdiction Database and to the titles of forms used to administer the database.

The proposed amendments to Rule 12A-19.100, F.A.C. (Public Use Forms), incorporate, by reference, changes to forms used by the Department in the administration of the Department's electronic Address/Jurisdiction Database.

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

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

SPECIFIC AUTHORITY: 175.1015(5), 185.085(5), 202.151, 202.16(2), 202.26(3)(a), (b), (c), (d), (f), (g), 202.28(1) FS.

LAW IMPLEMENTED: 175.1015, 185.085, 202.11(3), (10), (11), 202.12(1), 202.13(2), 202.151, 202.16(2), (4), 202.17(6), 202.19(1), 202.22(1), (2), (4)-(6), (8), 202.23, 202.27, 202.28, 202.30, 202.33, 202.34(1)(a), (3), (4)(c), 202.35(1), (2), (3) FS. A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 5, 2007, 10:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. 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 RULES IS: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE FULL TEXT OF THE PROPOSED RULES IS:

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.

(1) No change.

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

(c) Due Diligence. In order to avoid liability for any additional local communications services tax, penalty, and interest resulting from errors in the assignment of customer service addresses to local taxing jurisdictions under paragraph (a), a dealer must exercise due diligence in employing one or more of the described methodologies. The dealer must exercise the care and attention that is expected from and ordinarily exercised by a reasonable and prudent person, under the circumstances, when ascertaining the correct local taxing jurisdiction to which the purchaser's service address should be assigned.

1. A dealer is exercising due diligence if that dealer expends reasonable resources to accurately and reliably implement one or more of the methods described in paragraph (a) and maintains adequate internal controls in the assignment of service addresses.

a. Internal controls in the assignment of service addresses are adequate if the dealer has in place and consistently follows procedures to obtain and incorporate accurate updates to its database at least once every six months and corrects errors in

assignments of service addresses within 120 days from discovering or being notified of such errors by any person. A dealer's internal controls must ensure that procedures are in place to prevent the recurrence of errors that the dealer was previously notified of and has previously corrected. A dealer may choose to update its database more frequently than once every six months, as long as the dealer has in place and consistently follows procedures to obtain and incorporate accurate updates. The file containing approved pending address additions and the file containing approved pending address deletions ~~auxiliary file~~ described in paragraph (1)(b) of Rule 12A-19.071, F.A.C., that are ~~is~~ maintained by the Department and available to dealers and local government users may be used by the dealer to update the dealer's database more frequently than the minimum of at least once every six months. However, the availability of the pending files ~~auxiliary file~~ on the Department's website does not constitute notice to a dealer of errors in the dealer's assignments of service addresses contained in the pending files ~~auxiliary file~~.

b. No change.

2. through 3. No change.

(d) through (e) No change.

(3) No change.

Specific Authority 202.26(3)(b), (f), (g), 202.28(1) FS. Law Implemented 202.22(1), (4), (5), (6), (8), 202.23, 202.28(1), (2), 202.34(1)(a), 202.35(3) FS. History--New 11-14-05, Amended.

12A-19.071 Department of Revenue Electronic Database.

(1)(a) The Department maintains an electronic database that assigns service addresses to local taxing jurisdictions in a format that satisfies the requirements of Section 202.22(2)(a), F.S. The electronic database, referred to as the communications services tax Address/Jurisdiction Database, is maintained on the Department's website at <http://geotax.state.fl.us> ~~the address inside the parentheses (www.myflorida.com/dor)~~. An updated Address/Jurisdiction Database is posted to the Department's website 90 days prior to adoption of the Address/Jurisdiction Database. The updated Address/Jurisdiction Database is adopted and becomes effective every January 1 or July 1. References to the effective Address/Jurisdiction Database refer to the official database that is available on the website and conclusive for purposes of communications services tax, which was adopted the previous January 1 or July 1. The effective Address/Jurisdiction Database does not include the information contained in the pending files ~~auxiliary file~~ described in paragraph (b).

(b) When a change to the Address/Jurisdiction Database has been approved, the approved pending address additions and approved pending address deletions are ~~it is~~ stored in separate files until they are included ~~an auxiliary file pending its inclusion~~ in the next scheduled update of the database ~~to become effective the next January 1 or July 1. These pending files include corrections of any errors discovered since the last~~

preceding update, as well as changes in addresses or jurisdictional boundaries, that are based on information provided by local taxing jurisdictions and have been approved by the Department. These pending files contain the auxiliary file is maintained by the Department and contains the most recent service address local taxing jurisdictional assignment information. The individual address lookup feature searches the current database and the pending files and may reflect information that has not yet been incorporated into the database available for downloading and use by local taxing jurisdictions and insurers. Dealers may use the pending files auxiliary file to update their service address assignments between the January 1 and July 1 effective dates date of the Address/Jurisdiction Database even though such use of the pending files auxiliary file is not required to satisfy due diligence requirements. In such cases, the individual address lookup page carries a statement notifying the viewer that it reflects a pending change to the database.

(c) through (d) No change.

(e) The Department's website also has a single address lookup feature that permits any person to enter an address and ascertain to which local jurisdiction it is assigned. Use of the single address lookup feature does not require an access code or registration. The individual address lookup feature searches the pending files, auxiliary file as well as the effective database, and may therefore reflect information that has not yet been incorporated into the effective database available for downloading and use by local taxing jurisdictions and communications services dealers. In such cases, the individual address lookup page carries a statement notifying the viewer that it reflects a pending change to the database.

(f) through (g) No change.

(2)(a) Local taxing jurisdictions have a continuing obligation to provide the Department with information to update the Address/Jurisdiction Database, such as changes in service addresses or address ranges, annexations, incorporations, reorganizations, and any other changes to jurisdictional boundaries. Local taxing jurisdictions must inform the Department of the identity of the jurisdictions' officers or employees who are authorized to act as contact persons with the Department on database matters. Local taxing jurisdictions are limited to two (2) authorized contact persons; however, local taxing jurisdictions may provide updated contact person information as frequently as necessary to ensure that the appropriate contact person can be reached by the Department to administer database matters. The contact list of authorized local government contact persons for all local taxing jurisdictions is located on the Department's website and is available to those persons who have local government an access code.

(b) Local taxing jurisdictions must submit information requesting changes to the Address/Jurisdiction Database electronically following the on-line Guide for Address Change

Requests (February 7, 2007 R-08/26/05, hereby incorporated by reference). Only local taxing jurisdictions that are registered users of the Department's electronic change submission process can access the Guide for Address Change Requests. Authorized local jurisdiction contact persons may access the login screen for registered users at <http://geotax.state.fl.us/dorPublic.jsp>. Local taxing jurisdictions that do not have access to computers with Internet access should contact the Department to request authorization to submit changes through alternative electronic media. The information must also be submitted on Form DR-700022, Local Communications Services Tax Notification of Jurisdiction Change for Local Communications Services and Local Insurance Premium Tax (incorporated by reference in Rule 12A-19.100, F.A.C.).

~~(e) In the event that a local taxing jurisdiction improperly formats its batch submission, the Department will notify the requesting jurisdiction of its error and designate the file as a pending submission until such time as a corrected submission is received. If the corrected submission is not received in time to be included in the next update, the pending submission will be denied and the local taxing jurisdiction should provide a new submission for those addresses or address ranges. Local taxing jurisdictions should not submit jurisdiction changes between the last date of submission for the next update and the posting of that update of the Address/Jurisdiction Database on the Department's website. Submissions initiated during this time frame will be denied, and a new submission will be necessary.~~

~~(c)(d) The local taxing jurisdiction must specify the effective date of any information to be incorporated in the Address/Jurisdiction Database. The effective date must be the next January 1 or July 1 after the date of submission of the information to the Department. Changes must be submitted no later than the date that is 120 days prior to the January 1 or July 1 on which changes are to be effective. The Department will review the information provided in the requests for change and store the approved changes in the approved pending files. Local governments, including special fire districts, should not submit changes during the periods September 4 to October 3 and March 4 to April 2. The Department completes its review of pending submissions for the next database update during these periods and is unable to process new submissions. Submissions of information initiated during these time periods will be denied, and a new submission will be necessary.~~

(e) through (f) renumbered (d) through (e) No change.

(3)(a) Any substantially affected party may object to information contained in the Address/Jurisdiction Database by submitting Form DR-700025, Objection to Communications Services Tax Electronic Database Service Address/Jurisdiction Database for Local Communications Services Tax and Local Insurance Premium Tax Service Address Assignment (incorporated by reference in Rule 12A-19.100, F.A.C.), along with competent evidence to support the party's objection. Only

objections to the effective Address/Jurisdiction Database can be considered; those objections that are not objections to the effective Address/Jurisdiction Database will be denied. Before submitting an objection, a person should check the effective Address/Jurisdiction Database ~~and the auxiliary file~~ to determine whether the contemplated objection is necessary. Examples of substantially affected parties include purchasers of communications services who pay local communications services taxes, dealers who are required to collect local communications services taxes, the Department of Revenue, and local taxing jurisdictions. However, local taxing jurisdictions should use Form DR-700022 to create addresses in the Address/Jurisdiction Database or to request address assignment changes. Regardless of which form is used to request changes to the Address/Jurisdiction Database, the consent of an affected jurisdiction will be required.

(b) through (d) No change.

(e) When the Department believes that addresses or address ranges have been assigned to an incorrect local taxing jurisdiction, the Department will initiate the change by using Form DR-700025. The Department will use any information at its disposal, including enhanced 911 Master Street Address Guide MSAG database address information and information supplied by any dealer, as a basis for initiating an objection; however, in no event, will the Department change any address assignment without providing notice to the affected jurisdictions in the manner provided in paragraph (3)(f). If the change is approved, it would be included in the pending files auxiliary file with other approved changes for inclusion in the next update of the database.

(f) Upon receipt of an objection on a completed Form DR-700025, including competent evidence to support the objection, the Department will forward copies of the form, along with the associated documentation, to the database contact person in each affected taxing jurisdiction. The Department will provide to the affected local taxing jurisdictions Form DR-700026, Local Government Authorization for Address Changes Described on Form DR-700025 (incorporated by reference in Rule 12A-19.100, F.A.C.), to use to agree, disagree, or partially agree with the address jurisdiction changes proposed by the attached completed Form DR-700025. The Department will provide to the affected local taxing jurisdiction Form DR-700027, Local Government Authorization for Omission of Address or Range or Incorrect Address Identification (incorporated by reference in Rule 12A-19.100, F.A.C.), to use to agree or disagree with the inclusion of a service address or address range or with changing non-jurisdictional information about a service address or address range proposed by the attached completed Form DR-700025. In case the forms become separated, the Department will include on the bottom portion of each form the same tracking number and date to identify which forms belong together. The Department will, when practicable,

provide the information electronically for review by the local taxing jurisdictions. These forms will not be sent to the local taxing jurisdictions between February 1 and April 2 nor between August 4 and October 3 due to the inability of local taxing jurisdictions to make on-line changes during the updating and posting of the next effective Address/Jurisdiction Database. The local taxing jurisdictions should review the specific address(es) at issue as well as the address range(s) that will be impacted by the change to ensure that each local taxing jurisdiction retains all of the addresses that it believes are within its jurisdictional boundaries. The Department will instruct each local taxing jurisdiction to indicate in writing its determination in regard to the objection by completing utilizing the provided authorization form, ~~which will be~~ either Form DR-700026 or Form DR-700027, and filing the form with the Department. If the affected local taxing jurisdictions both indicate agreement with the objection, the Department will revise the electronic database accordingly. If a local taxing jurisdiction fails to respond within a reasonable time, which shall be no less than 30 days, such jurisdiction shall be deemed to have indicated agreement with the objection. If either local taxing jurisdiction notifies the Department in writing that it does not agree with the objection, the Department will immediately assign the address with a special designation that indicates that the jurisdictional assignment of the address is in dispute. The service address will be reassigned to a local taxing jurisdiction when one of the following events occurs:

1. through 3. No change.

(g) No communications services provider who relies on the assignment of a service address in the effective Address/Jurisdiction Database will be held liable for any additional local communications services tax, interest, or penalty in regard to that service address if the assignment is later determined to be erroneous under this subsection. All requests by a purchaser for a refund or credit must comply with the requirements of Section 202.23, F.S. When a substantially affected person files an objection to the Address/Jurisdiction Database no later than August 3 ~~34~~ for an assignment that became effective on July 1 or no later than February 1 ~~28~~ ~~(February 29 in a leap year)~~ for an assignment that became effective on January 1 that is approved, the substantially affected person's local taxing jurisdiction will be changed in the effective Address/Jurisdiction Database. Such a person would be entitled to a refund or credit of any local communications services taxes overcollected during the period of time that the incorrect assignment occurred in accordance with the documentation provided by the Department demonstrating approval of the objection and the date from which the change to the Address/Jurisdiction Database is effective, as long as the claim for refund or credit complies with the provisions of Section 202.23, F.S.

Specific Authority 202.26(3)(b), (g) FS. Law Implemented 202.22(2), 202.23 FS. History--New 11-14-05, Amended.

## 12A-19.100 Public Use Forms.

(1)(a) The Department employs the following public-use forms and instructions in the administration of Chapter 202, F.S., Communications Services Tax, and in the administration of the Department's electronic Address/Jurisdiction Database created pursuant to Sections 175.1015 and 185.085, F.S. These forms are hereby incorporated by reference in this rule.

(b) No change.

(2) No change.

Form Number	Title	Effective Date
(3) through (7) No change.		
(8) DR-700022	<del>Local Communications Services Tax</del> Notification of Jurisdiction Change for <u>Local Communications Services</u> <u>and Local Insurance Premium Tax</u>	___ 11/05
(9) DR-700025	Objection to <u>Address/Jurisdiction</u> <u>Database for Local Communications</u> <u>Services Tax and Local Insurance</u> <u>Premium Tax Electronic Database-</u> Service Address Assignment. (R. <u>10/06 10/05</u> )	___ 11/05
(10) DR-700026	Local Government Authorization for Address Changes Described on Form DR-700025 (R. <u>10/06 10/05</u> )	___ 11/05
(11) DR-700027	Local Government Authorization for Omission of Address or Range or Incorrect Address Identification (R. <u>10/06 10/05</u> )	___ 11/05

(12) No change.

Specific Authority 175.1015(5), 185.085(5), 202.151, 202.16(2), 202.26(3)(a), (c), (d) FS. Law Implemented 175.1015, 185.085, 202.11(3), (10), (11), 202.12(1), 202.13(2), 202.151, 202.16(2), (4), 202.17(6), 202.19(1), 202.22(6), 202.27, 202.28(1), (2), 202.30(3), 202.33, 202.34(3), (4)(c), 202.35(1), (2) FS. History—New 4-17-03, Amended 7-31-03, 10-1-03, 9-28-04, 6-28-05, 11-14-05, 7-16-06.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Buzz McKown, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4721

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 30, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule Chapter 12A-19, F.A.C. (Communications Services Tax), were noticed in the Florida Administrative Weekly on April 27, 2007 (Vol. 33, No. 17, pp. 1887-1891). A rule development workshop was held on May 15, 2007. The discussion at the workshop centered on questions regarding the process of making changes to an address situs within the Department's

Address/Jurisdiction Database. No written comments have been received by the Department. No changes have been made in response to the questions received from the workshop participants.

## DEPARTMENT OF REVENUE

## Sales and Use Tax

RULE NO.: 12A-19.100  
RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-19.100, F.A.C. (Public Use Forms) is to: (1) provide which version of Form DR-700016, Florida Communications Services Tax Return, is to be used to report communications services tax on services billed during specified months; and (2) adopt, by reference, revisions to Form DR-700016, Communications Services Tax Return.

SUMMARY: The proposed amendments to Rule 12A-19.100, F.A.C. (Public Use Forms): (1) provide which version of Form DR-700016, Florida Communications Services Tax Return, is to be used to report communications services tax on services billed on or after January 1, 2006; and (2) adopt, by reference, those versions of Form DR-700016, Communications Services Tax Return, that are to be used to report the tax during the specified periods.

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

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

SPECIFIC AUTHORITY: 202.151, 202.16(2), 202.26(3)(a), (c), (d), (e), (j), 202.27(7) FS.

LAW IMPLEMENTED: 202.11(3), (10), (11), 202.12(1), (3), 202.13(2), 202.151, 202.16(2), (4), 202.17(6), 202.19(1), (7), 202.22(6), 202.27, 202.28(1), (2), 202.30, 202.33, 202.34(3), (4)(c), 202.35(1), (2) FS.

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

DATE AND TIME: September 5, 2007, 9:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-19.100 Public Use Forms.

(1)(a) The Department employs the following public-use forms and instructions in the administration of Chapter 202, F.S., Communications Services Tax. These forms are hereby incorporated by reference in this rule.

(b) No change.

(2) The following versions of Form DR-700016, Florida Communications Services Tax Return, are applicable to the reporting periods and service billing dates indicated:

REVISION DATE	REPORTING PERIODS	SERVICE BILLING DATES
<u>09/07</u>	<u>September 2007</u>	<u>September 1, 2007</u>
<u>06/07</u>	<u>June 2007 – August 2007</u>	<u>June 1, 2007 – August 31, 2007</u>
<u>02/07</u>	<u>February 2007 – May 2007</u>	<u>February 1, 2007 – May 31, 2007</u>
<u>01/07</u>	<u>January 2007</u>	<u>January 1, 2007 – January 31, 2007</u>
<u>06/06</u>	<u>June 2006 – December 2006</u>	<u>June 1, 2006 – December 31, 2006</u>
<u>01/06</u>	<u>January 2006 – May 2006</u>	<u>January 1, 2006 – May 31, 2006</u>
<u>11/05</u>	<u>November 2005 – December 2005</u>	<u>November 1, 2005 – December 31, 2005</u>
<u>06/05</u>	<u>June 2005 – October 2005</u>	<u>June 1, 2005 – October 31, 2005</u>
<u>01/05</u>	<u>January 2005 – May 2005</u>	<u>January 1, 2005 – May 31, 2005</u>
<u>11/04</u>	<u>November 2004 – December 2004</u>	<u>November 1, 2004 – December 31, 2004</u>
<u>10/04</u>	<u>October 2004</u>	<u>October 1, 2004 – October 31, 2004</u>
<u>06/04</u>	<u>June 2004 – September 2004</u>	<u>June 1, 2004 – September 30, 2004</u>
<u>01/04</u>	<u>January 2004 – May 2004</u>	<u>January 1, 2004 – May 31, 2004</u>
<u>12/03</u>	<u>December 2003</u>	<u>December 1, 2003 – December 31, 2003</u>
<u>11/03</u>	<u>November 2003</u>	<u>November 1, 2003 – November 30, 2003</u>
<u>10/03</u>	<u>October 2003</u>	<u>October 1, 2003 – October 31, 2003</u>
<u>06/03</u>	<u>June 2003 – September 2003</u>	<u>June 1, 2003 – September 30, 2003</u>
<u>03/03</u>	<u>March 2003 – May 2003</u>	<u>March 1, 2003 – May 31, 2003</u>
<u>01/03</u>	<u>January 2003 – February 2003</u>	<u>January 1, 2003 – February 28, 2003</u>
<u>12/02</u>	<u>December 2002</u>	<u>December 1, 2002 – December 31, 2002</u>
<u>11/02</u>	<u>November 2002</u>	<u>November 1, 2002 – November 30, 2002</u>
<u>10/02</u>	<u>October 2002</u>	<u>October 1, 2002 – October 31, 2002</u>
<u>01/02</u>	<u>January 2002 – September 2002</u>	<u>January 1, 2002 – September 30, 2002</u>
<u>12/01</u>	<u>October 2001 – December 2001</u>	<u>October 1, 2001 – December 31, 2001</u>

Form Number	Title	Effective Date	Specific Authority
(3) No change.			202.151, 202.16(2), 202.26(3)(a), (c), (d), <u>(e), (j), 202.27(7)</u> FS. Law Implemented 202.11(3), (10), (11), 202.12(1), <u>(3), 202.13(2), 202.151, 202.16(2), (4), 202.17(6), 202.19(1), (7), 202.22(6), 202.27, 202.28(1), (2), 202.30(4), 202.33, 202.34(3), (4)(c), 202.35(1), (2)</u> FS. History—New 4-17-03, Amended 7-31-03, 10-1-03, 9-28-04, 6-28-05, 11-14-05, 7-16-05, 4-5-07, _____.
<u>(4)(a) DR-700016</u>	<u>Florida Communications Services Tax Return</u> <u>(R. 09/07)</u>	_____	NAME OF PERSON ORIGINATING PROPOSED RULE: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407
<u>(b) DR-700016</u>	<u>Florida Communications Services Tax Return</u> <u>(R. 06/07)</u>	_____	NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Buzz McKown, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4721
<u>(c) DR-700016</u>	<u>Florida Communications Services Tax Return</u> <u>(R. 02/07)</u>	_____	DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 30, 2007
<u>(d) DR-700016</u>	<u>Florida Communications Services Tax Return</u> <u>(R. 01/07)</u>	_____	DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule Chapter 12A-19, F.A.C. (Communications Services Tax), were
<u>(e) DR-700016</u>	<u>Florida Communications Services Tax Return</u> <u>(R. 06/06)</u>	_____	
(a) through (s) renumbered (f) through (x) No change.			
(5) through (12) No change.			

noticed in the Florida Administrative Weekly on February 2, 2007 (Vol. 33, No. 5, pp. 418-419). A rule development workshop was held on February 20, 2007. No one appeared to provide comment regarding these proposed rule changes. No written comments have been received by the Department.

## DEPARTMENT OF REVENUE

### Miscellaneous Tax

RULE NOS.:	RULE TITLES:
12B-7.008	Public Use Forms
12B-7.026	Public Use Forms
12B-7.030	Miami-Dade County Lake Belt Mitigation Fee and Water Treatment Plant Upgrade Fee
12B-7.031	Public Use Forms

**PURPOSE AND EFFECT:** The purpose of the proposed amendments to Rule Chapter 12B-7, F.A.C. (Severance Taxes and Fees), is to: (1) incorporate the provisions of Chapter 2006-13, L.O.F., which imposes a water treatment plant upgrade fee on each ton of lime rock and sand mined from the Miami-Dade County Lake Belt Area; (2) adopt, by reference, changes to expand the form used by the Department for reporting the Miami-Dade County Lake Belt Mitigation Fee to provide for the reporting of the water treatment plant upgrade fee; (3) adopt, by reference, changes to forms used by the Department for reporting the taxes imposed on the production of oil, gas, or sulfur and imposed on the severance of solid minerals, phosphate rock, or heavy minerals from the soils and waters of this state; and (4) update information on how to obtain forms used to report tax from the Department.

**SUMMARY:** The proposed amendments to Rule 12B-7.008, F.A.C. (Public Use Forms), update information on how to obtain a form for reporting tax on the production of oil, gas, or sulfur from the Department.

The proposed amendments to Rule 12B-7.026, F.A.C. (Public Use Forms): (1) incorporate, by reference, changes to forms used by the Department for reporting the taxes imposed on the severance of solid minerals, phosphate rock, or heavy minerals from the soils and waters of this state; and (2) update information on how to obtain a form for reporting the tax on solid minerals from the Department.

The proposed amendments to Rule 12B-7.030, F.A.C. (Miami-Dade County Lake Belt Mitigation Fee and Water Treatment Plant Upgrade Fee), incorporate the provisions of Chapter 2006-13, L.O.F., which imposes a water treatment plant upgrade fee on each ton of lime rock and sand mined from the Miami-Dade County Lake Belt Area.

The proposed amendments to Rule 12B-7.031, F.A.C. (Public Use Forms), adopt, by reference, changes to expand the form used by the Department for reporting the Miami-Dade County Lake Belt Mitigation Fee to provide for the reporting of the water treatment plant upgrade fee.

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

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

**SPECIFIC AUTHORITY:** 211.075(2), 211.125(1), 211.33(6), 213.06(1), 373.41492(4)(b) FS.

**LAW IMPLEMENTED:** 92.525(1)(b), (2), (3), (4), 211.026, 211.075, 211.076, 211.11(1)(b), 211.125, 211.30, 211.31, 211.3103, 211.3106, 211.33, 212.12(1)(b), 212.12(2), 212.17(1)(c), 213.235(2), 213.37, 213.755(1), 373.41492 FS.

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

**DATE AND TIME:** September 5, 2007, 9:00 a.m.

**PLACE:** Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. 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 RULES IS:** Joe Parramore, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4709

**THE FULL TEXT OF THE PROPOSED RULES IS:**

12B-7.008 Public Use Forms.

(1)(a) The following forms and instructions are used by the Department in its administration of the taxes imposed on the production of oil, gas, and sulfur. These forms are hereby incorporated by reference in this rule.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading the form from the Department's Internet site at [www.myflorida.com/dor/forms](http://www.myflorida.com/dor/forms); or, 2) faxing a forms request to the distribution Center at (850)922-2208; or, 3) calling the Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) faxing the Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax on Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only)

or (850)488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses ([www.myflorida.com/dor](http://www.myflorida.com/dor)). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

(2) through (5) No change.

Specific Authority 211.075(2), 211.125(1), 213.06(1) FS. Law Implemented 92.525(1)(b), (2), (3), (4), 211.026, 211.075, 211.076, 211.125, 213.755(1) FS. History—New 12-28-78, Formerly 12B-7.08, Amended 12-18-94, 5-4-03, 10-1-03,\_\_\_\_\_.

## PART II – SEVERANCE TAX ON SOLID MINERALS

### 12B-7.026 Public Use Forms.

(1)(a) The following forms and instructions are used by the Department in its administration of the taxes imposed on the severance of solid minerals, phosphate rock, or heavy minerals from the soils and waters of this state. These forms are hereby incorporated by reference in this rule.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading the form from the Department's Internet site at [www.myflorida.com/dor/forms](http://www.myflorida.com/dor/forms); or, 2) faxing a forms request to the distribution Center at (850)922-2208; or, 3) calling the Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) ~~faxing the Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax on Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses ([www.myflorida.com/dor](http://www.myflorida.com/dor)).~~ Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

Form Number	Title	Effective Date
(2) DR-142	Solid Mineral Severance Tax Return (R. <u>01/06 04/03</u> )	— <u>10/03</u>
(3) DR-142ES	Declaration/Installment Payment of Estimated Solid Mineral Severance Tax (R. <u>01/06 04/03</u> )	— <u>05/03</u>

Specific Authority 211.33(6), 213.06(1) FS. Law Implemented 92.525(2), 211.30, 211.31, 211.3103, 211.3106, 211.33, 213.755(1) FS. History—New 12-18-94, Amended 10-4-01, 5-4-03, 10-1-03,\_\_\_\_\_.

## PART III MITIGATION FEES ~~FEE~~ ON MINING

### 12B-7.030 Miami-Dade County Lake Belt Mitigation Fee and Water Treatment Plant Upgrade Fee.

(1) The Miami-Dade County Lake Belt mitigation fee and the water treatment plant upgrade fee are ~~is~~ imposed on each ton of limerock and sand extracted by any person who engages in the business of extracting limerock or sand within the areas and sections provided in Section 373.41492, F.S. The per-ton mitigation fee and water treatment plant upgrade fee are ~~is~~ at the rates ~~rate~~ provided in Sections 373.41492(2) and (5), F.S.

(2) The fees are ~~tax is~~ to be reported to the Department on the Miami-Dade County Lake Belt Mitigation and Water Treatment Plant Upgrade Fees Tax ~~Fee Monthly~~ Return (Form ~~form~~ DR-146, incorporated by reference in Rule 12B-7.031, F.A.C.).

(3)(a) Except as provided in Rule Chapter 12-24, F.A.C., the payment and the Miami-Dade County Lake Belt Mitigation and Water Treatment Plan Upgrade Fees Tax ~~Fee Monthly~~ Return must be delivered to the Department or be postmarked on or before the 20th day of the month following the month of the taxable transaction to avoid penalty and interest for late filing. If the 20th day falls on a Saturday, Sunday, or a legal holiday, payments accompanied by returns will be accepted as timely if postmarked or delivered to the Department on the next succeeding day which is not a Saturday, Sunday, or legal holiday. For this purpose, a legal holiday means a holiday that is observed by federal or state agencies as a legal holiday, as this term is defined in Chapter 682, F.S., and Section 7503, Internal Revenue Code of 1986, as amended. A "legal holiday" pursuant to Section 7503 of the Internal Revenue Code of 1986, as amended, means a legal holiday in the District of Columbia or a statewide legal holiday at a location outside the District of Columbia but within an internal revenue district.

(b) Electronic filing of payments and returns must be submitted to the Department, as provided in Rule Chapter 12-24, F.A.C., when:

1. Payment of the fee is required to be made by electronic means;
2. Any return for reporting fees is required to be submitted by electronic means; or
3. No fee is due with a return for reporting fees.

(4) Persons who are required to make a return or to pay the mitigation fee or the water treatment upgrade fee imposed under Section 373.41492, F.S., and administered under the provisions of Chapter 212, F.S., and fail to do so will be subject to penalties, as provided in Section 212.12(2), F.S., and to the interest imposed on deficiencies established under Section 213.235, F.S., and Rule 12-3.0015, F.A.C. Guidelines are provided in subsection (4) of Rule 12A-1.056, F.A.C.

Specific Authority 211.33(6), 213.06(1), 373.41492(4)(b) FS. Law Implemented 92.525(1)(b), (2), (3), (4), 211.30, 211.31, 211.3103, 211.3106, 211.33, 212.12(2), 212.17(1)(c), 213.235(2), 213.37, 213.755(1), 373.41492 FS. History—New 10-1-03, Amended 9-28-04, \_\_\_\_\_.

#### 12B-7.031 Public Use Forms.

(1)(a) The following form and instructions are used by the Department in its dealings with the public in the administration of the Miami-Dade County Lake Belt mitigation fee and water treatment plant upgrade fee. This form and instructions are hereby incorporated by reference in this rule.

(b) No change.

Form Number	Title	Effective Date
(2) DR-146	Miami-Dade County Lake Belt Mitigation <u>and Water Treatment Upgrade</u> <u>Fees Tax Fee Monthly Return</u> (R. <del>11/07</del> <del>10/05</del> )	<del>_____</del> <u>05/06</u>

Specific Authority 213.06(1), 373.41492(4)(b) FS. Law Implemented 92.525(1)(b), (2), (3), (4), 212.11(1)(b), 212.12(2), 212.17(1)(c), 213.235(2), 213.37, 213.755(1), 373.41492 FS. History—New 10-1-03, Amended 9-28-04, 6-28-05, 5-1-06, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Joe Parramore, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4709

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Buzz McKown, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4721

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 30, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule Chapter 12B-7, F.A.C. (Severance Taxes and Fees), were noticed in the Florida Administrative Weekly on February 2, 2007 (Vol. 33, No. 5, pp. 419-421). A rule development workshop was held on February 20, 2007. No one appeared to provide comment regarding these proposed rule changes. No written comments have been received by the Department.

## DEPARTMENT OF REVENUE

### Miscellaneous Tax

RULE NO.:	RULE TITLE:
12B-8.0016	Department of Revenue Electronic Database

PURPOSE AND EFFECT: Chapter 2004-21, L.O.F., requires the Department of Revenue to create and maintain a database for use by insurers that report and remit an excise tax on

property insurance premiums or on casualty insurance premiums, and requires local governments to provide information for inclusion in the database. The promulgation of this rule will ensure that the procedures used by the Department and local governments to maintain the accuracy of the Insurance Premium Tax Address/Jurisdiction Database on an on-going basis are available, and that the applicable forms and on-line instructions that are used to maintain the database are made available to the local taxing jurisdictions and are incorporated into and made a part of this rule.

SUMMARY: The proposed creation of Rule 12B-8.0016, F.A.C. (Department of Revenue Electronic Database), provides procedures regarding: (1) the Department of Revenue's electronic Insurance Premium Tax Address/Jurisdiction Database maintained by the Department of Revenue and used to assign insurance policies and premiums to local taxing jurisdictions; (2) requests by local taxing jurisdictions to make changes to the database; and (3) how any substantially affected person may object to the assignment of a customer service address in the database. The proposed amendments adopt, by reference, changes to the on-line Guide for Address Change Requests (February 7, 2007), which governs the submission of information by local taxing jurisdictions and changes to forms used by the Department in the maintenance of the database.

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

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

SPECIFIC AUTHORITY: 175.1015(5), 185.085(5) FS.

LAW IMPLEMENTED: 175.1015, 185.085 FS.

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

DATE AND TIME: September 5, 2007, 10:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robert DuCasse, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4715

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-8.0016 Department of Revenue Electronic Database.

(1)(a)1. The Department maintains an electronic database that is for use by insurers to assign insurance policies and premiums to local taxing jurisdictions. The electronic database, referred to as the Insurance Premium Tax Address/Jurisdiction Database ("database"), is maintained on the Department's website at <http://geotax.state.fl.us>. An updated database is posted to the Department's website by November 1 of each year to be used in assigning policies and premiums to the proper local taxing jurisdictions for the insurance premium tax return due for the tax year beginning on or after the January 1 following the posting of the database; however, insurers may use the updated database when it is posted to assign policies and premiums to the proper local taxing jurisdiction for the current tax year. The database available for downloading does not include the information contained in the pending changes described in paragraph (b).

2. The database also has a single address lookup feature that permits any person to enter an address and ascertain to which local taxing jurisdiction, if any, the address is assigned.

3. Local taxing jurisdictions are provided with access codes to permit them to register as users of the database and to request changes in address assignments. Local taxing jurisdictions may register on the Department's website at <http://geotax.state.fl.us>.

4. When the Department is notified by the Division of Retirement, Department of Management Services, that a local taxing jurisdiction is to be added or deleted, the Department will update the database based upon existing database addresses within that jurisdiction. However, for the addition of special fire control districts, as defined in Section 175.032(16), F.S., whose boundaries do not follow municipal or county lines, the special fire control district must identify the addresses within its local taxing jurisdiction.

(b) When a change to the database has been approved, the approved pending address additions and approved pending address deletions are stored in separate files maintained by the Department in the next scheduled update of the database. These pending files include corrections of any errors discovered since the last update, as well as changes in addresses or jurisdictional boundaries based on information provided by local taxing jurisdictions and approved by the Department. These pending files contain the most recent local taxing jurisdictional assignment information. The individual address lookup feature searches the current database and the pending files and may reflect information that has not yet been incorporated into the database available for downloading and use by local taxing jurisdictions and insurers. Insurers may use the information contained in the address look-up feature to assign policies and premiums to the proper local taxing jurisdictions. In such cases, the individual address lookup page carries a statement notifying the viewer that it reflects a pending change to the database.

(c) To fulfill its statutory responsibility to maintain the database, when the Department notices apparent errors, such as an address that is assigned to multiple jurisdictions, the Department will initiate an objection to the database in accordance with subsection (3) and will process the objection in the same manner as other objections.

(2)(a) Local taxing jurisdictions have a continuing obligation to provide the Department all information needed to update the database, such as changes in addresses or address ranges, annexations, incorporations, reorganizations, and any other changes to jurisdictional boundaries. Local taxing jurisdictions must inform the Department of the identity of the jurisdictions' officers or employees who are authorized to act as contact persons with the Department on database matters. Local taxing jurisdictions are limited to two authorized contact persons; however, local taxing jurisdictions may provide updated contact person information as frequently as necessary to ensure that the appropriate contact person can be reached by the Department. The contact list of authorized local government contact persons for all local taxing jurisdictions is located on the Department's website <http://dor.myflorida.com/dor/taxes/ipt.html>.

(b) Local taxing jurisdictions must submit information requesting changes to the database electronically following the on-line Guide for Address Change Requests (February 7, 2007, hereby incorporated by reference). Only local taxing jurisdictions that are registered users of the Department's electronic change submission process can access the Guide for Address Change Requests. Authorized local jurisdiction contact persons may access the login screen for registered users at <http://geotax.state.fl.us>. Local taxing jurisdictions that do not have access to computers with Internet access should contact the Department to submit changes through alternative electronic media. The information must also be submitted on Form DR-700022, Notification of Jurisdiction Change for Local Communications Services and Local Insurance Premium Tax (incorporated by reference in Rule 12A-19.100, F.A.C.), with the exception of Special Fire Control Districts, which must use Form DR-350907, Local Insurance Premium Tax Special Fire Control Districts Notification of Jurisdiction Change (R. 10/06, hereby incorporated by reference, effective \_\_\_\_\_).

(c) The local taxing jurisdiction must specify the effective date of any information to be incorporated in the database. Information must be submitted by September 3 of each year to be included in the next updated database posted to the Department's website by November 1 of each year. The Department will review the information provided in the requests for change and store the approved changes in the approved pending files. Local governments, including special fire districts, should not submit changes during the periods September 4 to October 3 and March 4 to April 2. The Department completes its review of pending submissions for

the next database update during these time periods and is unable to process new submissions. Submissions of information initiated during these time periods will be denied, and a new submission will be necessary.

(d)1. Any requested changes or additions to the database must be supported by competent evidence. Competent evidence to support a change to the database is documentation establishing that the addresses affected by the requested change or addition are located in the local taxing jurisdiction indicated on the request. Examples of competent evidence include annexation ordinances, articles of incorporation of a new municipality, the plat filed for a newly approved subdivision, or the enhanced 911 Master Street Address Guide database information relating to local law enforcement responders issued by the local jurisdiction coordinator's office. Competent evidence must clearly designate the addresses or address ranges that are affected.

2. If a requested change is to move an address from one local taxing jurisdiction to another, competent evidence includes the consent of the local taxing jurisdiction that did not request the change. To facilitate processing of the change, the local taxing jurisdiction requesting the change should obtain a written consent to the change signed by an authorized contact person of the nonrequesting jurisdiction. Forms DR-700022 and DR-350907 contain an authorization statement that will serve as the written consent of the nonrequesting local taxing jurisdiction when signed by that jurisdiction's authorized contact person. The Department will consider the receipt of Form DR-700022 or Form DR-350907 containing the signatures of the authorized contact persons of both the initiating and affected jurisdictions to be sufficient competent evidence. In such instances, the Department will make the change based upon the representations on the form. A local taxing jurisdiction that objects to this change should use Form DR-700022 or Form DR-350907 to change the address information and, unless the affected local taxing jurisdiction signs the form, the Department will treat the request as one that must be resolved by the local taxing jurisdictions involved as provided in this paragraph. Identification of the case number associated with the address changes is insufficient by itself to demonstrate competent evidence establishing that the service addresses are located in the local taxing jurisdiction indicated on the request.

3. If the requesting jurisdiction has not obtained the written consent of the nonrequesting jurisdiction, the Department will contact the nonrequesting jurisdiction before making the change. Based upon the response of the nonrequesting jurisdiction, the Department will take the following action in regard to the requested change:

a. If the nonrequesting jurisdiction consents in writing, the Department will accept and process the change.

b. If the nonrequesting jurisdiction objects in writing, the Department will treat the requested change as one that must be resolved by the local taxing jurisdictions involved as provided in subsection (3).

c. If the nonrequesting jurisdiction fails to either consent or object in writing within 20 days after the date on which the Department notified that jurisdiction of the requested change, the Department will accept and process the change. This does not preclude the nonrequesting jurisdiction from subsequently objecting to the new address assignments after they have been processed.

4. If a requested change affects only the requesting local taxing jurisdiction and does not affect another local taxing jurisdiction, the Department will consider receipt of an affidavit signed by the authorized contact person for that local taxing jurisdiction that identifies the addresses or address ranges and states that the change affects only the requesting local taxing jurisdiction to be sufficient competent evidence. The use of an affidavit is not required but, at the option of the requesting local taxing jurisdiction, may be used in lieu of providing other documentation such as subdivision plats. In such instances, the Department will make the change based upon the representations on the form and the affidavit. A local taxing jurisdiction that objects to the change should use Form DR-700022 to change the address information and, unless the affected local taxing jurisdiction signs the form, the Department will treat the request as one that must be resolved by the local taxing jurisdictions involved as provided in subsection (3).

(e) Examples.

1. A local taxing jurisdiction approves the plat and grants the permits necessary for development of a new subdivision on February 1, 2007. The plat indicates street names, but no address numbers have yet been assigned. In order for the addresses to be added to the next electronic database, the local taxing jurisdiction must file Form DR-700022 or Form DR-350907, as appropriate, with a copy of the approved subdivision plat or an affidavit indicating that the change affects only the requesting local taxing jurisdiction and submit on-line address change information by September 3, 2007. If that deadline is not met, the address cannot be added until the following year's database (database created by November 1, 2008). In order to meet the deadline and be certain that the actual address numbers are included, the contact person for the local taxing jurisdiction may request the addition of a range of numbers that is certain to include the actual numbers. Because the development of the subdivision affects only the requesting jurisdiction, no consent from any other jurisdiction is required.

2. A municipality annexes an area with 1500 addresses that were formerly in another incorporated area. The annexation will be effective November 1, 2006. The municipality's database contact person timely enters address change requests for 1525 addresses on-line and files a Form

DR-700022 on June 15, 2006. Included with the form are a copy of the annexation ordinance and a map with the annexed area outlined with street address ranges included in the annexed area noted. The other incorporated area database contact person has not signed the Form DR-700022 or otherwise given written consent to the changes. On July 15, 2006, the Department notifies the other incorporated area of the requested changes and provides copies of the municipality's Form DR-700022, annexation ordinance, and map. The other incorporated area does not respond with written consent or a written objection. On August 6, 2006, the Department processes the changes, and they are included in the database available by November 1, 2006. The other incorporated area's database contact person notifies the Department on September 1, 2006, that the other incorporated area believes the database now incorrectly assigns 25 service addresses to the municipality. The other incorporated area should submit Form DR-700022 to move the 25 services addresses to its incorporated area. The Department will handle this as a change to the database.

3. A municipality annexes an area with 1500 service addresses that was formerly in another incorporated area. The annexation will be effective November 1, 2006. The municipality's contact person timely enters address change requests for the 1500 addresses on-line and writes a letter to the other incorporated area's contact person requesting that consent be indicated by signing the Form DR-700022 that has been prepared by the municipality and enclosed with the letter. Also enclosed with the letter is a copy of the annexation ordinance and a street map on which the annexed area is outlined. The other incorporated area's contact person signs the Form DR-700022. The municipality submits the form to the Department on June 15, 2006. The Department will approve the changes and include them in the database available by November 1, 2006.

(3)(a)1. Any substantially affected party may object to information contained in the database by submitting Form DR-700025, Objection to Address/Jurisdiction Database for Local Communications Services Tax and Local Insurance Premium Tax (incorporated by reference in Rule 12A-19.100, F.A.C.), along with competent evidence to support the party's objection. Only objections to the current effective database can be considered; objections that do not relate to the current effective database will be denied. Before submitting an objection, a person should check the effective database to determine whether the contemplated objection is necessary. Examples of substantially affected parties include police officers and firefighters from local taxing jurisdictions that impose the excise taxes under Chapter 175 and/or Chapter 185, F.S., local taxing jurisdictions that impose the excise taxes under Chapter 175 and/or Chapter 185, F.S., insurers who are required to pay the excise taxes under Chapter 175 and/or Chapter 185, F.S., individuals whose policies are being assigned via the database, and local taxing jurisdictions.

2. Local taxing jurisdictions should use Form DR-700022, and special fire control districts should use Form DR-350907, to create addresses in the database or to request address assignment changes. The consent of any other jurisdiction affected by the requested change will be required.

3. Firefighters and police officers, including pension board members, who wish to object to information contained within the database, should do so through the appropriate official within their local taxing jurisdiction.

(b) Multiple address submissions affecting multiple jurisdictions should be segregated, based on the specific combinations of the affected jurisdictions. For example, changes from City A to City B should be segregated from changes from City B to City A.

(c) In the event that an insurer that is required to pay taxes under Chapter 175 and/or 185, F.S., elects to formally object to information contained in the database, the insurer must file Form DR-700025. This requirement is not intended to interfere with any procedures implemented by insurers to inform local taxing jurisdictions of errors in the database.

(d) Examples of competent evidence that supports an inquiry into a substantially affected party's objection include a voter registration card indicating that the voter residing at the address is entitled to vote in municipal elections or only in county elections, the enhanced 911 Master Street Address Guide database property tax bill showing assessment by local taxing jurisdiction, or a map that includes the boundaries of a local taxing jurisdiction and clearly places the address for the property that is being insured inside or outside those boundaries. For example, if a map shows that a street is entirely within the boundaries of a municipality, that map is competent evidence that an address on that street should be assigned to that municipality in the database. The Department will notify the substantially affected party of any deficiencies in the objection or competent evidence.

(e) When the Department believes that addresses or address ranges have been assigned to an incorrect local taxing jurisdiction, the Department will initiate a change by using Form DR-700025. The Department will use any information at its disposal, including enhanced 911 Master Street Address Guide database address information and information supplied by any insurer, as a basis for initiating an objection; however, the Department will not change an address assignment without providing notice to the affected jurisdiction(s) in the manner provided in paragraph (3)(f). If the change is approved, it will be included with other approved changes for inclusion in the next update of the database.

(f) Upon receipt of an objection on a completed Form DR-700025, including competent evidence to support the objection, the Department will forward copies of the form, along with the associated documentation, to the database contact person in each affected taxing jurisdiction. The Department will provide to the affected local taxing

jurisdictions Form DR-700026, Local Government Authorization for Address Changes Described on Form DR-700025 (incorporated by reference in Rule 12A-19.100, F.A.C.), to use to agree, disagree, or partially agree with the address jurisdiction changes proposed by the attached Form DR-700025. The Department will provide the affected local taxing jurisdiction a Form DR-700027, Local Government Authorization for Omission of Address or Range or Incorrect Address Identification (incorporated by reference in Rule 12A-19.100, F.A.C.), to use to agree or disagree with the inclusion of an address or address range or with changing nonjurisdictional information about an address or address range proposed by the attached Form DR-700025. The Department will include a tracking number and date on the bottom portion of each form to identify which forms belong together. The Department will, when practicable, provide the information electronically for review by the local taxing jurisdictions. The local taxing jurisdictions should review the specific address(es) at issue, as well as the address range(s) that will be impacted by the change, to ensure that each local taxing jurisdiction retains all of the addresses that it believes are within its jurisdictional boundaries. The Department will instruct each local taxing jurisdiction to indicate its determination in regard to the objection by utilizing the provided authorization form, Form DR-700026 or Form DR-700027, as applicable. If the affected local taxing jurisdictions indicate agreement with the objection, the Department will revise the electronic database accordingly. If a local taxing jurisdiction fails to respond within a reasonable time, which shall be no less than 30 days, such jurisdiction shall be deemed to have indicated agreement with the objection. If either local taxing jurisdiction notifies the Department in writing that it does not agree with the objection, the Department will immediately assign the address a special designation that indicates that the jurisdictional assignment of the address is in dispute. The service address will be reassigned to a local taxing jurisdiction when one of the following events occurs:

1. The Department receives written notification from the local taxing jurisdiction that did not agree with the change requested in the objection that such local taxing jurisdiction has subsequently determined that the change should be made;
  2. The Department receives written notification from the party that filed the Form DR-700025 that the objection was erroneous and the assignment in the database was correct; or
  3. The Department is provided with a copy of a final order, judgment, or other binding written determination resolving the jurisdictional assignment of the contested address.
- (4) All forms referenced in this rule are available, without cost, by one or more of the following methods: 1) downloading the form from the Department's Internet site at [www.myflorida.com/dor/forms](http://www.myflorida.com/dor/forms); or, 2) faxing a forms request to the Distribution Center at (850)922-2208; or, 3) calling the

Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) visiting any local Department of Revenue Service Center to personally obtain a copy. Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

Specific Authority 175.1015(5), 185.085(5) FS. Law Implemented 175.1015, 185.085 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert DuCasse, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4715

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Buzz McKown, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P.O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4721

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 30, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed creation of Rule 12B-8.0016, F.A.C. (Department of Revenue Electronic Database), was noticed in the Florida Administrative Weekly on April 27, 2007 (Vol. 33, No. 17, pp. 1891-1895). A rule development workshop was held on May 15, 2007. Questions and comments were received at rule development workshop. No changes have been made to the proposed new rule in response to these questions and comments.

## DEPARTMENT OF REVENUE

### Corporate, Estate and Intangible Tax

RULE NO.: 12C-3.008  
 RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12C-3.008, F.A.C., is to: (1) require, pursuant to Section 198.32(2), F.S., that Form DR-312 (Affidavit of No Florida Estate Tax Due), be executed by the personal representative of a nontaxable estate and be sworn to before a notary; (2) remove the request for the decedent's social security number in compliance with the Department's requirements regarding confidentiality of taxpayer information required under Section 213.053, F.S.; and (3) include the 2007 federal filing thresholds for filing the federal estate tax form (Form 706). The effect of this rulemaking will be to adopt, by reference, the necessary revisions to Form DR-312.

SUMMARY: The proposed amendments to Rule 12C-3.008, F.A.C., adopt by reference, changes to Form DR-312 (Affidavit of No Florida Estate Tax Due), which include: (1) the requirement pursuant to Section 198.32(2), F.S., that the affidavit be executed by the personal representative of a nontaxable estate and be sworn to before a notary; (2) the

removal of the request for the decedent's social security number from the form; and (3) the 2007 federal filing thresholds for filing the federal estate tax return (Form 706).

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

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

**SPECIFIC AUTHORITY:** 198.08, 198.32(2), 213.06(1) FS.

**LAW IMPLEMENTED:** 92.525(1)(b), 198.08, 198.13, 198.22, 198.26, 198.32(2), 198.33(1), 198.38, 198.39, 213.37, 837.06 FS.

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

**DATE AND TIME:** September 5, 2007, 9:00 a.m.

**PLACE:** Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Joe Parramore, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4709

**THE FULL TEXT OF THE PROPOSED RULE IS:**

12C-3.008 Public Use Forms.

(1)(a) The following public-use forms and instructions are employed by the Department in its dealings with the public and are hereby adopted by reference.

(b) No change.

Form Number	Title	Effective Date
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(2) through (4) No change.

(5) DR-312	Affidavit of No Florida Estate Tax Due ( <u>R. 07/07</u> <del>08/06</del> )	<u>10/06</u>
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(6) No change.

Specific Authority 198.08, 198.32(2), 213.06(1) FS. Law Implemented 92.525(1)(b), 198.08, 198.13, 198.22, 198.26, 198.32(2), 198.33(1), 198.38, 198.39, 213.37, 837.06 FS. History--New 9-26-77, Formerly 12C-3.08, Amended 1-11-93, 8-25-94, 1-22-01, 5-4-03, 10-30-06,\_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Joe Parramore, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4709

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Buzz McKown, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4721

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** July 30, 2007

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** The proposed amendments to Rule Chapter 12C-3, F.A.C. (Estate Tax), were noticed in the Florida Administrative Weekly on February 2, 2007 (Vol. 33, No. 5, p. 421). A rule development workshop was held on February 20, 2007. No one appeared to provide comment regarding these proposed rule changes. No written comments have been received by the Department. Changes to Form DR-312, Affidavit of No Florida Estate Tax Due, have been made by the Department to include the 2007 federal filing thresholds for filing the federal estate tax form and the removal of the request for the decedent's social security number from the form in compliance with the confidentiality requirements imposed on the Department under Section 213.053, F.S.

#### **BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

#### **STATE BOARD OF ADMINISTRATION**

RULE NOS.:	RULE TITLES:
19-11.002	Beneficiary Designation for FRS Investment Plan
19-11.003	Distributions from FRS Investment Plan Accounts
19-11.004	Excessive Trading in the FRS Investment Plan
19-11.005	FRS Investment Plan Complaint Procedures
19-11.006	Enrollment Procedures for New Hires
19-11.007	Second Election Enrollment Procedures for the FRS Retirement Programs
19-11.008	Forfeitures
19-11.009	Reemployment with an FRS-covered Employer after Retirement
19-11.010	FRS Investment Plan: Privacy

PURPOSE AND EFFECT: These rules are promulgated to implement recently adopted policies and to reflect legislative changes in the FRS Investment Plan.

SUMMARY: Proposed amended Rule 19-11.002, F.A.C., replaces "participant" with "member" and sets out policies to deal with situations in which the member is married but does not name his spouse as a primary beneficiary or the spouse refuses to sign the acknowledgment, as required by Section 121.4501(20), F.S. Amended Rule 19-11.003, F.A.C., provides procedures if a member dies before retirement; provides procedures for distributions to beneficiaries who are not spouses, discussing the IRS' "required minimum distribution;" provides procedures for distributions to minors; and for "invalid distributions," those to members who are not entitled to the payout. All information relating to re-employment after retirement is deleted and moved to new Rule 19-11.009, F.A.C. Amended Rule 19-11.004, F.A.C., adds clarifying information about the new United States Securities and Exchange Commission Rule 22c-2, regarding excessive trading for open-end mutual funds. Amended Rule 19-11.005, F.A.C., deletes the first step of the complaint process because of non-use and combines the notice of proceeding with the initial order of proceedings to simplify the process for members, but leaves everything else the same. Amended Rule 19-11.006, F.A.C., makes editorial changes, primarily to point out that the FRS Investment Plan Hybrid Option is part of the FRS Investment Plan. Amended Rule 19-11.007, F.A.C., makes editorial changes similar to Rule 19-11.006, F.A.C., and adopts a revised version of the 2nd Election form. New Rule 19-11.008, F.A.C., establishes procedures for Investment Plan members who have forfeited their retirement benefits. New Rule 19-11.009, F.A.C., clarifies the provisions regarding reemployment after retirement for Investment Plan members. These provisions were originally part of Rule 19-11.003, F.A.C. New Rule 19-11.010, F.A.C. discusses the scope and the limitations on the FRS Investment Plan's privacy policy and use of a member's social security number.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Board has prepared a statement and found the cost to be minimal.

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

SPECIFIC AUTHORITY: 121.4501(3)(c)4., (8)(a), 215.52 FS. LAW IMPLEMENTED: 119.071, 120.569, 120.57, 120.573, 121.021(29), (39), 121.051, 121.055, 121.35, 121.091(5), (8), (9)(b)(c), (29), (39), 121.4501(2)(j), (3), (4), (5), (6), (8), (9)(f)3., (13), (14), (15)(b), (19), (20), 121.591(1)(a)4., (3), 121.74, 121.78, 215.44(8)(b), 744.301, 1012.875(3) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Tuesday, September 4, 2007, 2:00 p.m. – 4:30 p.m.

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Cindy Gokel, Assistant General Counsel, State Board of Administration, P. O. Drawer 13300, Tallahassee, FL 32317-3300; telephone: (850)413-1199

THE FULL TEXT OF THE PROPOSED RULES IS:

19-11.002 Beneficiary Designation for FRS Investment Plan

(1) A FRS Investment Plan ~~member participant~~ may ~~name~~ designate a beneficiary to receive the benefits which may be payable in the event of the ~~member's participant's~~ death. If the member does not name a beneficiary(ies) then the member's beneficiary(ies) will be those as described ~~A participant may designate a beneficiary at any time, both before and after retirement. An FRS Investment Plan participant must make an active beneficiary designation once he becomes an Investment Plan member. Otherwise, beneficiaries will be described in~~ Section 121.4501(20), F.S., which are: first, the spouse if he or she is still living after the member's death; second, living children, if the spouse is dead; third, the member's father or mother, if living; fourth, to the member's estate. This means that the spouse will receive the member's account balance if living; but if not, the children will receive the account balance, if living; but if not, the father or mother will receive the account balance, and if none of the people mentioned in this section are still living, the account balance will be paid to the member's estate.

(2) ~~A~~ No designation of beneficiary shall only be effective ~~after unless~~ it has been received by filed with the FRS Investment Plan Administrator. The most recent designation of beneficiary filed with the FRS Investment Plan Administrator shall replace any previous designation, whether made before or after the ~~member's participant's~~ termination of employment or retirement. The member should determine after the designation has been mailed that the form has arrived in the offices of the FRS Investment Plan Administrator. It is the responsibility of the member to ensure the beneficiary designation has been made. Beneficiary information can be reviewed every quarter on the member's quarterly statement.

(3) If the FRS Investment Plan ~~member participant~~ enrolls in the FRS Investment Plan using ~~either~~ the EZ Retirement Plan Enrollment Form for Regular, Special Risk and Special Risk Administrative Support Class Employees, Form ELE-1-EZ, rev. 06-06, 8-05 ~~the General Retirement Plan Enrollment Form for Regular, Special Risk and Special Risk Administrative Support Class Employees, Form ELE-1, rev. 10-06, which are is~~ adopted and incorporated by reference in subsection 19-11.006(4), F.A.C., or the 2nd Election EZ Retirement Plan Enrollment Form, Form ELE-2EZ, rev 12-06.

~~8-05 or the 2nd Election Retirement Plan Enrollment Form, Form ELE-2, rev 12-06 8-05, which are adopted and incorporated by reference in Rule 19-11.007, F.A.C., the member participant has chosen the beneficiary designation contained in Section 121.4501(20), F.S. (See subsection (1), above.)~~ Note that the statutory section provides that the member's participant's spouse at the time of death shall be the member's participant's beneficiary unless the deceased member participant had designated a different beneficiary after his or her most recent marriage. Therefore, if the member marries again, he or she must file another beneficiary designation form to ensure that the person he or she wants to be the beneficiary is named. Example: John is married to Betty and has named her as his beneficiary. John divorces Betty and marries Carol. Carol will be John's beneficiary unless he files another beneficiary form and names, for example, his son, Bob. Pursuant to subsection (1), ~~above, however~~ once the member participant is enrolled in the FRS Investment Plan, the member participant may change his beneficiary designation at any time.

(4) A ~~member participant~~ may ~~name designate~~ a beneficiary or beneficiaries at any time, as follows:

(a) A ~~member participant~~ may ~~name designate~~ a beneficiary or beneficiaries to receive the assets of the member's participant's FRS Investment Plan account, either sequentially or jointly.

(b) A ~~member participant~~ may ~~name designate~~ as beneficiary any person, organization, trust, or his estate.

(c) A primary beneficiary is someone who will receive the member's funds from the FRS Investment Plan account, if that person is living at the death of the member. If there are more than one primary beneficiary, named with percentages of the funds, they will each receive their member-designated percentages if they are still living at the death of the member. Example: if the member names his four sons, in equal shares (25% each), but two of the four sons die before their father, the other two living sons split the funds two ways, 50% each.

(d) A contingent beneficiary is one or more persons who are named, in case all primary beneficiaries die before the member. Naming a contingent beneficiary is optional. The member does not have to name anyone as a contingent beneficiary.

~~(e)(e)~~ Any such beneficiary designation shall be made on Form IPBEN-1, rev. 09-03, which is hereby adopted and incorporated by reference. This form is available in paper form and may be obtained by calling the toll-free MyFRS Financial Guidance Line at 1(866)446-9377, Monday through Friday, except holidays, 9:00 a.m. to 8:00 p.m. or by accessing the MyFRS.com website. The beneficiary designation may be made online by logging onto MyFRS.com and clicking on "Resources" and then "Forms." The beneficiary designation form must be completed and received by the FRS Investment Plan Administrator before it becomes effective.

~~(f)(d)~~ A ~~member participant~~ may change his beneficiary designation at any time by filing a new beneficiary designation form. There is no separate form for changes of beneficiary designation.

(5) If a member is married and names his spouse as a primary beneficiary, regardless of whether the percentage allocated to the spouse on the form is less than 100%, the member is not required to notify the spouse. However, if a member participant is married and names a primary beneficiary(ies) and the person(s) named is not the spouse of the member only participant, then the member participant is required to notify the spouse that he or she is not a primary the beneficiary of the member's participant's FRS Investment Plan account(s). The spouse must acknowledge that he or she understands that he or she is not a primary the beneficiary of the member's FRS Investment Plan account(s) by signing the beneficiary designation form, Form IPBEN-1, rev. 09-03, in the appropriate place. Alternatively, the member may provide the FRS Investment Plan Administrator with documentation reflecting the understanding of the member's spouse that the spouse is not a primary beneficiary of the member's FRS Investment Plan account(s). The documentation could include a legal document which reasonably reflects the spouse's acknowledgement, for example, a pre-nuptial agreement. Alternatively, the member may provide a notarized document providing the member's name, member's SSN, spouse's name, spouse's SSN, address and a statement that the member's spouse has been notified that the spouse has not been named a primary beneficiary and the spouse has refused to sign the beneficiary designation form.

~~No distribution will be made of any FRS Investment Plan account(s) in the absence of a declaration of the spouse of his or her understanding that he or she is not the beneficiary of the participant's FRS Investment Plan account(s).~~

Specific Authority 121.4501(8) FS. Law Implemented 121.091(8), 121.4501(20), 121.591(3) FS. History—New 10-21-04, Amended 3-9-06, \_\_\_\_\_.

19-11.003 Distributions from FRS Investment Plan Accounts ~~and Reemployment with an FRS-covered Employer.~~

(1) Purpose. The purpose of this rule is to clarify the provisions regarding distributions from FRS Investment Plan accounts ~~and how that interacts with reemployment provisions for FRS-covered employers.~~ Distributions from FRS Investment Plan accounts are made either after the account-holder terminates employment or at the account-holder's death.

(2) Forms. All forms identified in this rule may be obtained by calling the (toll-free) MyFRS Financial Guidance Line at 1(866)446-9377, or by accessing the MyFRS website at www.MyFRS.com, ~~clicking—Click~~ on Resources, and then on Forms.

(3) Distributions available ~~after when the member participant~~ terminates FRS-covered employment.

(a) An FRS Investment Plan ~~member participant~~ shall not be entitled to a distribution from his account unless he has been terminated from all FRS-covered employment, including temporary, part-time, Other Personnel Services (OPS) and any regularly established position with an FRS employer, for three calendar months following the month of termination. Example: If a ~~member participant~~ terminates on May 15, the three calendar months are June, July, and August. Therefore, the member cannot request ~~he shall not receive~~ a distribution until September.

(b) Upon the expiration of the three calendar months after termination, the ~~member participant~~ may request apply for a distribution from the FRS Investment Plan Administrator by calling the toll free MyFRS Financial Guidance Line at 1(866)446-9377, Option 4, either using Form ETF 2, "Employment Termination Form/FRS Investment Plan," rev. 08-05, which is hereby adopted and incorporated by reference, or an equivalent form. An equivalent form shall mean that all of the information required in the blank spaces on Form ETF-2 for both the participant and the employer shall be on the equivalent form. In addition, the five items in the "Termination Agreement" section shall be reproduced and signed and dated.

(c) If a ~~member participant~~ has terminated employment from all FRS-covered employment for one calendar month and he has reached his normal retirement date age, in accordance with Section 121.021(29), F.S., he may request apply for a one-time distribution of up to 10 percent of his account balance. For example, if a member terminates on May 15, the one calendar month is June. Therefore, the member can request a one-time distribution of up to 10 percent in August.

(4) Reemployment by an FRS covered employer after termination:

(a) A participant who has terminated FRS-covered employment and taken a distribution is a retiree, in accordance with Section 121.4501(2)(j), F.S. As a retiree, ~~the former participant shall not be reemployed with an FRS-covered employer until he has been retired for three calendar months, pursuant to Section 121.021(39)(c), F.S. Example: A participant who terminates on May 15 cannot receive a distribution until September and cannot return to FRS-covered employment until January.~~

(b) Examples: This paragraph contains examples only. This paragraph does not contain an exhaustive list of all possible situations. Participants who are not in exactly the same circumstances as described in these examples should call the toll free number set out in subsection (2), above, to have their situations properly analyzed.

1. A participant who has reached normal retirement age, in accordance with Section 121.021(29), F.S., may get up to ten percent of his account after a one month calendar break, and he

~~may get the balance after a total of three calendar months, unless he returns to FRS-covered employment, during any time in that three-month period.~~

2. If the participant in subparagraph 1., above, takes a partial distribution and then returns to work, he will not be eligible for any further distributions until terminating work or after the first 12 months of retirement are completed.

3. Any participant may return to employment with an FRS-covered employer after 12 months of retirement and may take distributions, even while reemployed.

4. A participant who has reached normal retirement age, in accordance with Section 121.021(29), F.S., can return to work in one of the excepted positions identified in Section 121.091(9)(b), F.S., after one calendar month off FRS-covered payrolls.

5. A participant who has not reached normal retirement age, in accordance with Section 121.021(29), F.S., can return to work in one of the excepted positions identified in Section 121.091(9)(b), F.S., after having been retired for three calendar months.

(4)(5) Distributions to beneficiaries on the death of a member participant.

(a) If a ~~member participant~~ dies before his effective date of retirement, the ~~member's participant's~~ spouse at the time of his or her death shall be the ~~member's participant's~~ beneficiary, unless the ~~member participant~~ has designated another a different beneficiary after the member's ~~participant's~~ most recent marriage. If the member did name another beneficiary after his or her most recent marriage, the named beneficiary will receive the member's account balance.

(b) A participant's spouse must acknowledge on Form IPBEN 1, "Beneficiary Designation Form/FRS Investment Plan," rev. 09-03, which is hereby adopted and incorporated by reference, that he or she is not the beneficiary if the participant chooses another person or an entity.

(b)(e) Procedures for beneficiary designations are addressed in Rule 19-11.002, F.A.C.

(c)(d) On the death of a member participant, the beneficiary must file the "Death Benefit Distribution Claim Form," Form IPDB, rev. 07 10-05, which is hereby adopted and incorporated by reference, with the FRS Investment Plan Administrator, to receive benefits.

(5) Distributions to beneficiaries who are not spouses.

(a) In accordance with Internal Revenue Service (IRS) rules, non-spousal beneficiary accounts cannot be held indefinitely in the FRS Investment Plan. The amount of time a non-spousal beneficiary has before benefits must commence are more restrictive than for a spousal beneficiary. The "required minimum distribution" is required by the Internal Revenue Service and spelled out in IRS Code Section 401(a)(9), requiring that if the beneficiary is not a spouse, the Investment Plan can hold the distribution for no more than 5 years.

(b) For a non-spousal beneficiary, there are two possibilities, depending upon whether payments from the account had commenced to the member before his or her death:

1. Where distributions have already begun to the member, but the member dies before his or her entire account has been distributed, the remaining portion of the account must be distributed at least as rapidly as under the method of distribution being used as of the date of the member's death.

2. If a member dies before the distribution of the member's account has begun, the entire account of the member must be distributed within 5 years after the death of the member, unless,

a. The member's account will be distributed over the life of the designated beneficiary (or over a period not extending beyond the life expectancy of such beneficiary), and

b. Such distributions begin not later than 1 year after the date of the member's death.

(c) The non-spousal beneficiary must decide within 1 year if he or she wants to take lifetime installment or annuity payouts; otherwise, the entire account balance must be distributed within 5 years.

(d) If the whole amount is not paid out during the required 5-year period, the remaining funds in the account will be paid in a lump sum to the non-spousal beneficiary.

(6) Beneficiaries who are minors.

(a) A minor is a child under the age of 18. Section 744.301, F.S., allows for the natural guardian (surviving parent) to handle benefits to a minor child where that amount does not exceed \$15,000, without court appointment, authority or bond.

(b) In all cases where a minor child or children are the beneficiary(ies) of the member, a copy of the birth certificate of all minor children shall be sent to the FRS Investment Plan Administrator, and shall be received prior to any payout, regardless of the amount. The purpose is to provide proof that the surviving parent is the natural guardian of the children. The FRS Investment Plan Administrator shall confirm that the surviving parent is providing the instructions for any payment arrangements being made.

(c) In all cases in which a minor is a beneficiary of an account balance which is greater than \$15,000, the FRS Investment Plan Administrator shall place a hold on the account and advise the SBA of the situation and the SBA shall send instructions to the FRS Investment Plan Administrator for any additional action.

(d) If the individual responding to the correspondence sent by the Administrator and providing instructions for payout is not the surviving parent, the Administrator shall request the individual to provide a Court Order wherein a guardian has been appointed for the minor, prior to payout of any balance and the Administrator shall take directions only from the named guardian.

(e) If no instructions for payout are received, the Administrator shall notify the SBA and the SBA will contact the probate court with jurisdiction over the estate of the member to request direction on the disposition of the minor's interest in the account. Expenses shall be deducted from the member's account.

(7) Invalid distributions.

(a) An "invalid distribution" is a distribution given to a member to which the member is not entitled.

(b) If a member or a former member of the FRS Investment Plan receives an invalid distribution, the member or former member shall repay the entire invalid distribution within 90 days of the member's receipt of a final notification.

1. If a member repays the entire distribution, the member's repayment will be deposited in his FRS Investment Plan account; he will be returned to the Investment Plan; and all future employer contributions will be deposited in the funds he has chosen.

2. If the employer repays the entire distribution, the repayment will be deposited in the Investment Plan Trust Fund and allocated to the Investment Plan's forfeiture account to offset plan expenses. The member will be returned to the Investment Plan; and all future employer contributions will be deposited in the funds the member has chosen.

3. If the member fails to repay the invalid distribution, the SBA has the option to declare the member a "retiree" or pursue the repayment of the invalid distribution. As a "retiree," the member is subject to the restrictions of Section 121.122, F.S., which means that if the member is reemployed in the future with an FRS-covered employer, the member is not eligible for Special Risk membership, or for the Deferred Retirement Option Program, nor for disability benefits. Section 121.122, F.S., has other restrictions and should be read by the member with his or her particular situation in mind.

(c) The following are examples of scenarios that could result in invalid distributions. They are only examples and are not inclusive of all possible situations. Members and employers are encouraged to contact the FRS Investment Plan Administrator to discuss the particular situation.

1. Example 1: A member joined the FRS Investment Plan effective September 1, 2002. He terminated all employment from his FRS-covered employer on August 24, 2006. On December 15, 2006, he took a partial distribution from his Investment Plan account. However, he returned to FRS-covered employment on December 1, 2006. The member took an invalid distribution because he was working for an FRS-covered employer at the time he received the distribution. His payroll record reflected the August 24, 2006, termination date but did not yet reflect his rehire date. Therefore, because the payroll report is not required from the employer to the Division of Retirement until the 5th business day of the month following the end of the work-month, the FRS Investment Plan Administrator, which receives its information from the

Division of Retirement, had no knowledge of his return to work in the middle of December, since the information would not have arrived until at least January 6. The member is asked at the time of the distribution whether he is employed or pending employment with an FRS covered employer. If it is determined that the member knew or reasonably knew the answer to this question was yes, the member has taken an invalid distribution.

2. Example 2: A member joined the FRS Investment Plan effective April 1, 2004. He terminated all FRS-covered employment on November 12, 2006. The member has not reached his normal retirement date. On March 1, 2007, the member took a total distribution from his Investment Plan account. The member returned to FRS-covered employment on April 15, 2007. The March 1, 2007 distribution is invalid since the member returned to work within 3 calendar months of his retirement date.

3. Example 3: A member joined the FRS Investment Plan effective May 1, 2005. He terminated all FRS-covered employment on November 12, 2006. The member has reached his normal retirement date. On January 5, 2007, the member received his one-time distribution of up to 10 percent from his Investment Plan account. The member returned to FRS-covered employment on February 15, 2007. The January 5, 2007 distribution is invalid since the member returned to work within 1 calendar month of his retirement date.

Specific Authority 121.4501(8)(a) FS. Law Implemented 121.021(29), (39), 121.4501(20), 121.591 FS. History--New 3-9-06, Amended \_\_\_\_\_.

#### 19-11.004 Excessive Trading in the FRS Investment Plan.

##### (1) Purpose.

(a) The purpose of this rule is to mitigate the negative impact on ~~members~~ ~~participants~~ in the FRS Investment Plan from excessive trading and to establish limitations on such excessive trading. The Trustees of the State Board of Administration of Florida (SBA) have a fiduciary duty to make decisions about the FRS Investment Plan in the best interests of all ~~members~~ ~~participants~~ and beneficiaries.

(b) Excessive trading by just a few of a fund's investors can disrupt fund operations, increase expenses and harm fund performance for all investors. In particular, some ~~members~~ ~~participants~~ have shown a high proclivity to make numerous short-term trades in foreign stock funds in an attempt to exploit funds' pricing conventions and other technical factors. Therefore, this rule establishes limitations so that excessive trading between approved investment funds shall be prevented, without materially inhibiting all ~~members'~~ ~~participants'~~ opportunities to direct contributions and account balances between investment funds with a frequency that is appropriate in light of the market volatility of the funds.

(c) The Executive Director of the SBA is directed to establish a policy on excessive trading in Section V of the Investment Policy Statement, adopted and incorporated by reference in Rule 19-9.001, Florida Administrative Code. This rule establishes that policy.

(d) The United States Securities and Exchange Commission has adopted Rule 22c-2.(17CFR270.22c-2.) regarding excessive trading for open-end mutual funds. This rule does not apply to institutional funds nor to mutual funds for which the FRS has received exemptions. This rule gives mutual funds the right to ask the FRS Investment Plan Administrator for information about members and their trading. If the mutual funds determine that the member has engaged in excessive trading under the mutual funds' standards, the mutual funds are entitled to impose redemption fees or block trading. The fees will be deducted from the members' accounts. All approved mutual funds in the FRS Investment Plan have agreed to let the SBA continue with its excessive trading policy as outlined in this rule except the following four funds: Fidelity Growth Company, T. Rowe Price Small Cap Stock, PIMCO High Yield, and PIMCO Total Return. This investigation is scheduled to begin on October 16, 2007. When this list changes, members will be notified. Note that the restrictions in the SEC Rule 22C-2 are in addition to the restrictions in this Rule 19-11.004, F.A.C.

##### (2) Definitions.

(a) A ~~"member"~~ ~~"participant"~~ is a person who has an account established in the FRS Investment Plan as a result of current or previous employment with an FRS-covered employer, or being designated as an alternate payee due to a qualified domestic relations order ("QDRO") or being a designated beneficiary when a ~~member~~ ~~participant~~ is deceased.

(b) A "Roundtrip Trade" occurs when a ~~member~~ ~~participant~~ conducts a series of at least two non-exempt transactions that include one or more transfers into an authorized investment fund AND one or more transfers out of the same authorized investment fund in either order (i.e. in/out or out/in), regardless of any multiple transfers from or to other different authorized investment funds during the roundtrip.

(c) An "exempt transaction" is any transaction that is initiated for purposes of: depositing employer payroll contributions; processing a distribution; processing a QDRO; or mapping funds from terminated products. Exempt transactions are not included in any calculations for the purposes of this rule.

(d) "Excessive trading" involves multiple occurrences of Market Timing Trades by a participant over time.

(e) A "Market Timing Trade" is a ~~member-~~ ~~participant-~~ directed series of trades with the following two characteristics:

1. One Roundtrip Trade within a 30-day period, and
2. The trade amount for all Roundtrip Trades is an aggregate amount of \$75,000 or more.

(f) "Aggregate amount of \$75,000 or more" means the total of the amounts transferred out of a fund and into the same fund, in either order (i.e., in/out or out/in) during any rolling 30-calendar day period, regardless of the number of Round Trips.

(3) Limitations.

(a) Regarding authorized foreign or global stock funds: After making a non-exempt transaction by transferring any portion of their account balance into an authorized foreign or global or stock fund, members participants are prohibited from completing a Roundtrip Trade in that fund for a minimum of 7 calendar days, using the convention of last-dollar-in and first-dollar-out for the roundtrip calculation.

(b) Regarding all authorized funds, except for money market funds:

1. Members Participants who engage in Market Timing Trades in authorized funds will receive a warning letter sent by U.S. mail, certified/return receipt requested. The warning letter shall notify the member participant that excessive trades have been identified in his/her accounts and any additional violations will result in a direction letter.

2. Members Participants who engage in Market Timing Trades in authorized funds and who have previously received a warning letter described in subparagraph 1., above, will be sent a certified/return-receipt direction letter. The direction letter shall require that the member participant shall not have access to automated online or telephonic trade instructions for at least one full calendar month following the date of the direction letter.

~~a. A member who receives a warning letter and then has another Market Timing Trade more than twelve full calendar months from the date of the original warning letter will receive another warning letter.~~

~~b. Participants engaging in Market Timing Trades who receive more than two warning letters will be sent a certified, return-receipt direction letter, as described in this subparagraph 2.~~

3. Members Participants who engage in Market Timing Trades and who have previously received a direction letter, as described in subparagraph 2., above, will be sent another certified/return-receipt direction letter. This direction letter shall require that the member participant shall not have access to automated or telephonic trade instructions for at least three full calendar months following the date of the direction letter.

4. Members Participants who engage in Market Timing Trades and who have previously received a direction letter as described in subparagraph 3., above, will be sent another certified/return-receipt direction letter. The direction letter shall require that the member participant shall be required to conduct trades via paper trading forms for at least three full calendar months following the date of the direction letter.

5. Members Participants who engage in Market Timing Trades and who have previously received a direction letter as described in subparagraph 4., above, will be sent another certified/return-receipt direction letter. The direction letter shall require that the member participant shall be required to conduct trades via paper trading forms for at least twelve full calendar months following the date of the direction letter.

6. Members Participants who engage in Market Timing Trades and who have previously received a direction letter as described in subparagraphs 5., above, will be sent another certified/return-receipt direction letter. The direction letter shall require that the member participant shall be required to conduct trades via paper trading forms for the remainder of any time that any balance exists in the participant's Investment Plan account following the date of the direction letter.

(c) If Member Participant A receives a direction letter as described in subparagraph (3)(b)2., above, on November 15, Member Participant A's access to automated online or telephonic trade instructions shall be denied until January 1. "One full calendar month," in this context, means the full calendar month following the month in which the direction letter is received. The direction letter, in this example, was received in November. The "one full calendar month" is December. Therefore, access will not be resumed until January.

(4) ~~Examples. (a)~~ This subsection contains examples only. This subsection does not contain an exhaustive list of all possible transactions. Members Participants avoiding these examples will not necessarily avoid the impact of this rule since other transactions will meet the definitions of Market Timing Trades or Excessive Trading.

~~(a)(b)~~ If Member Participant A transfers \$50,000 out of Fund A and into Fund B on Monday and then transfers \$20,000 out of Fund B on Tuesday, the transaction is a Roundtrip Trade but is not a Market Timing Trade because the aggregate amount of \$75,000 specified in subsection (2)(c)2., above, has not been met.

~~(b)(c)~~ If Member Participant A transfers \$50,000 out of Fund A and into Fund B on Monday and then transfers \$55,000 out of Fund B on the following Monday, the transaction is a Roundtrip Trade and a Market Timing Trade because the aggregate amount of all trades in and out of Fund B has exceeded \$75,000 (\$50,000 + \$55,000 = \$105,000) within a 30 day period.

~~(c)(d)~~ If Member Participant A transfers \$5,000 out of Fund A and into Fund B on November 1 and then transfers \$25,000 out of Fund A and into Fund B on November 3 and then transfers \$10,000 out of Fund A and into Fund B on November 5 and then transfers \$40,000 out of Fund B and into Fund A on November 15, the entire series of transactions constitutes a Roundtrip Trade and is a Market Timing Trade because the aggregate amount of all trades into and out of Funds A and B each exceeded \$75,000 within a 30 day period.

~~(d)(e)~~ If ~~Member Participant~~ A transfers \$5,000 out of Fund A and puts \$2,500 into Fund B and \$2,500 into Fund C on December 1 and then transfers \$25,000 out of Fund A and puts \$20,000 into Fund B and \$5,000 into Fund C on December 5, and then transfers \$10,000 out of Fund A and puts \$10,000 into Fund C on December 6 and then transfers \$23,000 out of Fund B into Fund A and \$20,000 out of Fund C into Fund A on December 16, the entire series of transactions constitutes a Roundtrip Trade and is a Market Timing Trade because the aggregate amount of all trades into and out of Fund A exceeded \$75,000 within a 30 day period. It is irrelevant that money has come out of one fund and been transferred into two funds because the money has been returned to the original fund.

~~(e)(f)~~ ~~Member Participant~~ A transfers \$50,000 out of Fund A and into a foreign stock fund, which already contains \$100,000, on October 1, so that on October 1, the foreign stock fund contains \$150,000. ~~Member Participant~~ A must wait until October 9 to transfer any or all of the \$150,000 in funds out of the foreign stock fund.

~~(f)(g)~~ A ~~Member Participant~~ has \$250,000 in his FRS Investment Plan account and is the subject of a QDRO with the result that the ~~Member's Participant's~~ spouse becomes entitled to half of the ~~Member's Participant's~~ FRS Investment Plan account. A total of \$125,000 is transferred from the ~~Member's Participant's~~ account to a newly-established account for the ~~Member's Participant's~~ spouse and the funds are put into a foreign stock fund on December 1. On December 5, the ~~Member's Participant's~~ spouse rolls over the entire \$125,000 into an IRA. This is neither a Roundtrip Trade nor a Market Timing Trade because the transfer is an exempt transaction, as described in paragraph (2)(c), above.

~~(g)(h)~~ A ~~member participant~~ transfers \$32,000 into Fund A on August 5 and then transfers \$32,000 out of Fund A on August 11 and then transfers \$31,000 into Fund A on August 17 and finally transfers \$31,000 out of Fund A on August 18. The entire series of trades are Round Trip trades and the trades are also a Market Timing Trade because the aggregate amount of all trades exceeded \$75,000 within a 30 day period.

(5) For all ~~members participants~~, Roundtrip and Market Timing Trades are calculated using a rolling 30-calendar day time period. If a trade occurs on May 15 and the following 30-calendar day period, from May 15 through June 13, includes a sufficient number of trades to fit the definition of a Market Timing Trade, this rule shall apply.

Specific Authority 121.4501(8) FS. Law Implemented 121.4501(13), (14), (15) FS. History--New 10-21-04, Amended 3-9-06, \_\_\_\_\_.

#### 19-11.005 FRS Investment Plan Complaint Procedures.

(1) Purpose. Section 121.4501(9)(f)3., F.S., requires that the State Board of Administration “. . . develop procedures to receive and resolve participant complaints against a provider or approved provider personnel, and, when appropriate, refer such

complaints to the appropriate agency.” The following procedures outline the SBA’s policy in handling complaints filed against Investment Plan providers, including the third party administrator, education providers, and investment providers.

#### (2) Definitions.

(a) “Complaint” shall mean a participant’s written or verbal expression of dissatisfaction with an Investment Plan provider or one of its representatives.

(b) “Investment Plan” shall mean the Public Employee Optional Retirement Program as defined in Section 121.4501(2)(g), F.S.

(c) “Investment Plan providers” are:

1. Third Party Administrator, the FRS Investment Plan Administrator;
2. Companies providing Investment Plan education;
3. Investment managers providing investment services supporting mutual funds or institutional funds offered in the FRS Investment Plan;
4. Marketing companies providing marketing and educational support for their investment products or providing individual counseling; and
5. Any other company or state agency providing Investment Plan services (including the State Board of Administration of Florida).

(d) “~~Member~~ ~~participant~~” means an employee who elects to participate in the FRS Investment Plan and enrolls in such program as provided in Section 121.4501(4), F.S. For purposes of this rule, “~~member~~ ~~participant~~” also includes FRS employees who have not elected the FRS Investment Plan but who claim that they intended to join but were prevented for various reasons.

(e) “SBA” means the State Board of Administration of Florida, the plan sponsor for the FRS Investment Plan.

#### (3) Procedures.

~~(a) First Step: Intervention; by the FRS Investment Plan Administrator.~~

~~1. Any Participant with a complaint regarding an Investment Plan provider shall communicate his complaint to the Third Party Administrator [i.e., the FRS Investment Plan Administrator] within 2 business days.~~

~~2. Both parties shall attempt to reach a satisfactory resolution of the problem.~~

~~3. If a solution cannot be reached timely, the FRS Investment Plan Administrator will provide the Participant with a written or verbal update on the status of his complaint and the anticipated timeline for resolution.~~

~~(b) Second Step: Intervention by the SBA.~~

~~1. If an acceptable resolution is not reached in the first step, The Member Participant may send a written Request for Intervention to the SBA for intervention and resolution. The written Request for Intervention shall may be sent:~~

a. By regular US mail service to:

Investment Plan Complaint Resolution  
Office of Defined Contribution Programs  
Florida State Board of Administration  
P. O. Box 13300  
Tallahassee, FL 32317-3300

b. By e-mail: [DefinedContributionPrograms@sbafla.com](mailto:DefinedContributionPrograms@sbafla.com)  
~~DefinedContributionPrograms@fsba.state.fl.us; or~~

c. By fax: (850)413-1489

2. The Member Participant shall use "FRS Investment Plan Request for Intervention," Form SBA-RFI 08/2006 RF06/04, which is hereby adopted and incorporated by reference. The form may be obtained by using the toll free number at (866)446-9377 and requesting that it be mailed to the Member Participant or by accessing the MyFRS.com website, clicking on Resources, and then clicking on Forms. By using this form, the Member Participant grants permission to the SBA to obtain any personally identifiable information shared with or generated by any service provider to the FRS, including the MyFRS Financial Guidance Program.

3. The Member Participant must provide all information. If all information is not provided, the form shall be returned to the Member Participant so that the missing information can be added.

4. Upon receipt of the complete Request for Intervention, an acknowledgment will be sent by regular US mail or emailed to the Member Participant.

5. The SBA will conduct an investigation and prepare and send to the Member Participant an agency action letter detailing the SBA's findings; any proposed resolution; and information on the next steps in the dispute resolution process.

(b)(e) Second Third Step: Hearing Request.

1. If the Member Participant is not satisfied with the proposed resolution as set out in the agency action letter, the Member Participant may file a Petition for Hearing, "FRS Investment Plan Petition for Hearing," Form SBA-PFH08/2006 06/04, which is hereby adopted and incorporated by reference, with the SBA. The Petition for Hearing is routinely attached to the agency action letter and may also be obtained by calling the toll free number at 1(866)446-9377 and requesting that it be sent to the Member Participant or by accessing the MyFRS.com website, and clicking on Resources and then clicking on Forms. The Petition for Hearing must be received within 21 days of the Member's Participant's receipt of the agency action letter or it will be rejected as untimely and the Member Participant will have waived his right to a hearing.

2. The Member Participant shall use "FRS Investment Plan Petition for Hearing," Form SBA-PFH 08/2006 06/04. By using this form, the Member Participant grants permission to the SBA to obtain any personally identifiable information shared with or generated by any services provider to the FRS, including the MyFRS Financial Guidance Program.

3. Upon receipt of the Petition for Hearing, the SBA has 15 days to respond to the petition, in accordance with Section 120.569(2)(a), F.S.

4. If the hearing request contains a disputed issue of material fact, the SBA shall, within the required 15 days, forward the hearing request to the Division of Administrative Hearings, requesting that an administrative law judge be assigned to conduct the hearing and so notify the Participant.

5. If there is no disputed issue of material fact, then the SBA shall assign the matter to a presiding officer, who will send out a "Notice of Proceeding and Initial Order of Instructions" to the Petitioner and to Respondent's counsel. ~~send a Notice of Proceeding in conformance with Rule 28-106.302, F.A.C., and include a decision with regard to mediation under Section 120.573, F.S., and Part IV of Rule Chapter 28-106, F.A.C. The Participant has 14 days from the date of the Notice of Proceeding to submit written evidence or to ask to submit oral evidence. If the Participant asks to submit oral evidence, the SBA will schedule a hearing no sooner than 14 days from the date of the request. A Notice of Proceeding will include a reference to Rule 28-109.006, F.A.C., regarding communications media technology and the responsibility of the Participant to provide someone to swear him in if he decides to use a conference telephone.~~

6. The balance of the hearing process shall conform to the requirements of Chapter 120, F.S.

Specific Authority 121.4501(8)(a) FS. Law Implemented 120.569, 120.57, 120.573, 121.4501(9)(f)3. FS. History—New 10-21-04, Amended 3-9-06,\_\_\_\_\_.

19-11.006 Enrollment Procedures for New Hires.

(1) Purpose. This rule adopts procedures and forms for enrollment in the Florida Retirement System Investment Plan for employees who become employed in a regularly established position with a state employer commencing after April 1, 2002; or with a district school board employer commencing after July 1, 2002; or with a local employer commencing after October 1, 2002.

(2) Definitions.

(a) "ABO," which is the acronym for the "accumulated benefit obligation," means the present value of a member's benefit in the FRS Pension Plan, which is the defined benefit program of the Florida Retirement System, to which the member would be entitled if the member retired from the FRS Pension Plan. This present value shall be calculated in accordance with the formula set out in Section 121.4501(3)(c)2., F.S. by the Division of Retirement within the Department of Management Services. The ABO changes on a monthly basis based on the monthly basis based on the following factors: age, service, salary level, and membership class.

(b) "Division" means the Division of Retirement within the Department of Management Services.

(c) “Administrator” means the entity hired by the SBA, pursuant to Section 121.4501(8)(b)1., F.S., to provide administrative services to the FRS Investment Plan and is responsible for processing enrollment forms received from employees making a retirement plan choice either by form, by telephone, or on the MyFRS.com website.

~~(d)(e)~~ “Effective date of enrollment or effective enrollment in the FRS Investment Plan” means that the employee has completed enrollment by filing the enrollment form for his membership class or by filing a separate document for his membership class with the Administrator; that the Administrator TPA has entered the employee into its recordkeeping system; and that the Administrator TPA has informed the Division and the employee’s employer of the employee’s effective date of enrollment in either the FRS Pension Plan or in the FRS Investment Plan. For purposes of this rule, the term “enrollment form” or “form” shall also refer to the separate document described in paragraph 19-11.006(4)(b), F.A.C., below.

~~(d) “Effective enrollment in the FRS Investment Plan” means that the employee has completed enrollment; that the TPA has entered the employee into its recordkeeping system; and that the TPA has informed the division and the employee’s employer of the employee’s effective date of enrollment in the FRS Investment Plan.~~

(e) “Employee” means an eligible employee as defined in Section 121.4501(2)(d), F.S.

(f) “Employer” means an employer as defined in Section 121.4501(2)(e), F.S. For purposes of the FRS Investment Plan, there are three general categories of employers: state agencies; school districts; and local employers.

(g) “FRS Investment Plan” means the defined contribution retirement program of the Florida Retirement System, established in Parts II and III of Chapter 121, F.S. Although established in Parts II and III, certain parts of Part I of Chapter 121 also apply to the FRS Investment Plan. The FRS Investment Plan has two parts: the FRS Investment Plan and the FRS Investment Plan Hybrid Option, also known as the FRS Hybrid Option.

(h) “FRS Pension Plan” means the defined benefit retirement program of the Florida Retirement System, established in Part I of Chapter 121, F.S.

(i) “Florida Retirement System Trust Fund” or “FRSTF” shall mean the trust fund holding the assets of the FRS Pension Plan, which is the defined benefit plan of the Florida Retirement System.

(j) “Grace Period” means that procedure described in subsection (6), below, which permits, under certain circumstances, the voiding of a retirement plan election.

(k) “Member” “Participant” means an employee who elects to join the FRS Investment Plan or the FRS Investment Plan Hybrid Option.

(l) “Public Employee Optional Retirement Program” or “PEORP” means the defined contribution retirement program of the Florida Retirement System established by Section 121.4501, F.S., more commonly known as the FRS Investment Plan.

(m) “SBA” means the State Board of Administration of Florida.

~~(n) “TPA” means the third-party administrator hired by the SBA, pursuant to Section 121.4501(8)(b)1., Florida Statutes, to provide administrative services to the FRS Investment Plan.~~

~~(n)(o)~~ “True-up Amount” means the difference between the ABO calculated by using the member’s participant’s actual creditable service and the actual final average compensation as of the member’s participant’s effective date in the FRS Investment Plan and the ABO initially transferred.

### (3) General Enrollment Procedures.

(a) All newly-hired employees are initially enrolled in the FRS Pension Plan. If a newly-hired employee chooses, within the statutory election period, to enroll in the FRS Investment Plan or the FRS Investment Plan Hybrid Option, the effective date of enrollment in the FRS Investment Plan or the FRS Investment Plan Hybrid Option is the date of hire of the employee. However, the employer contributions received by an employee prior to effective enrollment in the FRS Investment Plan or the FRS Investment Plan Hybrid Option will be transferred into the employee’s FRS Investment Plan or FRS Investment Plan Hybrid Option account at the rate the employer was required to contribute for that employee. Only after effective enrollment in the FRS Investment Plan or the FRS Investment Plan Hybrid Option will the employee receive the employer contribution at the FRS Investment Plan or FRS Investment Plan Hybrid Option rate appropriate to that employee’s class of membership service, as specified in Section 121.4501(4)(a)2.b; (b)2.b., and (c)2.b., F.S.

(b) Enrollment forms are available in the enrollment package which is sent to an employee’s address of record or by accessing may be accessed online at: www.MyFRS.com, and clicking on Resources and then on Forms; or by calling toll-free 1(866)446-9377 or for the hearing impaired 1(888)429-2160, which is a toll free line.

### (4) Specific Enrollment Procedures.

(a) All newly-hired employees may enroll in the FRS Investment Plan no later than the last business day of the 5th month following the employee’s month of hire or may elect to remain in the FRS Pension Plan. Example: If an employee is hired on January 15, he must elect the FRS Investment Plan no later than the last business day of June.

(b) The SBA has designed the following forms for ease of use for employees in the several membership classes of the Florida Retirement System. As an alternative, an employee not wishing to use the forms may provide the information outlined in this Rule 19-11.006, F.A.C., for his membership class in a separate document. Employees may determine their

membership class by inquiry of their human resources office at their agency. The forms available are: an EZ Retirement Plan Enrollment form which is only for regular, special risk, and special risk administrative support class employees; a General Retirement Plan Enrollment form for regular, special risk, and special risk administrative support class employees; an Elected Officers' Class Retirement Plan form; a Community College Optional Retirement Program Retirement Plan Choice form; a State University System ORP-Eligible Employee Retirement Plan form; a State Senior Management Service Employees Retirement Plan form; and a Local Senior Management Service Employees Retirement Plan form.

1. All enrollment forms can be obtained at the sources listed in paragraph (3)(b), above.

2. Only members of the regular, special risk, and special risk administrative support classes of employees may use the EZ form, "EZ Retirement Plan Enrollment Form for Regular, Special Risk and Special Risk Administrative Support Class Employees," Form ELE-1-EZ, rev. 05-07 ~~02-04~~, which is hereby adopted and incorporated by reference. If an employee chooses to use the EZ form, only limited information is required and the FRS Select Moderate Balanced Fund is the initial investment option (although that investment option may be changed by the Member Participant once the account is funded) and no beneficiary identifying information is required. However, beneficiary designations must be made on forms for that purpose or funds will be distributed, at the Member's Participant's death, in accordance with Florida law and Rule 19-11-002, F.A.C. Beneficiary designation forms may be obtained from the same sources listed in paragraph (3)(b), above.

(c) If one of the other forms is used, consistent with the employee's membership class, or if the employee chooses to submit a separate document, consistent with the employee's membership class, the employee shall provide the following information:

1. Employee's name and social security number;

2.a. For an employee who is not a member of any of the retirement plan options detailed in sub-subparagraphs b. through f., below, a selection as to whether the employee decides to stay in the FRS Pension Plan, or transfer his ABO, if any, to the FRS Investment Plan, or transfer to the FRS Investment Plan Hybrid Option and leave his ABO, if any, in the FRS Pension Plan; or

b. For a state employee who is eligible for membership in the State Senior Management Service Class, a selection as to whether the employee wishes to elect:

i. The FRS Pension Plan; or

ii. The FRS Investment Plan and have future employer contributions sent to the FRS Investment Plan account; or

iii. To retain any accrued benefit in the FRS Pension Plan benefit and switch prospectively into the FRS Investment Plan Hybrid Option, which requires that the employee must have at least 5 years of previous Pension Plan service to select this option iii; or

iv. To switch prospectively to the Senior Management Service Optional Annuity Program (SMSOAP) and retain any accrued benefit in the FRS Pension Plan, which requires that the choice form must be received no later than 4 PM Eastern Time on the 90th day from the employee's date of hire, in accordance with Section 121.055(6)(c)2., F.S.;

c. For a local employee who is eligible for the Senior Management Service Class, a selection as to whether the employee wishes to elect:

i. The FRS Pension Plan; or

ii. The FRS Investment Plan and have all future employer contributions sent to the FRS Investment Plan account; or

iii. To retain any FRS Pension Plan benefit and switch prospectively into the FRS Investment Plan Hybrid Option, which requires that the employee must have at least 5 years of previous Pension Plan service to select this option iii; or

iv. To withdraw from the Florida Retirement System, which requires contacting the employee's employer and submitting the appropriate form to that employer;

d. For an employee who is eligible for the State University System Optional Retirement Program (SUSORP), a selection as to whether the employee wishes to elect:

i. To join SUSORP and retain any accrued benefit in the FRS Pension Plan, which requires making such election no later than the 90th day after the date of hire by executing a contract with a SUSORP provider company and which also requires that eligible clinical faculty members employed at a state university with a faculty practice plan J. Hillis Miller Center at the University of Florida or the Medical Center at the University of South Florida shall elect this option, which requires the selection to be made no later than 4 PM Eastern Time on the 90th day from the employee's date of hire, in accordance with Section 121.35(3), F.S.; or

ii. To join the FRS Pension Plan which must be completed no later than the last business day of the 5th month after the month of hire; or

iii. To join the FRS Investment Plan and to transfer the present value, if any, of the FRS Pension Plan benefit to the FRS Investment Plan and to have future contributions sent to the FRS Investment Plan account; or

iv. To switch prospectively to the FRS Investment Plan Hybrid Option and retain any accrued benefit in the FRS Pension Plan, which requires that the eligible employee must have 5 years of previous Pension Plan service to select this option iv;

e. For an employee who is eligible for the Community College Optional Retirement Program, a selection as to whether the employee wishes to elect:

- i. To join the FRS Pension Plan; or
  - ii. To join the FRS Investment Plan and to transfer any accrued benefit from the FRS Pension Plan to the FRS Investment Plan and to have future employer contributions sent to the FRS Investment Plan account; or
  - iii. To join the FRS Investment Plan Hybrid Option and to retain any accrued benefit in the FRS Pension Plan which requires that the eligible employee must have 5 years of previous Pension Plan service to select this option iii; or
  - iv. To withdraw from the Florida Retirement System and participate in the Community College Optional Retirement Program (CCORP) which requires that the selection must be completed within 90 days of commencing CCORP qualifying employment, in accordance with Section 1012.875(3), Florida Statutes;
- f. For an employee who is eligible for the Elected Officers' Class, a selection as to whether the employee wishes to elect:
- i. To join the FRS Pension Plan; or
  - ii. To join the FRS Investment Plan and to transfer any accrued benefit from the FRS Pension Plan to the FRS Investment Plan and to have future employer contributions sent to the FRS Investment Plan account; or
  - iii. To join the FRS Investment Plan Hybrid Option and to retain any accrued benefit in the FRS Pension Plan which requires that the eligible employee must have 5 years of previous Pension Plan service to select this option iii; or
  - iv. To join the Senior Management Service Class of the FRS Pension Plan and retain any accrued benefit in the FRS Investment Plan, which requires the eligible employee to make the choice no later than the last day of the 6th month after assuming his elected office, in accordance with Section 121.052(3)(a), Florida Statutes; or
  - v. To switch prospectively to the State Senior Management Service Optional Annuity Program and retain any accrued benefit in the FRS Pension Plan, which selection must be made no later than the last business day of the 6th month after assuming elected office and that the employee must be a state elected officer to select this option v; or
  - vi. To withdraw from the Florida Retirement System and participate in a local government Optional Annuity Program, which decision is irrevocable so long as the employee holds a position which is eligible for the Senior Management Service Class and which election must be made no later than the last business day of the 6th month after assuming elected office and that the employee must be a local elected officer to select this option vi; or
  - vii. To withdraw from the Florida Retirement System altogether, which means that the employee will not participate in the Florida Retirement System or any retirement plan offered by his employer; that the effective date of the election will be the date he assumed elected office; that the employee can rejoin the Elected Officers Class upon written request; that the employee's decision must be made no later than the last

business day of the 6th month after assuming elected office; and that this option vii is not available to any member who has already retired from a State of Florida administered retirement plan.

3. understand that benefits will be distributed in accordance with Section 121.091(8), Florida Statutes, in the absence of the ~~member's~~ participant's filing a beneficiary designation form, which is available from the sources listed in subsection (3)(b), above;

4. Select any combination of investment funds from among any of the balanced funds and other investment funds shown, provided, however, that the percentage of the employee's contributions for all of the funds selected must equal 100 percent. Any ~~member~~ participant who does not select investment options will be defaulted into the FRS Select Moderate Balanced Fund. Any ~~member~~ participant so defaulted retains the option at any time once the account is activated to make other investment selections. Both the accumulated benefit obligation and all future contributions will be invested in the FRS Select Moderate Balanced Fund unless and until the ~~member~~ participant chooses other investment options;

5. ~~[I understand section]~~ sign and date a section indicating that, depending on which options were selected as described in Section 1 of the form and in subparagraph 2., above:

a. the employee understands that he can obtain a description of his rights and responsibilities under the FRS Pension Plan and the FRS Investment Plan by calling a toll-free number or accessing an internet website;

b. The employee understands the elections he has made by choosing among the various options available to him as described in Section 1 of the form and in subparagraph 2., above;

c. The employee understands that if he has elected the FRS Investment Plan, the initial ABO is an estimate which will be reconciled within 60 days and that if the employee is a member of the FRS Investment Plan Hybrid Option, he cannot make this choice unless he has at least 5 years of previous Pension Plan service and that if he is currently a member of the FRS Pension Plan, the election may constitute his second choice as provided under Section 121.4501(4)(e), Florida Statutes;

d. The employee understands that he should review the fund profiles and the Investment Fund Summary before choosing investment funds and that information will be available electronically unless the employee requests hard copies and that if the employee does not choose specific funds, his assets will be invested in the FRS Select Moderate Balanced Fund;

e. The employee understands that investment management fees may change and that funds may be added or terminated and that if funds are terminated, the employee has the choice of moving his assets into other investment options or, if the employee does not make an affirmative decision, his assets will

be moved to the FRS Select fund with the most similar risk characteristics or into a replacement fund designated by the Plan's Trustees;

f. The Florida Statutes incorporate federal law concepts of participant control so that if the employee exercises control over his assets in accordance with section 404(c) of the federal Employee Retirement Income Security Act of 1974, no program fiduciary shall be liable for any loss to his account which results from the employee's control;

g. The employee understands that he has a one time opportunity to switch plans and that to switch to the Pension Plan there will be a buy-in cost for doing so;

h. the employee understands that he can change his fund allocations at any time after the account is activated;

i. The employee understands that his account will be available by the last business day ~~end~~ of the month following the date of his election;

j. The employee understands that by not selecting any investment options, he is authorizing that his assets be invested in the FRS Select Moderate Balanced Fund;

k. The employee understands that the FRS Investment Plan is not designed to facilitate short-term excessive trading; that foreign and international funds are subject to a 7-day holding period and that the excessive trading policy in Rule 19-11.004, F.A.C., applies to all members ~~participants~~;

l. The employee understands that he cannot file a second election using the initial enrollment form;

m. The employee understands that if he has chosen the Senior Management Service Optional Annuity Program, he must contact the plan marketing companies to receive information about investment funds; that his participation in any other state-administered retirement plan is inactivated once enrolled in SMSOAP; that he is not eligible for disability benefits; that his SMSOAP election is irrevocable so long as he is employed in a SMSOAP position; that the State of Florida does not guarantee or insure SMSOAP benefits; and that any employee contributions to SMSOAP are after-tax deductions that are not tax-deferred;

n. The employee understands that if he has chosen to withdraw from the Florida Retirement System, that his participation in any other state-administered retirement plan is inactivated once the withdrawal is complete; that he is not eligible for disability benefits; that his withdrawal decision is irrevocable so long as he is employed in a position eligible for participation in the Senior Management Service Class;

o. The employee understands that if he has chosen the State University System Optional Retirement Program (SUSORP), he must contact the plan marketing companies to receive information about investment funds; that his participation in any other state-administered retirement plan is inactivated once enrolled in SUSORP; that he cannot participate in SUSORP if he is a retiree or receiving an annuity payment from the SUSORP; that he is not eligible for disability

benefits; that his SUSORP election is irrevocable so long as he is employed in a SUSORP position; that the State of Florida does not guarantee or insure SUSORP benefits; and that any employee can contribute up to the statutory amount of his gross salary as an employee contribution and that these contributions to SUSORP shall be tax-deferred;

p. The employee understands that if he has chosen to withdraw from the Florida Retirement System and participate in the Community College Optional Retirement Program (CCORP), he must contract with the individual provider company(ies) for CCORP within 90 days of his employment; that failure to join CCORP will make him a compulsory member of the FRS Pension Plan; that by electing to withdraw from the Florida Retirement System, he must become a program participant in the CCORP's lifetime monthly annuity program; that his participation in any other state-administered retirement plan is inactivated once enrolled in CCORP; that he is not eligible for disability benefits; and that he has one opportunity to join either the FRS Pension Plan or the FRS Investment Plan;

q. The elected employee understands that if he has chosen to join the SMSOAP, he must be an elected officer; and that he must contact the marketing company(ies) to receive information about the plan; that his participation in any other state-administered retirement plan is inactivated; that the State of Florida does not guarantee or insure any benefits paid under the program; and that any employee contributions he makes are not tax-deferred;

r. The elected employee understands that if he has chosen to withdraw from the Florida Retirement System and participate in a local government annuity program, his effective date will be the first day of the month following the receipt of his written election to the FRS Plan Choice Administrator; and

s. The elected employee understands that if he has chosen to withdraw from the Florida Retirement System altogether, he may rejoin upon written request and that this option is not available to members who have already retired from a State of Florida administered retirement plan.

6. For employees who have chosen to participate in the Senior Management Service Optional Annuity Program, fill out a section designating marketing companies and contribution amounts for that option and check a statement that the employee has reviewed the investment fund options offered by the marketing companies and has signed the necessary contract(s) with the company(ies) for the deposit of the employees contributions as authorized in the section.

7. For employees who have chosen to participate in the State University System Optional Retirement Program, fill out a section designating marketing companies and contribution amounts for that option and check a statement that the employee has reviewed the investment fund options offered by

the marketing companies and has signed the necessary contract(s) with the company(ies) for the deposit of the employees contributions as authorized in the section.

(d)1. The enrollment form shall be complete and the election shall be final if all the required information is clearly indicated and if the enrollment form is received by the Administrator TPA by 4 PM Eastern Time. The form shall be transmitted via the U.S. mail ~~or shall be submitted online in accordance with instructions accompanying the form.~~

2. The Administrator TPA shall determine that the employee's enrollment in the FRS Investment Plan is within the prescribed time period, the form in toto is complete, and the employee's election is clearly indicated. If the Administrator TPA determines that the form is incomplete, the form shall be returned to the employee and resubmitted when complete. An incomplete form is a form which is missing the name and address and form numbers of the member participant, social security numbers, plan selection, signatures, or dates. If the form is incomplete only because the member participant has made no investment selection, the form will be processed and the member participant will be defaulted into the FRS Select Moderate Balanced Fund for investing his accumulated benefit obligation and all future contributions. Note that this default selection may be changed by the member participant at any time once the transfer has been made.

(e) Upon receipt of the completed enrollment form by the Administrator TPA, the Administrator TPA shall enroll the employee in the FRS Investment Plan. Upon completion of the enrollment, but no later than two working days after enrollment, the Administrator TPA shall send confirmation of the effective enrollment to the employee at the employee's home address, to the employee's employer, and to the division to inform the division that the employee is no longer in the FRS Pension Plan.

(f) Employers shall pay retirement contributions monthly for their FRS Investment Plan employees or the FRS Investment Plan Hybrid Option and those contributions are due to the division by the 5th working day of the month following the month for which the contributions are made. The employer shall change its employee records to reflect that the contribution rates effective on the effective date of enrollment are applicable to those of its employees who have elected to enroll in the FRS Investment Plan or the FRS Investment Plan Hybrid Option.

(5) Asset Transfer and True-Up Procedures for Newly-hired Employees with Previous FRS Service.

(a) For employees with previous FRS service who elect to enroll in the FRS Investment Plan with a transfer of his or her ABO, the division shall determine the amount of the employee's ABO. This amount shall be transferred to the employee's FRS Investment Plan account and shall be allocated to each investment product selected by the participant on his or her enrollment form.

(b) 1. The Division shall determine the employee's ABO as of the last day of the month prior to the employee's effective date of enrollment in the FRS Investment Plan.

2. Example: If the Division receives the enrollment during the month of June, the effective date of enrollment for the employee in the FRS Investment Plan is July 1. The Division shall determine the employee's ABO, if any, through June 30.

(c) By the 15th day of the month, the Division shall notify the Administrator TPA of the ABO for each employee whose effective date of enrollment is the first day of the month and the Administrator TPA shall notify the SBA of the aggregate ABO of employees whose effective date of enrollment is the first day of the month.

(d) On the last business day of the effective month of enrollment in the FRS Investment Plan, the SBA shall transfer the aggregate ABO amount to the FRS Investment Plan custodian for distribution to the FRS Investment Plan participant accounts. Such distribution shall be directed by the Administrator TPA and shall be based on the percentage of the total investment allocated to each investment option designated by the participant on the enrollment form.

(e) The total amount initially credited to each FRS Investment Plan member's participant's account who chooses to move his or her ABO out of the FRS Pension Plan is an estimate of the participant's ABO as calculated by the Division. Thereafter, pursuant to Section 121.4501(3)(c)3., F.S., the Division shall recompute the ABO not later than 60 days after the initial transfer of funds and, if the recomputed amount differs from the transferred ABO amount by \$10 or more, the Division shall cause an adjustment of the transfer of assets between FRS Investment Plan account(s) of the affected member(s) participant(s) through a true-up transfer in accordance with that statutory section.

(f) If the recomputed ABO is greater than the initial amount transferred by \$10 or more, the amount to be transferred to the member's participant's FRS Investment Plan account from the FRS Trust Fund will equal the excess of the recomputed ABO over the amount initially transferred plus interest. The amount transferred to each investment product shall be based on the percentage of the total investment allocated to each investment product by the member participant on his or her enrollment form.

(g) If the recomputed ABO is less than the original amount transferred by \$10 or more, the Administrator TPA shall cause to be transferred from the member's participant's FRS Investment Plan account to the FRSTF an amount equal to the excess of the initial amount transferred over the recomputed ABO plus interest. The amount transferred from each investment product shall be based on the percentage of the total investment allocated to each investment product by the member participant on his or her enrollment form.

(h) The ~~D~~ivision shall notify the SBA of the aggregate true-up amount plus interest within 45 days of the initial transfer. The ~~D~~ivision shall notify the Administrator TPA of the true-up amounts plus interest by member participant account within 45 days of the initial transfer. The true-up transfer shall include the true-up amount determined by the ~~D~~ivision plus interest at the rates specified in Section 121.4501(3)(c)3., F.S., from the date of the initial transfer to the date of the true-up transfer. The transfer of the true-up amount plus interest shall occur on the 60th day following the initial transfer. In the event the 60th day following the initial transfer falls on a Saturday, Sunday, or a legal holiday, the true-up transfer shall occur on the last business day of the month preceding the Saturday, Sunday, or legal holiday.

(i) The ~~D~~ivision shall calculate the interest owed on true-up amounts. If the recomputed ABO is greater than the original amount transferred by \$10 or more, the member participant will be owed a true-up amount plus interest. Interest will be calculated using the rate of 8% effective annual interest, compounded annually, and the number of days from the date of the initial transfer to the date of the true-up transfer, as specified in paragraph (h), above. If the recomputed ABO is less than the original amount transferred by \$10 or more, the member participant will owe a true-up amount plus interest. Interest will be calculated on the amount owed based upon 6% effective annual interest, compounded annually, and the number of days from the date of the initial transfer to the date of the true-up transfer.

(6) Grace Period.

(a) If an employee files an election with the Administrator TPA and the employee realizes that the election was made in error, the SBA will consider, on a case-by-case basis, whether the election will be voided, subject to the following requirements:

1. Member Elects the FRS Investment Plan. The employee must notify the SBA, by a telephone call to the toll free number: 1(866)446-9377, or by e-mail, or by written correspondence directly to the SBA, to the Administrator TPA, or to the ~~Division of Retirement~~, before assets are transferred from the FRS Pension Plan to the member's FRS Investment Plan account. This transfer occurs no later than the last business day of the month following the election month.

2. Member Actively Elects the FRS Pension Plan. The employee must notify the SBA no later than the last business day of the month following the election month.

(b) If the request to void the election is made timely and the SBA agrees the election will be voided, the member will be required to sign a release and return it to the SBA prior to the election's being officially voided. The member will acknowledge that failure to make a new election within one calendar month will result in the original election's being

reinstated, and that once the revised election is made it cannot be changed (unless the member uses his second election, if available).

(c) Upon receipt of the release, the ~~Division of Retirement~~ and the Administrator TPA will be directed to do the following:

1. the ~~Division of Retirement~~ will revise its database to reflect the member's plan change and extend the member's election period by one calendar month.

2. the Administrator TPA will contact the member via telephone or email and tell him or her that the election has been voided.

3. the member will make a new election via telephone, or using the website at MyFRS.com or using a form prior to the newly-established deadline.

(d) Nothing contained in this subsection will interfere with a member's right to file a complaint, as permitted by Section 121.4501(9)(f)3., F.S.

(7) Costs associated with the liquidation or transfer of assets from the FRS Trust Fund to the FRS Investment Plan will be deducted from the FRS Trust Fund. The FRS Trust Fund will not be responsible for any transaction costs associated with the purchase of FRS Investment Plan assets. Those costs will be deducted from FRS Investment Plan accounts or otherwise charged to FRS Investment Plan members participants.

(8) The amount transferred to each investment product shall be based on the percentage of the total investment allocated to each fund by the member participant on his or her enrollment form as described in subsection (3)(b), above. However, pursuant to Section 121.4501(4)(d), F.S., amounts not specified will be invested in the default option designated in the Investment Policy Statement, as approved by the Trustees and adopted and incorporated by reference in Rule 19-9.001, F.A.C.

(9) In order to effectively and efficiently administer the investment programs of the SBA and in accordance with Section 215.44(8)(b), F.S., the records and other information relating to investments made by the SBA will be confidential and exempt from Chapter 119, F.S., until 30 days after completion of each investment transaction.

Specific Authority 121.4501(3)(c)4, (8)(a) FS. Law Implemented 121.051, 121.055, 121.35, 121.4501(2),(3),(4),(5),(6),(8),(15), 121.73, 121.74, 121.78, 215.44(8)(b), 1012.875(3) FS. History—New 10-21-04, Amended 3-9-06,\_\_\_\_\_.

19-11.007 Second Election Enrollment Procedures for the FRS Retirement Programs.

(1) Purpose. The purpose of this rule is to establish procedures for making the second election permitted by Section 121.4501(4)(e), Florida Statutes. This rule includes procedures for members participants who initially chose the FRS Investment Plan or the FRS Investment Plan Hybrid Option to use their 2nd election to transfer to the FRS Pension

Plan; for ~~members participants~~ who chose or defaulted into the FRS Pension Plan to use their 2nd election to transfer to the FRS Investment Plan or the FRS Investment Plan Hybrid Option; and for ~~participants who chose or defaulted into the FRS Pension Plan to use their 2nd election to transfer to the FRS Investment Plan Hybrid Option.~~

(2) Definitions.

(a) "FRS Investment Plan" means the optional defined contribution retirement plan within the Florida Retirement System, established in Parts II and III of Chapter 121, F.S., in which a participant chooses to transfer his accrued service benefit in the FRS Pension Plan, if any, to the FRS Investment Plan or the FRS Investment Plan Hybrid Option and further chooses that all future employer contributions be deposited in his FRS Investment Plan account. Although established in Parts II and III, certain parts of Part I of Chapter 121, F.S., also apply to the FRS Investment Plan.

(b) "FRS Investment Plan Hybrid Option" or "FRS Hybrid Option" means the optional defined contribution retirement plan within the Florida Retirement System, established in Parts II and III of Chapter 121, F.S., in which a ~~member participant~~ chooses to retain his accrued service benefit in the FRS Pension Plan, in accordance with Section 121.4501(3)(c)1., Florida Statutes, and further chooses that all future employer contributions be deposited in his FRS Investment Plan Hybrid Option account. Although established in Parts II and III, certain parts of Part I of Chapter 121, F.S., also apply to the FRS Investment Plan Hybrid Option.

(c) "FRS Pension Plan" means the defined benefit retirement plan within the Florida Retirement System, established in Part I of Chapter 121, Florida Statutes.

(d) "I," "you," or "your:" these references are to the ~~member participant~~ in the context of relevant parts of the two enrollment forms described in this rule.

(e) "ABO," "Accrued service benefit" or "accumulated benefit obligation" means the present value amount already earned by a ~~member participant~~ in the FRS Pension Plan which, if the participant uses the 2nd election, will be transferred to his or her account in the FRS Investment Plan.

(3) General Procedures.

(a) All ~~members participants~~ who wish to change their FRS retirement plan using their second election must use a 2nd election enrollment form. There are two types of forms. The "2nd Election Retirement Plan Enrollment Form" requires the ~~member participant~~ to choose the investment options he wishes to use if he is choosing to move to either the FRS Investment Plan or the FRS Investment Plan Hybrid Option. Alternatively, by using the "2nd Election EZ Retirement Plan Enrollment Form," the ~~member participant~~ is choosing to have his employer contributions and any transfers from the FRS Pension Plan invested in the FRS Select Moderate Balanced

Fund. The ~~member participant~~ may change his investment selection at any time after he is transferred to the FRS Investment Plan or the FRS Investment Plan Hybrid Option.

(b) Both forms are available by calling the toll-free number for the MyFRS Financial Guidance Line: 1(866)446-9377, or for the hearing-impaired: 1(888)429-2160; or by using the MyFRS.com website and clicking on Resources and then on Forms.

(c) The form must be mailed to the FRS Plan Choice Administrator, CitiStreet, FRS Investment Plan Administrator, P. O. Box 56290, Jacksonville, Florida 32241-6290.

~~(d) The form must be received by the FRS Plan Choice Administrator before 4 PM Eastern Time on the last day of the month in which the participant wishes to make the change from one retirement plan to the other.~~ The ~~member participant~~ may elect to move between the Florida Retirement System retirement programs only if the ~~member participant~~ is earning service credit in an employer-employee relationship consistent with the requirements under Section 121.021(17)(b), F.S., excluding unpaid leaves of absence. The form must be received and processed by the FRS Plan Choice Administrator before employment is terminated. If the last day of the month is a Saturday, Sunday, or legal holiday, the deadline is the last business day of the month.

1. Example: if a ~~member participant~~ submits the 2nd Election Retirement Plan Enrollment Form in the month of November, the effective date of the plan change will be December.

2. Example: if a ~~member participant~~ intends to terminate his FRS-covered employment, he must ensure that the form is received by the FRS Plan Choice Administrator before he terminates his employment. Therefore, if a ~~member participant~~ wishes to terminate on November 27, he must ensure that the form is received and processed by the FRS Plan Choice Administrator before that date.

3. Example: the last day of February, 2004, was Sunday, February 29. Therefore, the last business day was the preceding Friday, February 27. For a 2nd Election to have been effective as of March 1, 2004, the form must have been received by the FRS Plan Choice Administrator before 4 PM Eastern Time on Friday, February 27.

(4) Specific Procedures for the "2nd Election Retirement Plan Enrollment Form."

(a) All ~~members participants~~ are required to fill out Section 1 of the form by providing the ~~member's participant's~~ name and Social Security number and checking only one of three boxes, indicating which choice the ~~member participant~~ is making. These boxes contain the following information:

1. Change from the FRS Investment Plan or FRS Investment Plan Hybrid Option to the FRS Pension Plan (Please complete Section 4, as described in paragraph (d) below.) I understand I am using my existing FRS Investment Plan account balance to "buy" into the FRS Pension Plan. I

understand that if my account balance is not sufficient to cover the cost of the “buy in”, I must pay the balance due from my personal funds before being allowed into the FRS Pension Plan. The Division of Retirement is responsible for calculating the buyback amount for those wishing to use their second elections to transfer to the FRS Pension Plan. The actuarial calculation is a forward-looking projection based on the employee’s salary and service and increases as additional creditable service and salary are earned. I understand that I may move my FRS Investment Plan account balance into more conservative, less risky investment options within the FRS Investment Plan in order to potentially reduce the volatility of my account balance prior to liquidation and movement to the FRS Pension Plan.

2. Change from the FRS Pension Plan to the FRS Investment Plan, (Please complete Sections 3 and 4, as described in paragraphs (c) and (d), below.) I understand I am transferring the present value, if any, of my FRS Pension Plan benefit to the FRS Investment Plan. I understand that I will have future employer contributions deposited in my Investment Plan account.

3. Change from the FRS Pension Plan to the FRS Investment Plan Hybrid Option, (Please complete Sections 3 and 4, as described in paragraphs (c) and (d) below.) I am retaining any accrued benefit in the FRS Pension Plan with future employer contributions deposited in my FRS Investment Plan Hybrid Option account. I understand that I must have 5 years of Pension Plan service to select this option.

(b) The second section on the form discusses the beneficiary designation. The designation cannot be made on the enrollment form. This section contains the following information:

1. A beneficiary designation can be completed after you qualify for a retirement benefit (i.e., become “vested”). If you do not designate a beneficiary after you are vested, your benefit will be distributed in accordance with Section 121.091(8) or 121.4501(20), Florida Statutes, as applicable.

2. You may designate a beneficiary by completing a Beneficiary Designation Form (BEN-001 Pension Plan or IPBEN-1 Investment Plan). Both forms are available online at MyFRS.com or by calling the MyFRS Financial Guidance Line.

(c)1. The third section on the form discusses and describes the FRS Investment Plan Fund Selections. A member participant who has checked the first box in the first section of the form, indicating a change to the FRS Pension Plan, must not complete this section. Members Participants who have checked either the second or the third boxes in the first section of the form must complete this section by choosing their investment fund options.

2. The investment fund selection must be indicated by:

a. Writing the percentage you wish to allocate to each investment option. Use whole percentages only.

b. Choosing your investment funds from the balanced funds, the other investment funds OR from a combination of the two.

c. Ensuring that the total of all your selections equals 100%.

d. Any member participant who does not select any investment options will be defaulted into the FRS Select Moderate Balanced Fund. Any member participant so defaulted retains the option at any time to make other investment selections. Both the accumulated benefit obligation and all future contributions will be invested in the FRS Select Moderate Balanced Fund unless and until the member participant chooses other investment options.

(d) The fourth section on the form is an authorization section which will ensure that all members participants understand the information described. All members participants must read the information in the fourth section before signing the form. The information which follows is applicable as indicated depending on the choice the member participant has made.

1. For all members participants: I understand that I can find a description of my rights and responsibilities under the FRS Pension Plan and the FRS Investment Plan in the respective Summary Plan Descriptions, Florida Statutes, and Administrative Rules available through the MyFRS Financial Guidance Line at 1(866)44-MyFRS 1(866)446-9377; or TTY: 1(888)429-2160) or at MyFRS.com.

2. For members participants choosing to transfer to the FRS Pension Plan:

a. I understand that I have elected to change retirement plans to the FRS Pension Plan.

b. I understand that this election will constitute my one-time second election as provided under the FRS and that I must remain in this retirement plan until my retirement.

c. I understand that there may be a cost to change to the FRS Pension Plan, which I can get by calling the MyFRS Financial Guidance Line and connecting to the Division of Retirement, and that such cost may require that I pay some amount greater than my current FRS Investment Plan account balance. Such payment, if necessary, must be received by the date determined by the Division of Retirement. If the required amount if not received by the Division of Retirement by the due date, the election will be voided. The member participant will receive notification and proper instructions from the Division of Retirement detailing where and in what form to send personal payments. The Division of Retirement is responsible for calculating the amount for those wishing to use their second elections to transfer to the FRS Pension Plan. The actuarial calculation is a forward-looking projection based on the employee’s salary and service and increases as additional creditable service and salary are earned.

d. I understand that I have the ability to move my FRS Investment Plan account balance into conservative investment options within the FRS Investment Plan in order to potentially reduce the volatility of my account balance prior to liquidation and movement to the FRS Pension Plan.

e. I understand that my one-time second election is irrevocable.

3. For ~~members~~ participants choosing to transfer to the FRS Investment Plan:

a. I understand that I have elected to change retirement plans to the FRS Investment Plan, and that any accrued value I may have in the FRS Pension Plan will be transferred to the FRS Investment Plan.

b. I understand that this election will constitute my one-time second election as provided under the FRS and that I must remain in this retirement plan until my retirement.

c. I understand the initial transfer amount (the accrued benefit value or the accumulated benefit obligation) is an estimate and that within 60 days of that transfer, there will be a reconciliation pursuant to Florida law, which will use my actual FRS membership record. The amount could be more or less than the estimate I received.

d. I understand that I can get the amount of my accrued benefit value by calling the MyFRS Financial Guidance Line and connecting to the Division of Retirement.

e. I understand that if I am currently a member of the FRS Investment Plan Hybrid Option, I cannot make this election.

f. I understand my one-time second election is irrevocable and I understand that I must remain in this plan until my retirement.

4. For ~~members~~ participants choosing to transfer to the FRS Investment Plan Hybrid Option:

I understand that I have elected to change retirement plans to the FRS Investment Plan Hybrid Option and that my FRS Pension Plan benefit already accrued will remain with the FRS Pension Plan and that a FRS Investment Plan Hybrid Option account will be established to receive all future employer contributions.

5. For participants choosing to transfer either to the FRS Investment Plan or to the FRS Investment Plan Hybrid Option:

a. I understand that I should review the Fund Profiles and the Investment Fund Summary at MyFRS.com before making any changes to my investment fund selections. I understand that information on investment funds will be provided in electronic format, unless I request hard copies. I understand that I can change my fund allocations at any time after my account is activated by accessing MyFRS.com or by calling the toll-free MyFRS Financial Guidance Line. I understand that my account will be available by the end of the month following the effective date of this election. If I do not choose specific investment funds, I authorize the FRS Plan Choice Administrator to invest my accumulated benefit obligation and future contributions in the FRS Select Moderate Balanced

Fund. I understand that the FRS Investment Plan is not designed to facilitate short-term excessive fund trading. Foreign and global investment funds are subject to a minimum holding period of 7-calendar days following any non-exempt transfers into such funds and I may be subject to trading controls on other funds in the event I trade excessively ~~or an equity wash is in effect for a stable value fund.~~

b. I understand that investment management fees will be deducted from my FRS Investment Plan account or the FRS Investment Plan Hybrid Option account. I also understand that these fees may change in the future and that funds may be added or terminated. I understand that if any of the funds I select in the FRS Investment Plan or the FRS Investment Plan Hybrid Option account are terminated in the future, I will be able to move my assets into other investment funds prior to termination. Otherwise, my assets in the terminated fund(s) will be automatically moved into a replacement fund designated at that time.

c. I understand that Sections 121.4501(8)(b)4. and 121.4501(15)(b) of Florida law incorporate the federal law concept of participant control, established by regulations of the U.S. Department of Labor under section 404(c) of the Employee Retirement Income Security Act of 1974. If I exercise control over the assets in my FRS Investment Plan account, pursuant to section 404(c) regulations and all applicable laws governing the operation of the FRS Investment Plan, no program fiduciary shall be liable for any loss to my account which results from my exercise of control.

(e) The form must be signed and dated by the ~~member~~ participant and must include a daytime telephone number. Inclusion of an e-mail address or the name of the ~~member's~~ participant's employing agency is optional on the ~~member's~~ participant's part.

(f) The form must be mailed to the address set out in subsection (2)(c), above.

(g) The ~~member~~ participant must put his Social Security number at the bottom of each page of the form so that if the pages become separated, they can be properly reassembled.

(h) For ~~members~~ participants transferring to the FRS Pension Plan, the election may require a personal payment if the ~~member's~~ participant's account balance was less than the calculated amount required to buy back into the FRS Pension Plan. Such payment, if necessary, must be received by the date determined by the Division of Retirement. If the required amount is not received by the Division of Retirement by the date due, the election will be voided. The member ~~participant~~ will receive notification and proper instructions from the Division of Retirement detailing where and in what form to send any personal payments.

(i) A confirmation statement will be mailed to the ~~member's~~ participant's address of record once the completed form is received and processed.

(j) The ~~member participant~~ should carefully review the form and be sure that it is signed and dated. The ~~member participant~~ should keep a copy for his records.

(k) If the ~~member participant~~ submits a form that is incomplete, it will not be processed. An incomplete form is a form which is missing the name and address and phone numbers of the member participant, social security numbers, plan selection, signatures, or dates. The incomplete form will be returned to the ~~member participant~~ to add any missing information. If the form is incomplete only because the ~~member participant~~ has made no investment selection, the form will be processed and the ~~member participant~~ will be defaulted into the FRS Select Moderate Balanced Fund for investing his accumulated benefit obligation and all future contributions. Note that this default selection may be changed by the ~~member participant~~ at any time once the transfer has been made.

(5) Specific Procedures for the "2nd Election EZ Retirement Plan Enrollment Form."

(a) Form ELE-2, "2nd Election EZ Retirement Plan Enrollment Form," ~~Rev. 05-07~~ ~~vs. 08-05~~, is hereby adopted and incorporated by reference.

(b) All ~~members participants~~ choosing to use this form are required to fill out Section 1 of the form by providing the ~~member's participant's~~ name and Social Security number and checking only one of three boxes, indicating which choice the ~~member participant~~ is making.

(c) The form must be signed and dated by the ~~member participant~~ and must include a daytime telephone number. Inclusion of an e-mail address or the name of the ~~member's participant's~~ employing agency is optional on the ~~member's participant's~~ part.

(d) The form must be mailed to the address set out in subsection (3)(c), above.

(e) The ~~member participant~~ must put his Social Security number at the bottom of each page of the form so that if the pages become separated, they can be properly reassembled.

(f) For ~~members participants~~ transferring to the FRS Pension Plan, the election may require a personal payment if the ~~member's participant's~~ account balance was less than the calculated amount required to buy back into the FRS Pension Plan. Such payment, if necessary, must be received by the date determined by the Division of Retirement. If the required amount is not received by the Division of Retirement by the date due, the election will be voided. The ~~member participant~~ will receive notification and proper instructions from the Division of Retirement detailing where and in what form to send any personal payments. The Division of Retirement is responsible for calculating the amount for those wishing to use their second elections to transfer to the FRS Pension Plan. The actuarial calculation is a forward-looking projection based on the employee's salary and service and increases as additional creditable service and salary are earned.

(g) A confirmation statement will be mailed to the ~~member's participant's~~ address of record once the completed form is received and processed.

(h) The ~~member participant~~ should carefully review the form and be sure that it is signed and dated. The ~~member participant~~ should keep a copy for his records.

(i) If the ~~member participant~~ submits a form that is incomplete, it will not be processed. The incomplete form will be returned to the ~~member participant~~ to add any missing information. An incomplete form is a form which is missing the name and address and phone numbers of the ~~member participant~~, social security numbers, plan selection, signatures, or dates.

(a) If a member files an election with the Administrator TPA and the employee realizes that the election was made in error, the SBA will consider, on a case-by-case basis, whether the election will be voided, subject to the following requirements:

1. Member Elects the FRS Investment Plan. The SBA must be notified, by a telephone call to the toll free number: (866)446-9377, or by e-mail, or by written correspondence directly to the SBA, to the Administrator TPA, or to the Division of Retirement, before assets are transferred from the FRS Pension Plan to the member's FRS Investment Plan account. This transfer occurs no later than the last business day of the month following the election month.

2. Member Elects the FRS Pension Plan. The SBA must be notified no later than the last business day of the month following the election month.

(b) If the request to void the election is made timely and the SBA agrees the election will be voided, the Division of Retirement and the Administrator TPA will be directed to do the following:

1. The Division of Retirement will revise its database to reflect the election has been voided member's plan change and extend the member's election period by one calendar month.

2. The Administrator TPA will contact the member via telephone or email and tell him or her that the election has been voided.

3. The member will make a new election via telephone, or using the website at MyFRS.com or using a form consistent with subsection (4), above, prior to the newly established deadline.

(c) Nothing contained in this subsection will interfere with a member's right to file a complaint, as permitted by Section 121.4501(9)(f)3., Florida Statutes.

Specific Authority 121.4501(8)(a) FS. Law Implemented 121.4501(3), (4), (8)(b)4, (15)(b) FS. History--New 10-21-04, Amended 3-9-06,\_\_\_\_\_.

#### 19-11.008 Forfeitures.

(1) Purpose. The purpose of this rule is to clarify the provisions regarding forfeitures of account balances.

(2) Forfeitures after Separation or Retirement from FRS Employment.

(a) If a member terminates FRS-covered employment before vesting in his Investment Plan benefit, he will not be entitled to any benefit. The account balance will be placed in a suspense account. The suspense account is invested in the FRS Select U.S. Treasury Inflation-Protected Securities (TIPS) Fund, where it will accrue actual investment earnings. If the member returns to work for an FRS employer within five (5) years from the date of termination, the member's account balance, plus any earnings while invested in the TIPS Fund, will be returned to the member's account. The service credit for the restored service, combined with any future service credit, will be applied towards vesting of the member's account. If the member never returns to work for an FRS employer or if the member returns to FRS covered employment 5 years after the date of termination, the member will forfeit the unvested account balance and the associated service.

(b) If the member leaves FRS-covered employment after vesting in his Investment Plan account, but before the member vests in any transferred Pension Plan benefit, the member shall only receive the vested Investment Plan benefit. However, if the member takes any distribution from his vested Investment Plan account, the unvested Pension Plan benefit transferred into the Investment Plan will be forfeited. If the member does not take a distribution from his Investment Plan account, the unvested Pension Plan benefit will be transferred to a suspense account. The suspense account is invested in the FRS Select U.S. Treasury Inflation-Protected Securities (TIPS) Fund, where it will accrue actual investment earnings. If the member returns to work for an FRS employer within five (5) years from the date of termination, the member's account balance, plus any earnings while invested in the TIPS Fund, will be returned to the member's account. The service credit for the restored service, combined with any future service credit, will be applied towards vesting of the member's account.

(c) If a member's benefit and service are forfeited, but the member returns to FRS-covered employment after the forfeiture has occurred, the member will be returned to the plan in which he or she was participating at the time of the forfeiture.

(3) Forfeitures of FRS Investment Plan accounts Due to Criminal Activity.

(a) The Florida Constitution (Section 8, Article II) and Florida statutes provide that any member of the Florida Retirement System who commits certain crimes and is found guilty by a jury or by the court hearing the case without a jury shall forfeit all rights and benefits under Chapter 121, F.S. These crimes include embezzlement or theft from his or her employer, bribery in connection with the employment, engaging in strikes as a public employee, or killing the member to receive the member's benefits. Please see Sections 112.3173

and 121.091(5), F.S., and the other statutory sections mentioned therein, since these may be changed by the Legislature.

(b) When the SBA, on behalf of the FRS Investment Plan, becomes aware of any accusation against any employee who is a member of the FRS Investment Plan, the SBA will put a hold on the member's account to preclude the member from removing his or her money from the account.

(c) If the charges against the member are not pursued and are dropped by law enforcement officials, the hold on the member's account will be released.

(d) If the member is indicted and convicted or pleads guilty, the SBA will acquire a certified copy of the judgment and will contact the member to advise the member that his account is forfeited and, if he wants to contest the forfeiture, he has the right to a hearing. The hold on the member's account will remain in place until.

1. The time to request a hearing has passed and no request for a hearing is made, or

2. The conclusion of the hearing and any appeal of the final order issued after the conclusion of the hearing.

(e) At the conclusion of either subparagraph (d)1. above, or (d)2. above, if the member's hearing and/or appeal is unsuccessful, the SBA will direct the Investment Plan Administrator to transfer the member's account balance to the Investment Plan Forfeiture Account.

Specific Authority 121.4501(8)(a) FS. Law implemented 121.021(29), (39), 121.091(5), 121.4501(20), 121.591, 744.301 FS. History-New \_\_\_\_\_.

19-11.009 Reemployment With an FRS-covered Employer After Retirement.

(1) Purpose: The purpose of this rule is to clarify the provisions regarding reemployment after retirement for FRS Investment Plan members.

(2)(a) A member who has terminated FRS-covered employment and has taken a distribution from his Investment Plan account is a retiree, as of the date of the distribution, in accordance with Section 121.4501(2)(j), F.S. As a retiree, the former member shall not be reemployed with an FRS-covered employer until he has been retired for 12 months. Any member may return to employment with an FRS-covered employer after 12 months of retirement and may take distributions from prior career benefits, even while reemployed.

(b) There are exceptions to paragraph (2)(a) above. This paragraph does not contain an exhaustive list of all possible situations. Members who are not in exactly the same circumstances as described in this paragraph should call the toll-free MyFRS Financial Guidance Line at 1(866)446-9377, Option 1, to have their situations properly analyzed.

1. A member who has reached his normal retirement date, in accordance with Section 121.021(29), F.S., may get up to ten percent of his account balance one calendar month following

his month of termination, and he may get the balance after a total of three calendar months following his month of termination, unless he returns to FRS-covered employment, during this three-calendar-month period.

2. If the member in subparagraph 1, above, takes a partial distribution and then returns to work, the member will not be eligible for any further distributions until the member terminates employment from all FRS covered employers, or suspends further benefits for the remainder of the 12 months, or the first 12 months of retirement are completed.

3. A member who has reached his normal retirement date, in accordance with Section 121.021(29), F.S., can return to work in one of the excepted positions identified in Section 121.091(9)(b), F.S., one calendar month after taking a distribution.

4. A member who has not reached his normal retirement date, in accordance with Section 121.021(29), F.S., can return to work in one of the excepted positions identified in Section 121.091(9)(b), F.S., three calendar months after taking a distribution.

Specific Authority 121.4501(8)(a) FS. Law Implemented 121.021(29), (39), 121.091(9)(b)(c), 121.4501(2)(j), 121.591(1)(a)4. FS. History—New \_\_\_\_\_.

#### 19-11.010 FRS Investment Plan: Privacy.

(1) The State Board of Administration (SBA), as the Plan Sponsor of the FRS Investment Plan, provides for the collection of personal identifying information from each of its members and beneficiaries, including the federally-issued social security number. This information is collected by the Investment Plan's Recordkeeper and Plan Choice Administrator. This information is collected so that each member can be properly and definitively identified to ensure that he or she is correctly identified for the day-to-day administration of the FRS Investment Plan and that he or she is the actual person who is in fact a member of the FRS Investment Plan and so that unauthorized persons are prevented from having personal, familial, medical, and financial information. Each of the vendors under contract with the SBA has its own privacy policy which the SBA has approved.

(2) Section 121.4501(19), F.S., prevents the SBA from sharing "[a]ll personal identifying information" under Chapter 119, the Public Records Law. The section does permit the SBA to use this information in an administrative or legal proceeding.

(3) A member of the FRS Investment Plan is allowed to authorize a particular person to receive personal identifying information. Such a person is often the member's spouse or financial advisor. To allow the FRS Investment Plan Administrator or Plan Choice Administrator to reveal personal

identifying information, the member must provide authorization in advance of any discussion, naming the person and identifying that person in a way that can be verified.

(4) When an Investment Plan member submits a beneficiary designation form and then dies, the person or persons named as beneficiaries must provide personal identifying information to the SBA before any information regarding the member may be released by the SBA. This information is letters of administration issued by the relevant probate court; certified copies of the death certificate; copies of marriage certificates; the member's social security number; and any other requested information that can be verified with a governmental agency.

Specific Authority 121.4501(8)(a) FS. Law Implemented 119.071, 121.4501(19) FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Ron Poppell, Senior Investment Officer-Office of Defined Contribution Programs, State Board of Administration

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Trustees of the State Board of Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 31, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 22, 2007

#### **STATE BOARD OF ADMINISTRATION**

RULE NO.:

RULE TITLE:

19-12.007

Acceptance of Rollovers

PURPOSE AND EFFECT: These rules are promulgated to implement recently adopted policies and to reflect legislative changes in the FRS Investment Plan.

SUMMARY: Rule 19-12.007, F.A.C., provides procedures for accepting rollovers into the plan from former FRS Investment Plan members.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The Board has prepared a statement and found the cost to be minimal.

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

SPECIFIC AUTHORITY: 121.4501(5)(c) FS.

LAW IMPLEMENTED: 119.071, 121.4501 (5)(c), (21) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Tuesday, September 4, 2007, 2:00 p.m. – 4:30 p.m.

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cindy Gokel, Assistant General Counsel, State Board of Administration, P. O. Drawer 13300, Tallahassee, FL 32317-3300; telephone: (850)413-1199

THE FULL TEXT OF THE PROPOSED RULE IS:

19-12.007 Acceptance of Rollovers.

(1) Notwithstanding the definitions of Rule 19-12.001, F.A.C., for purposes of this section the following words and terms have the following meanings:

(a) "Rollover" means either a direct rollover from another eligible retirement plan or a deposit of an eligible rollover distribution to the Investment Plan for the benefit of the participant that satisfies the time period requirement and other requirements of Code s. 402(c).

(b) A "direct rollover" means an eligible rollover that is made directly to the Investment Plan from another eligible retirement plan for the benefit of the participant.

(c) An "eligible rollover distribution" means any distribution of all or any portion of another eligible retirement account to the credit of the participant from an eligible retirement plan. Except for that portion of a distribution not includible in gross income which is transferred directly to the Plan in accordance with Code s. 402(c)(2), an eligible rollover distribution does not include any of the distributions described in the second sentence of the definition of "eligible rollover distribution" in Rule 19-12.001, F.A.C.

(d) An "eligible retirement plan" means any of the types of plans included in the definition of "eligible retirement plan" in Rule 19-12.001, F.A.C., that provides the participant's eligible rollover distribution to the Investment Plan.

(2) It is intended that the Plan accept rollovers in accordance with the requirements of this rule. Except as otherwise provided below, before accepting a rollover to the Plan, the Investment Plan Administrator evaluating the rollover shall first obtain sufficient evidence to support a reasonable conclusion that the rollover is valid under the Code and shall determine that such rollover meets the requirements of this rule.

(3) The Plan Administrator shall accept that portion of a rollover in a direct trustee-to-trustee transfer which has been identified by the eligible retirement plan making the distribution as not includible in gross income if such portion is otherwise eligible for rollover. Such amount shall be accounted for separately, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible. The Plan Administrator may accept rollovers from a former Investment Plan member who has taken a distribution of all of his or her account balances. Such member shall use Form IPRO-1, as described in subsection (5), below. The Plan Administrator may not accept rollovers from a former spouse or former beneficiary of an Investment Plan member who had

an account in the Investment Plan, established by terms of a qualified domestic relations order or by the Investment Plan Beneficiary Designation Form, and then removed all of the funds from the account. All rollovers from former Investment Plan members must be more than \$1,000.00. The Plan Administrator may accept rollovers from participants in the Deferred Retirement Option Program (DROP), after the conclusion of such DROP participation. Members of the Teacher's Retirement System and the State & County Officers & Employees Retirement System are eligible to roll over their DROP proceeds after their conclusion in the DROP.

(4) Payment to the Plan must be in cash in the form of a check. In a direct rollover the check should be made payable to the "FRS Investment Plan-FBO (the participant's name)."

(5) Instructions regarding check delivery and other information relating to the processing of rollovers may be obtained by calling the MyFRS Financial Guidance Line, which is a toll free line: (866)446-9377 or accessing the website at [www.MyFRS.com](http://www.MyFRS.com). Participants shall use Form IPRO-1, rev. 09-05, "Employee Rollover Deposit Instructions and Form," which is hereby adopted and incorporated by reference, to effect rollovers described in this rule. Former DROP members shall use form IP-DROP-RO-1, "DROP Direct Rollover Form for Former DROP Members," rev. 07-05, and current DROP members planning to roll over their DROP accumulation shall use Form IP-DROP-AD-1, "DROP Accumulation Direct Rollover Form for Current DROP Members," rev. 07-05, both of which are adopted and incorporated by reference, to effect rollovers described in this rule.

(6) Rollovers to the Plan shall be accounted for separately on the recordkeeping system of the Investment Plan Administrator.

Specific Authority 121.4501(5)(c) FS. Law Implemented 121.4501(5)(c), (21) FS. History--New 12-8-02, Amended 10-21-04, 3-9-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ron Poppell, Senior Investment Officer-Office of Defined Contribution Programs, State Board of Administration

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Trustees of the State Board of Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 31, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 22, 2007

**STATE BOARD OF ADMINISTRATION**

RULE NO.: 19-13.002  
 RULE TITLE: Role and Responsibilities of the Division of Retirement within the Department of Management Services

PURPOSE AND EFFECT: These rules are promulgated to implement recently adopted policies and to reflect legislative amendments in the FRS Investment Plan,

SUMMARY: Rule 19-13.002, F.A.C., provides that the Division of Retirement within the Department of Management Services is responsible for notifying the SBA of any members who may be subject to the forfeiture of their retirement benefits.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Board has prepared a statement and found the cost to be minimal.

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

SPECIFIC AUTHORITY: 121.4501(8)(a) FS.

LAW IMPLEMENTED: 112.3173, 121.091(5), 121.4501(8), (10) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Tuesday, September 4, 2007, 2:00 p.m. – 4:30 p.m.

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cindy Gokel, Assistant General Counsel, State Board of Administration, P. O. Drawer 13300, Tallahassee, FL 32317-3300; telephone: (850)413-1199

**THE FULL TEXT OF THE PROPOSED RULE IS:**

19-13.002 Role and Responsibilities of the Division of Retirement within the Department of Management Services.

(1) The Division of Retirement (Division) within the Department of Management Services has entered into a contract with the State Board of Administration of Florida (SBA) to provide certain administrative services, in accordance with Section 121.4501(8)(b)1., Florida Statutes.

(2) The administrative services referenced in subsection (1), above, are to:

(a) Determine membership eligibility and employer participation eligibility;

(b) Collect and process employer payroll contributions and payroll-related data;

(c) Forward employer payroll contributions and payroll-related data to the Investment Plan third party administrator, including date of termination and leave of absence indicators, if available;

(d) Calculate participants' Pension Plan ~~defined benefit plan~~ benefit, calculate the accumulated benefit obligation and calculate any buy-back amount for those participants who elected the Investment Plan ~~PEORP~~ but subsequently elect ~~wish~~ to return to the Pension Plan ~~defined benefit plan~~;

(e) Maintain and provide access to the Florida Retirement System database;

(f) Provide telephone support regarding employee or employer questions on the Pension Plan ~~defined benefit plan~~ and contribution processing, but transfer general retirement plan choice, enrollment and financial planning telephone calls to other education and administration third party contractors;

(g) Administer the disability benefits for the Florida Retirement System;

(h) Administer the health insurance subsidy;

(i) Determine employee vesting requirements in the Florida Retirement System, as required by law;

(j) Administer qualified domestic relations orders for the Florida Retirement System; and

(k) Notify the State Board of Administration of any employees who may be subject to forfeiture of benefits, in accordance with Sections 112.3173 and 121.091(5), F.S. Administer forfeiture of benefits procedures, in accordance with Section 121.091(5), Florida Statutes.

Specific Authority 121.4501(8)(a) FS. Law Implemented 112.3173, 121.091(5), 121.4501(8),(10) FS. History–New 10-21-04, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Ron Poppell, Senior Investment Officer-Office of Defined Contribution Programs, State Board of Administration

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Trustees of the State Board of Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 31, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 22, 2007

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-208.101  
 RULE TITLE: Employee Grooming, Uniform and Clothing Requirements

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Form DC2-816, Individual Clothing Record, to add ties and polo shirts to the list of department issued uniform items.

**SUMMARY:** Form DC2-816, Individual Clothing Record, is amended to add ties and polo shirts to the list of department issued uniform items.

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

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

**SPECIFIC AUTHORITY:** 944.09 FS.

**LAW IMPLEMENTED:** 944.09 FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

**THE FULL TEXT OF THE PROPOSED RULE IS:**

33-208.101 Employee Grooming, Uniform and Clothing Requirements.

(1) through (7) No change.

(8) Forms. The following forms used in implementing the provisions of this rule are hereby incorporated by reference:

(a) Individual Clothing Record, DC2-816, effective 9-11-06.

(b) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 2-27-85, Amended 6-19-85, Formerly 33-4.07, Amended 3-6-88, 8-15-89, 2-12-91, 10-13-91, 4-19-98, 12-7-98, Formerly 33-4.007, Amended 10-5-99, 3-21-00, 12-18-00, 4-30-02, 2-20-03, 6-26-03, 10-27-03, 12-28-03, 12-12-04, 9-11-06, 2-6-07, \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:**  
Gail Thompson, Chief, Bureau of Personnel

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Laura E. Bedard, Ph.D., Deputy Secretary

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** June 26, 2007

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** July 13, 2007

## **AGENCY FOR HEALTH CARE ADMINISTRATION**

### **Medicaid**

**RULE NO.:** 59G-4.230  
**RULE TITLE:** Physician Services

**PURPOSE AND EFFECT:** The purpose of this rule amendment is to incorporate by reference Errata January 2007 to the Florida Medicaid Physician Services Coverage and

Limitations Handbook. The errata includes minor corrections and the following substantive corrections: removal of Synagis® from the list of drugs requiring prior authorization; the requirement that the National Drug Code must be entered on the claim when billing for injectable medications; Medicaid coverage for neonatal consults and twin-to-twin transfusion syndrome; Medicaid coverage for lacrimal punctum plugs; and removal of the requirement that the recipient had to have a Medicaid-paid pregnancy service to be eligible for family planning waiver services. The effect will be to incorporate by reference in rule Errata January 2007 to Florida Medicaid Physician Services Coverage and Limitations Handbook.

**SUMMARY:** The purpose of this rule amendment is to incorporate by reference Errata January 2007 to the Florida Medicaid Physician Services Coverage and Limitations Handbook. The effect will be to incorporate by reference in rule Errata January 2007 to Florida Medicaid Physician Services Coverage and Limitations Handbook.

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

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

**SPECIFIC AUTHORITY:** 409.919 FS.

**LAW IMPLEMENTED:** 409.905, 409.907, 409.908, 409.9081 FS.

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

**DATE AND TIME:** Tuesday, September 4, 2007, 1:00 p.m.

**PLACE:** Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, Florida  
**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Eleanor Cofer, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7331, cofere@ahca.myflorida.com

**THE FULL TEXT OF THE PROPOSED RULE IS:**

59G-4.230 Physician Services.

(1) No change.

(2) All physician services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Physician Services Coverage and Limitations Handbook, January 2007, errata January 2007, updated January 2007 and May 2007, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent's website at <http://floridamedicaid.com>.

acs-inc.com. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling Provider Enrollment at (800)377-8216.

(3) through (5) No change.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.907, 409.908, 409.9081 FS. History—New 1-1-77, Revised 2-1-78, 4-1-78, 1-2-79, 1-1-80, Amended 2-8-82, 3-11-84, Formerly 10C-7.38, Amended 1-10-91, 11-5-92, 1-7-93, Formerly 10C-7.038, Amended 6-29-93, 9-6-93, Formerly 10P-4.230, Amended 6-13-94, 2-9-95, 3-10-96, 5-28-96, 3-18-98, 9-22-98, 8-25-99, 4-23-00, 8-5-01, 2-20-03, 8-5-03, 8-3-04, 8-18-05, 8-31-05, 10-26-06, 2-11-07, 5-7-07, 7-2-07,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Eleanor Cofer

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Andrew Agwunobi, M.D., Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 25, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 15, 2007

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

### Construction Industry Licensing Board

RULE NO.: 61G4-12.011  
RULE TITLE: Definitions

PURPOSE AND EFFECT: The Board proposes the rule amendment to add additional definitions.

SUMMARY: The rule amendment is for the purpose of amending the definition of a credit report.

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

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

SPECIFIC AUTHORITY: 489.103(5), 489.105(3), 489.108, 489.113(3) FS.

LAW IMPLEMENTED: 489.103(5), 489.105(3), 489.113(3), 489.115(6), 489.119(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: G. W. Harrell, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-12.011 Definitions.  
(1) through (10) No change.

(11) A “credit report from a nationally recognized credit agency that reflects the financial responsibility of the applicant, certificateholder or registrant”, shall for the purposes of Section 489.115(6), F.S., mean a credit report that provides a full, accurate, current, and complete consumer credit score derived from the Fair Isaac Corporation’s (FICO) scoring method and provided by at least two (2) credit bureaus; ~~information on the following items in a manner which allows the Board to determine the credit worthiness of the applicant:~~

~~(a) Payment history;~~

~~(b) Credit rating;~~

~~(c) Public filings in county, state and federal courts;~~

~~(d) Bankruptcies, business history, suits, liens and judgments, all on a nationwide basis;~~

~~(e) Location of business, number of years in business;~~

~~(f) Social security numbers, if available, of all corporate officers, owners and partners, and all federal employer identification numbers, if available, held by the applicant or any business entity that he currently qualifies or is applying to qualify; and~~

~~(g) UCC filings.~~

(12) through (14) No change.

Specific Authority 489.103(5), 489.105(3), 489.108, 489.113(3) FS. Law Implemented 489.103(5), 489.105(3), 489.113(3), 489.115(6), 489.119(5) FS. History—New 9-16-80, Formerly 21E-12.11, Amended 1-1-89, 4-18-89, 7-4-89, 4-22-90, 7-3-91, 12-21-92, Formerly 21E-12.011, Amended 11-4-93, 11-22-94, 10-10-95, 4-29-96, 9-18-96, 12-3-96, 11-25-97, 10-4-99,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 13, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2007

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

### Board of Cosmetology

RULE NO.: 61G5-20.003  
RULE TITLE: Inspections

PURPOSE AND EFFECT: To address inspections.

SUMMARY: Changes the minimum frequency of inspections.

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

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

SPECIFIC AUTHORITY: 477.016 FS.

LAW IMPLEMENTED: 477.025(4), (9) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-20.003 Inspections.

The Department of Business and Professional Regulation shall cause an inspection of all proposed salons to determine if all the requirement have been met. Each licensed salon shall be inspected at least biennially ~~annually~~ by the Department. No person shall, for any reason intentionally, or directly inhibit an authorized representative of the Department from performing said inspections.

Specific Authority 477.016 FS. Law Implemented 477.025(4), (9) FS. History--New 4-22-81, Amended 9-11-81, 5-3-82, 10-6-85, Formerly 21F-20.03, Amended 10-18-87, Formerly 21F-20.003, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Cosmetology

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Cosmetology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 3, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 29, 2007

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-4.050	Procedures to Obtain Permits and Other Authorizations; Applications
62-4.052	Regulatory Program and Surveillance Fees for Wastewater Facilities or Activities Discharging to Surface Waters

PURPOSE AND EFFECT: In October 2000, the Environmental Protection Agency authorized the Florida Department of Environmental Protection (Department) to implement the National Pollutant Discharge Elimination System (NPDES) Stormwater permitting program in the State of Florida. Costs to implement the Program have increased.

Section 403.0885, Florida Statutes (F.S.), requires that fees collected by the Department are adequate to cover the entire cost to the Department for program management, for reviewing and acting upon any permit application, and to cover the cost of surveillance and other field services of any permits issued. To comply with this statute, it is necessary to increase NPDES Stormwater permitting and annual surveillance fees at this time. The rule, as amended, increases the following fees:

Generic Permit for Stormwater Discharge from Large and Small Construction Activities

No Exposure Certification for Exclusion from NPDES Stormwater Permitting

Generic Permit for Discharge of Stormwater from Phase II Municipal Separate Storm Sewer Systems (MS4s)

Phase I Municipal Separate Storm Sewer System (MS4) annual surveillance fees

OGC #: 07-0440

SUMMARY: The proposed rule amendment will increase certain NPDES Stormwater permitting fees in paragraph 62-4.050(4)(d) and Phase I MS4 annual surveillance fees in subsection 62-4.052(10), F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 403.061, 403.087(6) FS.

LAW IMPLEMENTED: 403.087(6), 403.0885 FS.

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

DATE AND TIME: September 3, 2007, 1:00 p.m. EST

PLACE: Bob Martinez Center, 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 hours before the workshop/meeting by contacting: Robin Babin, Florida Department of Environmental Protection, NPDES Stormwater Section, 2600 Blair Stone Road, MS #2500, Tallahassee, Florida 32399; telephone (850)245-7522; email [Robin.Babin@dep.state.fl.us](mailto:Robin.Babin@dep.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 RULES IS: Steven Kelly, Florida Department of Environmental Protection, NPDES Stormwater Section, 2600 Blair Stone Road, MS #2500, Tallahassee, FL 32399-2400; (850)245-7518; email Steven.Kelly@dep.state.fl.us

62-4.050 Procedures to Obtain Permits and Other Authorizations; Applications  
(1) through (4)(c) No change.  
(d) Stormwater facilities or activities regulated under Section 403.0885, F.S.

THE FULL TEXT OF THE PROPOSED RULES IS:

1. Generic Permit for Stormwater Discharge from Large and Small Construction Activities.
  - a. Activities disturbing 5 or more acres (large) \$~~400~~ 300
  - b. Activities disturbing 1 acre of land or greater and less than 5 acres (small) \$~~250~~ 150
2. Multi-Sector Generic Permit for ~~S~~stormwater ~~D~~ischarge ~~A~~ssociated with ~~I~~ndustrial ~~A~~ctivity \$500
3. No Exposure Certification for Exclusion from NPDES Stormwater Permitting \$~~200~~ 100
4. Stormwater discharge associated with industrial activity permitted under Chapter 62-620, F.A.C. \$1,000
5. Generic Permit for Discharge of Stormwater from Phase II Municipal Separate Storm Sewer System (MS4s):
  - a. Phase II MS4s in a jurisdiction with a population of 50,000 or greater as determined by the latest Decennial Census by the U.S. Bureau of Census 2000 Federal Census. \$~~11,700~~ 7,800
  - b. Phase II MS4s in a jurisdiction with a population of greater than 10,000 but less than 50,000 as determined by the latest Decennial Census by the U.S. Bureau of Census. 2000 Federal Census. \$~~7,988~~ 5,325
  - c. Phase II MS4s in a jurisdiction with a population of 10,000 or less as determined by the latest Decennial Census by the U.S. Bureau of Census 2000 Federal Census. \$~~5,625~~ 3,750

Specific Authority 373.026, 373.043, 373.414, 373.418, 373.421, 403.061, 403.087, 403.704(30), 403.805 FS. Law Implemented 373.109, 373.309, 373.409, 373.413, 373.4135, 373.414, 373.4145, 373.418, 373.421, 403.061, 403.087, 403.0877, 403.088, 403.722, 403.861(7) FS. History--New 5-17-72, Amended 6-19-74, 7-8-82, Formerly 17-4.05, Amended 11-15-87, 8-31-88, 10-3-88, 4-4-89, 3-19-90, 6-11-90, 3-7-91, 3-18-91, 5-30-91, 10-30-91, 11-16-92, 12-21-92, 7-11-93, 2-2-94, Formerly 17-4.050, Amended 11-23-94, 4-30-95, 7-4-95, 12-15-98, 10-22-00, 6-1-01, 1-30-03, 2-19-03, 4-3-03, 5-1-03, 2-7-06,\_\_\_\_\_.

62-4.052 Regulatory Program and Surveillance Fees for Wastewater Facilities or Activities Discharging to Surface Waters.

(1) through (9) No change.

(10) The annual fee for Phase I municipal stormwater facilities, and Phase II facilities subject to an individual permit, as regulated under Chapter 62-624, F.A.C., shall be as follows:

(a) Fees for each Municipal Separate Storm Sewer System (MS4) permit shall cover the cost of surveillance and the regulatory program, including processing of annual reports, revisions, and permit applications and re-applications. Annual fees for MS4s shall be based on the total MS4 permit population. The total MS4 permit population is equal to the sum of the populations of each of the named co-permittees to a MS4 permit. Populations used for all MS4 fee determinations shall be the ~~2005~~ ~~1998~~ estimates as listed in the ~~2006~~ ~~1999~~ edition of the Florida Statistical Abstract, published by the Bureau of Economic and Business Research, University of Florida. Fees are calculated using the formulas established in paragraph 62-4.052(10)(d), F.A.C. Total permit populations and associated fees are indicated for each permit below:

Permit	Total Population	Fee
1. Bradenton	<u>54,303</u>	<u>\$4,340</u>
2. Broward	<u>1,410,561</u>	<u>\$48,264</u>
3. <del>Dade</del>	<del>1,435,909</del>	<del>\$41,990</del>
<del>3.4.</del> Escambia	<u>303,623</u>	<u>\$20,591</u>
<del>4. 5.</del> Ft. Lauderdale	<u>171,344</u>	<u>\$17,284</u>
<del>5. 6.</del> Hialeah	<u>230,407</u>	<u>\$18,760</u>
<del>6. 7.</del> Hillsborough	<u>783,007</u>	<u>\$32,575</u>
<del>7. 8.</del> Hollywood	<u>143,025</u>	<u>\$16,576</u>
<del>8. 9.</del> Jacksonville	<u>837,983</u>	<u>\$33,950</u>
<del>9. 10.</del> Jacksonville Beach	<u>21,531</u>	<u>\$2,702</u>
<del>10. 11.</del> Lee	<u>549,442</u>	<u>\$26,736</u>

<del>11.12.</del>	Leon	<u>96,330</u>	<del>89,995</del>	<u>\$6,442</u>	<del>4,900</del>
<del>12.13.</del>	Manatee	<u>247,471</u>	<del>196,343</del>	<u>\$19,187</u>	<del>14,720</del>
<del>13.14.</del>	Miami	<u>386,882</u>	<del>364,765</del>	<u>\$22,672</u>	<del>18,425</del>
<del>15.</del>	<del>Neptune Beach*</del>		<del>7,477</del>		<del>\$949</del>
<u>14.</u>	<u>Miami-Dade County</u>	<u>1,720,800</u>		<u>\$56,020</u>	
<del>15.16.</del>	Orange	<u>821,519</u>	<del>640,992</del>	<u>\$33,538</u>	<del>24,502</del>
<del>16.17.</del>	Orlando	<u>217,567</u>	<del>180,462</del>	<u>\$18,439</u>	<del>14,370</del>
<del>17.18.</del>	Palm Beach County	<u>1,262,520</u>	<del>989,707</del>	<u>\$44,563</u>	<del>32,174</del>
<del>18.19.</del>	Pasco	<u>404,930</u>	<del>321,074</del>	<u>\$23,123</u>	<del>17,464</del>
<del>19.20.</del>	Pinellas	<u>691,971</u>	<del>649,028</del>	<u>\$30,299</u>	<del>24,679</del>
<del>20.21.</del>	Polk	<u>541,840</u>	<del>465,858</del>	<u>\$26,546</u>	<del>20,649</del>
<del>21.22.</del>	Reedy Creek District	<u>82,300</u>	<del>73,000</del>	<u>\$5,740</u>	<del>4,147</del>
<del>22.23.</del>	St. Petersburg	<u>253,902</u>	<del>241,625</del>	<u>\$19,348</u>	<del>15,716</del>
<del>23.24.</del>	Sarasota	<u>367,867</u>	<del>316,023</del>	<u>\$22,197</u>	<del>17,353</del>
<del>24.25.</del>	Seminole	<u>411,744</u>	<del>345,166</del>	<u>\$23,294</u>	<del>17,994</del>
<del>25.26.</del>	Tallahassee	<u>174,781</u>	<del>143,237</del>	<u>\$17,370</u>	<del>13,551</del>
<del>26.27.</del>	Tampa	<u>326,519</u>	<del>293,390</del>	<u>\$21,163</u>	<del>16,855</del>
<del>27.28.</del>	Temple Terrace	<u>22,020</u>	<del>20,370</del>	<u>\$2,726</u>	<del>2,115</del>

(b) Except as provided in paragraph 62-4.052(10)(c), F.A.C., permittees and co-permittees to each permit will be invoiced individually for their respective share of the annual fee. The individual fee shall be pro-rated based on the percentage of each co-permittee's population as compared to the total permit population listed above. Additional fees apply as follows:

1. Invoices under this subsection shall be a minimum of \$100 to cover processing costs.

2. For co-permittees that do not have associated populations, such as Florida Department of Transportation Districts and Drainage Districts, other than existing state water management districts, the fee shall be \$1,875 ~~1,500~~.

(c) For convenience, co-permittees of any one permit may choose to receive only one invoice to cover the entire annual fee. In order to receive one invoice, co-permittees to any one permit shall:

1. Mutually agree to share the cost of the annual fee and be party to an executed interlocal agreement for cost sharing among all co-permittees.

2. Designate a specific co-permittee to act as representative for all co-permittees regarding the annual fee. The fee designee shall notify the Department in writing, not less than 120 days prior to the end of a calendar year, that only one invoice will be required for the annual fee for the forthcoming calendar year.

3. The above notification shall identify the co-permittee responsible for the fee transaction and shall specify the name and address of the contact person for invoicing. The identified co-permittee is responsible for paying the entire annual fee to the Department.

4. After the initial annual fee billing cycle, one invoice shall continue to be sent to the fee designee established by the above process until a change is requested in accordance with subparagraph 62-4.052(10)(c)5., F.A.C., below.

5. To effect a change regarding the fee designee, the Department must be notified in writing, not less than 120 days prior to the end of a calendar year, that the co-permittee responsible for the fee transaction has changed, or that fees should be invoiced individually in accordance with paragraph 62-4.052(10)(b), F.A.C. Notification of such changes shall be in accordance with the requirements of this subsection.

(d) Annual fees for Phase I MS4s and Phase II MS4s permitted individually and not under a generic permit, that have an initial permit issuance occurring after October 1, 2000, shall be based on the following formulas:

1. For MS4 permits with total populations less than 19,999: \$800 ~~650~~ plus \$0.05 ~~0.04~~ times the total permitted population.

2. For MS4 permits with total populations greater than 20,000 but less than 99,999: \$1,625 ~~1,300~~ plus \$0.05 ~~0.04~~ times the total permitted population.

3. For MS4 permits with total populations greater than 100,000: \$13,000 ~~10,400~~ plus \$0.025 ~~0.022~~ times the total permitted population.

(11) through (13) No change.

Specific Authority 403.061, 403.087(6) FS. Law Implemented 403.087(6), 403.0885 FS. History--New 4-30-95, Amended 10-22-00, 7-8-02,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Steven Kelly, Program Administrator, NPDES Stormwater  
Section

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Janet G. Llewellyn, Director,  
Division of Water Resource Management

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: March 21, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: April 20, 2007

## DEPARTMENT OF HEALTH

### Board of Dentistry

RULE NO.: RULE TITLE:

64B5-15.030 One Time Fee

PURPOSE AND EFFECT: To assess fee due to deficit.

SUMMARY: Assessment of a one time fee of \$250.00 to all  
dentists licensed under Chapter 466, Florida Statutes.

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

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

SPECIFIC AUTHORITY: 456.025(4), 466.004(4) FS.

LAW IMPLEMENTED: 456.025(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE  
PROPOSED RULE IS: Sue Foster, Executive Director, Board  
of Dentistry/MQA, 4052 Bald Cypress Way, Bin #8,  
Tallahassee, Florida 32399-3258

THE FULL TEXT FOR THE PROPOSED RULE IS:

#### 64B5-15.030 One Time Fee.

(1) Each dentist licensed by the Department pursuant to  
Chapter 466, Florida Statutes on or before March 1, 2008, and  
still holding such a license, whether active or inactive, on  
March 1, 2008, shall pay a one-time fee of \$250.00 to the  
Board of Dentistry. Payment on the one-time fee must be  
postmarked to the Board no later than February 28, 2008.

(a) The one-time fee applies to all licensed dentists  
including those whose licenses have been suspended or placed  
on probation by the Board.

(b) Failure to timely pay the one-time fee shall be  
considered a violation of Section 466.028(1)(II), Florida  
Statutes and this rule.

(c) The Department shall mail written notice of the  
one-time fee requirement to each licensed dentist's address of  
record by no later than November 1, 2007.

(2) The Department shall mail written notice of the  
one-time fee requirement to each licensed dentist's address of  
record by no later than November 1, 2007.

Specific Authority 456.025(4), 466.004(4) FS. Law Implemented  
456.025(4) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Dentistry

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Dentistry

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: June 22, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: July 13, 2007

## DEPARTMENT OF HEALTH

### Board of Massage

RULE NO.: RULE TITLE:

64B7-32.003 Minimum Requirements for Board of  
Massage Therapy Approval

PURPOSE AND EFFECT: To update the rule text.

SUMMARY: Reflects statutory revision.

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

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

SPECIFIC AUTHORITY: 480.035(7) FS.

LAW IMPLEMENTED: 480.033(9), 480.033(9),  
480.041(1)(b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE  
PROPOSED RULE IS: Pamela E. King, Executive Director,  
Board of Massage Therapy, 4052 Bald Cypress Way, Bin C06,  
Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-32.003 Minimum Requirements for Board of  
Massage Therapy Approval.

(1) In order to receive and maintain Board of Massage  
Therapy approval, a massage school, and any satellite location  
of a previously approved school, must:

(a) Meet the requirements of and be licensed by the  
Department of Education pursuant to Chapter ~~1005~~ 246,  
Florida Statutes, or the equivalent licensing authority of  
another state or county, or be within the public school system of  
the State of Florida; and

(b) through (5) No change.

Specific Authority 480.035(7) FS. Law Implemented 480.041(1)(b) FS. History—New 3-25-86, Amended 8-15-89, 12-22-92, Formerly 21L-32.003, Amended 10-20-96, Formerly 61G11-32.003, Amended 8-16-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Massage Therapy  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Massage Therapy  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: April 25, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: June 29, 2007

## DEPARTMENT OF HEALTH

### Board of Respiratory Care

RULE NO.: RULE TITLE:  
64B32-6.004 Procedures for Approval of  
Attendance at Continuing  
Education Courses

PURPOSE AND EFFECT: The Board proposes the rule amendment to add language to clarify what is required in continuing education courses for emergency preparedness.

SUMMARY: The rule amendment will add language to clarify what is required in continuing education courses for emergency preparedness.

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

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

SPECIFIC AUTHORITY: 468.353(1), 468.361(2) FS.

LAW IMPLEMENTED: 468.361(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Love, Executive Director, Board of Respiratory Care/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-6.004 Procedures for Approval of Attendance at Continuing Education Courses.

(1) through (2) No change.

(3) A minimum of 16 hours each biennium must be obtained by each licensee in approved offerings related to the direct delivery of respiratory care services. No more than 8 hours of appropriate continuing education in the areas of management, risk management, personal growth, and

educational techniques will be acceptable for the purpose of biennial renewal of a license. Up to 12 hours per biennium may be home study courses.

(a) With the biennium ending May 31, 2009, each licensee will be required to have taken a continuing education course in emergency preparedness. This course shall count as two (2) hours of direct patient care credit. This course shall be taken each biennium thereafter and the two (2) hours credit shall count towards the minimum sixteen (16) hours needed to renew the license.

(b) Each continuing education course in emergency preparedness, at a minimum, must cover the following topics: natural disasters, manmade disasters and bioterrorism, pandemic flu, and respiratory care disaster response.

(4) No change.

Specific Authority 468.353(1), 468.361(2) FS. Law Implemented 468.361(2) FS. History—New 4-29-85, Formerly 21M-38.04, Amended 9-29-86, 11-29-88, 9-24-92, 10-15-92, Formerly 21M-38.004, Amended 1-2-94, 7-10-94, Formerly 61F6-38.004, Amended 11-1-94, 3-14-95, 7-18-95, 4-24-96, 8-27-96, Formerly 59R-75.004, 64B8-75.004, Amended 6-8-00, 5-7-01, 1-22-03, 7-29-03, 5-31-04, 4-19-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Respiratory Care

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Respiratory Care

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: April 7, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: May 4, 2007

## FISH AND WILDLIFE CONSERVATION COMMISSION

### Freshwater Fish and Wildlife

RULE NO.: RULE TITLE:  
68A-6.0024 Commercialization of Wildlife;  
Public Contact; Bonding or  
Financial Responsibility Guarantee

PURPOSE AND EFFECT: The purpose and effect of this rule is to address bonding requirements for the exhibition of venomous reptiles and Class I wildlife as required by statute. The proposed rule will provide the mechanisms by which an exhibitor of Class I wildlife may meet the financial responsibility guarantee in the amount of \$10,000 or comply with the comprehensive general liability insurance requirement, and define the circumstances under which the bond or financial responsibility guarantee will be forfeited. Rule 68A-6.0024, F.A.C., is a new rule that should have the effect of assuring that exhibitors of Class I wildlife maintain minimal financial responsibility.

SUMMARY: The proposed rule addresses bond requirements for the exhibition of venomous reptiles or Class I wildlife. It establishes the terms of the bond and requires notification upon

termination of the bond. The proposed rule provides methods that exhibitors of Class I wildlife may demonstrate the financial responsibility guarantee in the sum of \$10,000 in lieu of the bond, or requires the maintenance of general comprehensive liability insurance. The proposed rule addresses when the bond or financial responsibility guarantee will be forfeited. This rule prohibits the exhibition of venomous reptiles without a bond, or in the instance of Class I wildlife without a bond or without meeting the financial responsibility guarantee or without general comprehensive liability insurance as required.

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

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

**SPECIFIC AUTHORITY:** Article IV, Section 9, Florida Constitution, 372.88, 372.92, 372.921 FS.

**LAW IMPLEMENTED:** Article IV, Section 9, Florida Constitution, 372.86, 372.87, 372.88, 372.92, 372.921 FS.

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

**DATES AND TIME:** During the regular meeting of the Commission, September 12-14, 2007, 8:30 a.m. – 5:00 p.m., each day

**PLACE:** St. Petersburg Hilton, 333 First Street South, St. Petersburg, 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: The ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Captain Linda Harrison, Division of Law Enforcement, Investigations Section, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-6253

**THE FULL TEXT OF THE PROPOSED RULE IS:**

68A-6.0024 Commercialization of Wildlife; Public Contact; Bonding or Financial Responsibility Guarantee.

(1) It is unlawful to exhibit venomous reptiles to the public without having posted a performance bond as listed below.

(a) A valid performance bond payable to the Florida Fish and Wildlife Conservation Commission shall be submitted at the time of initial license application and upon renewal. The licensee shall notify the Florida Fish and Wildlife Conservation

Commission in writing within 5 calendar days if the performance bond expires, is cancelled or revoked, or for any other reason becomes invalid. The notification in writing may be delivered by fax at (850)414-8212, or by mail or hand delivery to Florida Fish and Wildlife Conservation Commission, Office of Licensing and Permitting, 2590 Executive Center Circle, Suite 200-Berkley Building, Tallahassee, Florida 32301. The terms of the performance bond shall include the following:

1. The exhibitor shall indemnify and save harmless the injured party if an injury occurs or other damages results from exhibited reptiles.

2. The exhibitor shall fully comply with all laws of the state and rules of the commission governing the capturing, keeping, possessing or exhibiting of venomous reptiles.

3. The performance bond shall be for the duration of not less than the duration of the licensing period.

(b) In lieu of a surety bond, a person may submit a cash bond to the Florida Fish and Wildlife Conservation Commission to satisfy the performance bond requirement. Such payment shall be in the sum of \$10,000 and may be in the form of cash, cashier's check, or certified check. In the instance of a check, such instrument shall be made payable to the Florida Fish and Wildlife Conservation Commission. Such cash bond shall be refunded to the exhibitor in instances of non-issuance or denial of the initial license application; or the exhibitor has submitted a request for refund to include a notarized statement that they no longer exhibit venomous reptiles.

(c) The performance bond will be forfeited to the Florida Fish and Wildlife Conservation Commission if:

1. An injury occurs or other damage results from exhibited reptiles and the exhibitor fails to indemnify and save harmless the injured party; or

2. The exhibitor fails to fully comply with all laws of the state and rules of the commission governing the capturing, keeping, possessing or exhibiting of venomous reptiles.

(d) The exhibition of venomous reptiles in the absence of a current and valid performance bond, payable to the Florida Fish and Wildlife Conservation Commission, in the sum of \$10,000 is prohibited.

(2) It is unlawful to exhibit Class I wildlife without having guaranteed financial responsibility. The following methods of payment will satisfy the financial responsibility requirement:

(a) A valid performance bond payable to the Florida Fish and Wildlife Conservation Commission in the sum of \$10,000, in compliance with and as noted in paragraph 68A-6.0024(1)(a), F.A.C., above. The terms of the performance bond shall include the following:

1. The exhibitor shall indemnify and save harmless the injured party if an injury to the public occurs, including accidental death, or other property damage occurs from the exhibited Class I wildlife.

2. The exhibitor shall indemnify and save harmless the Florida Fish and Wildlife Conservation Commission for payment of all expenses relative to the capture, transport, boarding, veterinary care, or other costs associated with or incurred due to seizure or custody of Class I wildlife.

3. The performance bond shall be for the duration of not less than the duration of the licensing period.

(b) Cash, cashier's check, or certified check in the sum of \$10,000. In the instance of a check such instrument shall be made payable to the Florida Fish and Wildlife Conservation Commission. Such cash bond shall be refunded to the exhibitor in instances of non-issuance or denial of the initial license application; or the exhibitor has submitted a request for refund to include a notarized statement that they no longer exhibit Class I wildlife.

(c) Irrevocable letter of credit issued by a bank, savings and loan, credit union or other similar state or federally chartered financial institution, payable to the Florida Fish and Wildlife Conservation Commission in the sum of \$10,000.

(d) In lieu of the \$10,000 financial responsibility guarantee any person exhibiting Class I wildlife may maintain comprehensive general liability insurance with minimum limits of \$2 million per occurrence and \$2 million annual aggregate as shall protect the exhibitor from claims for damage for personal injury, including accidental death, as well as claims for property damage which may arise. The insurance policy shall be for a duration of not less than the duration of the licensing period. A current Certificate of Insurance evidencing proof of insurance maintained by the exhibitor in such amounts as required by this section, including terms, coverage and expiration date, shall be submitted at the time of initial application and upon renewal. The licensee shall notify the Florida Fish and Wildlife Conservation Commission in writing within 5 calendar days if the insurance policy expires, is cancelled or revoked, or for any other reason becomes invalid. The notification in writing may be delivered by fax at (850)414-8212, or by mail or hand delivery to Florida Fish and Wildlife Conservation Commission, Office of Licensing and Permitting, 2590 Executive Center Circle, Suite 200-Berkley Building, Tallahassee, Florida 32301.

(e) The performance bond or financial responsibility guarantee in the sum of \$10,000, or any portion thereof, will be forfeited to the Florida Fish and Wildlife Conservation Commission if:

1. An injury to the public, including accidental death, or other property damage results from exhibited Class I wildlife and the exhibitor fails to indemnify and save harmless the injured party; or

2. Class I wildlife is taken into custody or seized by commission personnel. In instances where Class I wildlife is seized or taken into custody by the Commission the permittee shall be responsible for payment of all expenses relative to the

capture, transport, boarding, veterinary care, or other costs associated with or incurred due to seizure or custody of the wildlife.

(f) The exhibition of Class I wildlife in the absence of a current and valid performance bond, payable to the Florida Fish and Wildlife Conservation Commission, in the sum of \$10,000, or a financial responsibility guarantee in the sum of \$10,000, or a current and valid comprehensive general liability insurance with minimum limits of \$2 million per occurrence and \$2 million annual aggregate is prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.88, 372.92, 372.921 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.86, 372.87, 372.88, 372.92, 372.921 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Colonel Julie Jones, Director, Division of Law Enforcement  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive  
Director

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: June 13, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: May 4, 2007

## **FISH AND WILDLIFE CONSERVATION COMMISSION**

### **Freshwater Fish and Wildlife**

RULE NO.:	RULE TITLE:
68A-27.003	Designation of Endangered Species; Prohibitions; Permits

PURPOSE AND EFFECT: The purpose of this proposed revised rule is to remove the Florida manatee from the State of Florida Endangered Species list.

SUMMARY: The Fish and Wildlife Conservation Commission reclassified the Florida manatee from an endangered species to a threatened species. The proposed rule change removes the Florida manatee from the state list of endangered species.

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

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution, 372.121 FS.

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

DATES AND TIME: During the Commission's regular meeting September 12-14, 2007, 8:30 a.m. – 5:00 p.m., each day

PLACE: Hilton Hotel, 333 First Street South, St. Petersburg, Florida 33701

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: The ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Tim Breault, Director, Division of Habitat and Species Conservation, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-27.003 Designation of Endangered Species; Prohibitions; Permits.

(1) The following species, listed prior to June 23, 1999, are hereby declared to be endangered and shall be afforded the protective provisions specified. No person shall pursue, molest, harm, harass, capture, possess, or sell any of the endangered species included in this subsection, or parts thereof or their nests or eggs except as authorized by specific permit, permits being issued only when the permitted activity will clearly enhance the survival potential of the species.

- (a) Pillar coral (*Dendrogyra cylindrus*)
- (b) Blackmouth shiner (*Notropis melanostomus*)
- (c) Okaloosa darter (*Etheostoma okaloosae*)
- (d) Shortnose sturgeon (*Acipenser brevirostrum*)
- (e) American crocodile (*Crocodylus acutus*)
- (f) Green sea turtle (*Chelonia mydas*)
- (g) Hawksbill sea turtle (*Eretmochelys imbricata*)
- (h) Kemp's ridley sea turtle (*Lepidochelys kempii*)
- (i) Leatherback sea turtle (*Dermochelys coriacea*)
- (j) Striped mud turtle (*Kinosternon bauri*) (lower keys population only)
- (k) Wood stork (*Mycteria americana*)
- (l) Snail kite (*Rostrhamus sociabilis plumbeus*)
- (m) Peregrine falcon (*Falco peregrinus*)
- (n) Ivory-billed woodpecker (*Campephilus principalis*)
- (o) Bachman's warbler (*Vermivora bachmanii*)
- (p) Kirtland's warbler (*Dendroica kirtlandii*)
- (q) Florida grasshopper sparrow (*Ammodramus savannarum floridanus*)
- (r) Cape Sable seaside sparrow (*Ammodramus maritimus mirabilis*)
- (s) Gray bat (*Myotis grisescens*)
- (t) Indiana bat (*Myotis sodalis*)
- (u) Florida mastiff bat (*Eumops glaucinus floridanus*)

- (v) Silver rice rat (*Oryzomys argentatus*)
  - (w) Choctawhatchee beach mouse (*Peromyscus polionotus allophrys*)
  - (x) Perdido Key beach mouse (*Peromyscus polionotus trissyllepsis*)
  - (y) St. Andrews beach mouse (*Peromyscus polionotus peninsularis*)
  - (z) Anastasia Island beach mouse (*Peromyscus polionotus phasma*)
  - (aa) Key Largo cotton mouse (*Peromyscus gossypinus allapaticola*)
  - (bb) Key Largo woodrat (*Neotoma floridana smalli*)
  - (cc) Florida saltmarsh vole (*Microtus pennsylvanicus dukecampbelli*)
  - (dd) Lower Keys marsh rabbit (*Sylvilagus palustris hefneri*)
  - ~~(ee) Florida manatee (*Trichechus manatus latirostris*)~~
  - ~~(ee)(ff)~~ Florida panther (*Puma concolor coryi*)
  - ~~(ff)(gg)~~ Key deer (*Odocoileus virginianus clavium*). No person shall feed Key deer (*Odocoileus virginianus clavium*) by hand or by placing any food that serves to attract such species.
  - ~~(gg)(hh)~~ North Atlantic right whale (*Eubalaena glacialis*)
  - ~~(hh)(ii)~~ Fin whale (*Balaenoptera physalus*)
  - ~~(ii)(jj)~~ Sei whale (*Balaenoptera borealis*)
  - ~~(jj)(kk)~~ Humpback whale (*Megaptera novaeangliae*)
  - ~~(kk)(ll)~~ Sperm whale (*Physeter macrocephalus*)
  - ~~(ll)(mm)~~ Schaus' swallowtail butterfly (*Heracles aristodemus ponceanus*)
  - ~~(mm)(nn)~~ Stock Island tree snail (*Orthalicus reses*)
  - (2) The Miami blue butterfly (*Cyclargus* [ = *Hemiargus*] *thomasi bethunebakeri*), listed after June 23, 1999, is hereby declared to be endangered, and shall be afforded the protective provisions specified in this subsection. No person shall take, harm, harass, possess, sell, or transport any Miami blue butterfly (*Cyclargus* [ = *Hemiargus*] *thomasi bethunebakeri*), or parts thereof or their eggs, larvae or pupae except as authorized by permit from the executive director. Permits will be issued based upon whether issuance would further management plan goals and objectives.
- Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-22-80, 7-1-83, 7-1-84, 7-1-85, Formerly 39-27.03, Amended 6-1-86, 5-10-87, 4-27-89, 9-14-93, 6-23-99, Formerly 39-27.003, Amended 12-16-03,\_\_\_\_\_.
- NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Tim Breault, Division of Habitat and Species Conservation  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: June 13, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: May 4, 2007

## FISH AND WILDLIFE CONSERVATION COMMISSION

### Freshwater Fish and Wildlife

RULE NO.: 68A-27.004  
RULE TITLE: Designation of Threatened Species;  
Prohibitions; Permits

PURPOSE AND EFFECT: The purpose of this proposed revised rule is to add the Florida manatee and the gopher tortoise to the state list of threatened species.

SUMMARY: The Fish and Wildlife Conservation Commission reclassified the Florida manatee from an endangered species to a threatened species. The Commission also reclassified the gopher tortoise from a species of special concern to a threatened species. The proposed rule change adds these species to the state list of threatened species.

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

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution, 372.121 FS.

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

DATES AND TIME: During the Commission's regular meeting September 12-14, 2007, 8:30 a.m. – 5:00 p.m., each day

PLACE: Hilton Hotel, 333 First Street South, St. Petersburg, Florida 33701

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: The ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice)

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Tim Breault, Director, Division of Habitat and Species Conservation, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-27.004 Designation of Threatened Species; Prohibitions; Permits.

(1) The following species, listed prior to June 23, 1999, are hereby declared to be threatened, and shall be afforded the protective provisions specified.

(a) No person shall take, possess, transport, molest, harass or sell any of the threatened species included in this subsection or parts thereof or their nests or eggs except as authorized by specific permit from the Executive Director, permits being issued only for scientific or conservation purposes and only upon a showing by the applicant that the permitted activity will not have a negative impact on the survival potential of the species.

1. Crystal darter (*Crystallaria asprella*)
2. Key silverside (*Menidia conchorum*)
3. Loggerhead seaturtle (*Caretta caretta*)
4. Bluetail mole skink (*Eumeces egregius lividus*)
5. Sand skink (*Neoseps reynoldsi*)
6. Key ringneck snake (*Diadophis punctatus acricus*)
7. Rim rock crowned snake (*Tantilla oolitica*)
8. Short-tailed snake (*Stilosoma extenuatum*)
9. Florida brown snake (*Storeria dekayi victa*) (lower keys population only)
10. Florida ribbon snake (*Thamnophis sauritus sackeni*) (lower keys population only)
11. Eastern Indigo snake (*Drymarchon corais couperi*)
12. Atlantic salt marsh water snake (*Nerodia clarkii taeniata*)
13. Bald eagle (*Haliaeetus leucocephalus*)
14. Southeastern American kestrel (*Falco sparverius paulus*)
15. Crested caracara (*Caracara cheriway*)
16. Florida sandhill crane (*Grus canadensis pratensis*)
17. Roseate tern (*Sterna dougalli*)
18. Least tern (*Sterna antillarum*)
19. White-crowned pigeon (*Columba leucocephala*)
20. Florida scrub jay (*Aphelocoma coerulescens*)
21. Snowy plover (*Charadrius alexandrinus*)
22. Piping plover (*Charadrius melodus*)
23. Big Cypress fox squirrel (*Sciurus niger avicennia*)
24. Florida black bear (*Ursus americanus floridanus*) (other than those found in Baker and Columbia counties or in Apalachicola National Forest or which are held in captivity under permit)
25. Everglades mink (*Mustela vison evergladensis*)
26. Southeastern beach mouse (*Peromyscus polionotus niveiventris*)

(2) The following species are hereby declared to be threatened, and shall be afforded the protective provisions specified.

(a) The Florida manatee (*Trichechus manatus latirostris*) is hereby declared to be threatened and shall be afforded the protective provisions specified in this paragraph. It is unlawful for any person at any time, by any means, or in any manner intentionally or negligently to annoy, molest, harass, or disturb or attempt to molest, harass, or disturb any manatee; injure or harm or attempt to injure or harm any manatee; capture or collect or attempt to capture or collect any manatee; pursue, hunt, wound, or kill or attempt to pursue, hunt, wound, or kill any manatee; or possess, literally or constructively, any manatee or any part of any manatee. Permits to possess manatees for scientific or enhancement purposes may be issued by the U. S. Department of the Interior.

(b) The Gopher tortoise (*Gopherus polyphemus*) is hereby declared to be threatened, and shall be afforded the protective provisions specified in this paragraph. No person shall take, attempt to take, pursue, hunt, harass, capture, possess, sell or transport any gopher tortoise or parts thereof or their eggs, or molest, damage, or destroy gopher tortoise burrows, except as authorized by Commission permit or when complying with Commission approved guidelines for specific actions which may impact gopher tortoises and their burrows. A gopher tortoise burrow is a tunnel with a cross-section that closely approximates the shape of a gopher tortoise. Permits will be issued based upon whether issuance would further management plan goals and objectives.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-22-80, 7-1-83, 7-1-85, Formerly 39-27.04, Amended 6-1-86, 5-10-87, 4-27-89, 6-23-99, Formerly 39-27.004, Amended 9-29-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mr. Tim Breault, Division of Habitat and Species Conservation  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive  
Director

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: June 13, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: May 4, 2007

## **FISH AND WILDLIFE CONSERVATION COMMISSION**

### **Freshwater Fish and Wildlife**

RULE NO.:	RULE TITLE:
68A-27.005	Designation of Species of Special Concern; Prohibitions; Permits

PURPOSE AND EFFECT: The purpose of this proposed revised rule is to remove the gopher tortoise from the list of species of special concern.

SUMMARY: The Fish and Wildlife Conservation Commission reclassified the gopher tortoise from a species of special concern to a threatened species. The proposed rule change removes the gopher tortoise from the state list of species of special concern.

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

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution., 372.121 FS.

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

DATES AND TIME: During the Commission's regular meeting September 12-14, 2007, 8:30 a.m. – 5:00 p.m., each day

PLACE: Hilton Hotel, 333 First Street South, St. Petersburg, Florida 33701

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: The ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Tim Breault, Director, Division of Habitat and Species Conservation, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-27.005 Designation of Species of Special Concern; Prohibitions; Permits.

(1) The following species are hereby declared to be of special concern, and shall be afforded the protective provisions specified.

(a) No person shall take, possess, transport, or sell any species of special concern included in this paragraph or parts thereof or their nests or eggs except as authorized by Commission regulations or by permit from the executive director or by statute or regulation of any other state agency, permits being issued upon reasonable conclusion that the permitted activity will not be detrimental to the survival potential of the species.

(b) The following species were listed prior to January 1, 2001, and have been further categorized by the numbers in parentheses under the following criteria: (1) has a significant vulnerability to habitat modification, environmental alteration, human disturbance, or human exploitation which, in the foreseeable future, may result in its becoming a threatened species unless appropriate protective or management techniques are initiated or maintained; (2) may already meet certain criteria for designation as a threatened species but for which conclusive data are limited or lacking; (3) may occupy such an unusually vital or essential ecological niche that should it decline significantly in numbers or distribution other species would be adversely affected to a significant degree; (4) has not sufficiently recovered from past population depletion, and (5) occurs as a population either intentionally introduced or being experimentally managed to attain specific objectives, and the species of special concern prohibitions in Rule 68A-27.002, F.A.C., shall not apply to species so designated, provided that the intentional killing, attempting to kill, possession or sale of such species is prohibited.

1. Atlantic sturgeon (*Acipenser oxyrinchus*) (1)
2. Lake Eustis pupfish (*Cyprinodon variegatus hubbsi*) (1)
3. Saltmarsh topminnow (*Fundulus jenkinsi*) (1)
4. Rivulus (*Rivulus marmoratus*) (1)
5. Southern tessellated darter (*Etheostoma olmstedii maculaticeps*) (1)
6. Harlequin darter (*Etheostoma histrio*) (1)
7. Shoal bass (*Micropterus cataractae*) (1, 2)
8. Suwannee bass (*Micropterus notius*) (1)
9. Key blenny (*Starksia starcki*) (1)
10. Gopher frog (*Rana capito*) (1, 2)
11. Pine Barrens treefrog (*Hyla andersonii*) (1)
12. Florida bog frog (*Rana okaloosae*) (2)
13. Georgia blind salamander (*Haideotriton wallacei*) (1, 2)
14. Alligator snapping turtle (*Macrolemys temminckii*) (1)
15. Suwannee cooter (*Pseudemys concinna suwanniensis*) (1, 2)
16. Barbour's map turtle (*Graptemys barbouri*) (1, 2)
- ~~17. Gopher tortoise (*Gopherus polyphemus*) (1, 2, 3). The definition of take set forth in subsection (3) of this rule shall apply to gopher tortoises.~~
- ~~17.18.~~ American alligator (*Alligator mississippiensis*) (1, 3)
- ~~18.49.~~ Florida key mole skink (*Eumeces egregius egregius*) (1)
- ~~19.20.~~ Red rat snake (*Elaphe guttata*) (lower keys population only) (1)
- ~~20.24.~~ Brown pelican (*Pelecanus occidentalis*) (1)
- ~~21.22.~~ Florida pine snake (*Pituophis melanoleucus mugitus*) (2)

- ~~22.23.~~ Little blue heron (*Egretta caerulea*) (1, 4)
- ~~23.24.~~ Osprey (*Pandion haliaetus*) (Monroe County population only) (1, 2)
- ~~24.25.~~ Black skimmer (*Rynchops niger*) (1)
- ~~25.26.~~ White ibis (*Eudocimus albus*) (2)
- ~~26.27.~~ Snowy egret (*Egretta thula*) (1)
- ~~27.28.~~ Reddish egret (*Egretta rufescens*) (1, 4)
- ~~28.29.~~ Tricolored heron (*Egretta tricolor*) (1, 4)
- ~~29.30.~~ Roseate spoonbill (*Platalea ajaja*) (1, 4)
- ~~30.31.~~ Whooping crane (*Grus americana*) (5)
- ~~31.32.~~ Limpkin (*Aramus guarauna*) (1)
- ~~32.33.~~ American oystercatcher (*Haematopus palliatus*) (1, 2)
- ~~33.34.~~ Burrowing owl (*Athene cunicularia*) (1)
- ~~34.35.~~ Marian's marsh wren (*Cistothorus palustris marianae*) (1)
- ~~35.36.~~ Worthington's marsh wren (*Cistothorus palustris griseus*) (1)
- ~~36.37.~~ Scott's seaside sparrow (*Ammodramus maritimus peninsulae*) (1)
- ~~37.38.~~ Wakulla seaside sparrow (*Ammodramus maritimus juncicolus*) (1)
- ~~38.39.~~ Sherman's fox squirrel (*Sciurus niger shermani*) (1, 2)
- ~~39.40.~~ Eastern chipmunk (*Tamias striatus*) (1)
- ~~40.41.~~ Florida mouse (*Peromyscus floridanus*) (1)
- ~~41.42.~~ Sherman's short-tailed shrew (*Blarina carolinensis* [= *brevicauda*] *shermani*) (2)
- ~~42.43.~~ Homosassa shrew (*Sorex longirostris eionis*) (2)
- ~~43.44.~~ Sanibel Island rice rat (*Oryzomys palustris sanibeli*) (1, 2)
- ~~44.45.~~ Florida tree snail (*Liguus fasciatus*) (1)
- ~~45.46.~~ Bluenose shiner (*Pteronotropis welaka*) (1, 2)
- ~~46.47.~~ Black Creek crayfish (*Procambarus pictus*) (1)
- ~~47.48.~~ Panama City crayfish (*Procambarus econfinae*) (1)
- ~~48.49.~~ Sims Sink crayfish (*Procambarus erythrops*) (1)

(2) The following species, listed after January 1, 2001, are hereby declared to be of special concern, and shall be afforded the protective provisions specified.

(a) Flatwoods salamander (*Ambystoma cingulatum*). No person shall directly take any flatwoods salamander or parts thereof or their eggs except as authorized by Commission rule or by permit from the executive director.

(b) Red-cockaded woodpecker (*Picoides borealis*). No person shall take, harass, possess, sell, or transport any red-cockaded woodpecker or parts thereof or their eggs or their nests or dens except as authorized by permit from the executive director. Permits will be issued based upon whether issuance would further management plan goals and objectives.

~~(3) No person shall take, attempt to take, pursue, hunt, harass, capture, possess, sell or transport any gopher tortoise (*Gopherus polyphemus*) or parts thereof or their eggs, or take or attempt to take gopher tortoise burrows, except as authorized by Commission permit. For the purpose of this definition of take, a gopher tortoise burrow is a tunnel with a cross section that closely approximates the shape of a gopher tortoise.~~

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-22-80, 6-21-82, 7-1-84, 7-1-85, Formerly 39-27.05, Amended 6-1-86, 5-10-87, 4-27-89, 10-22-92, 5-26-94, 6-23-99, Formerly 39-27.005, Amended 2-27-01, 5-1-01, 9-29-03, 6-1-06, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mr. Tim Breault, Division of Habitat and Species Conservation  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 13, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 4, 2007

## **FISH AND WILDLIFE CONSERVATION COMMISSION**

### **Marine Fisheries**

RULE NOS.:	RULE TITLES:
68B-44.004	Practice of Finning Prohibited; Removal of Fins from Sharks Harvested in State Waters Prohibited; Compliance with Federal Requirements; Filleting Prohibited
68B-44.005	Commercial Harvest of Sharks: Federal Permit Required

PURPOSE AND EFFECT: The purpose of these rule amendments is to update references to federal regulations. The effect should be to more accurately give public notice of the extensive requirements imposed by the National Marine Fisheries Service (NMFS) on shark harvest in the Code of Federal Regulations (C.F.R.).

SUMMARY: Rule 68B-44.004, F.A.C. is amended to update references to federal regulations regarding the harvest and landing of sharks and shark fins. Rule 68B-44.005, F.A.C. is amended to update references to federal regulations regarding the federal vessel permit required for the harvest of sharks in state waters.

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

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

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

DATES AND TIME: During the regular meeting of the Commission, September 12-14, 2007, 8:30 a.m. – 5:00 p.m., each day

PLACE: St. Petersburg Hilton, 333 First Street South, St. Petersburg, 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: The ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mark Robson, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554

### **THE FULL TEXT OF THE PROPOSED RULES IS:**

68B-44.004 Practice of Finning Prohibited; Removal of Fins from Sharks Harvested in State Waters Prohibited; Compliance with Federal Requirements; Filleting Prohibited.

(1) No person shall engage in the practice of finning.

(2) No person shall remove any fin of any shark harvested in state waters while in or on such waters or prior to the shark being landed.

(3) Persons returning from federal Exclusive Economic Zone (EEZ) waters adjacent to state waters with sharks or shark fins harvested there shall not stop in state waters to fish and shall land any shark or shark fins in the proportion specified in 50 C.F.R. § 635.30(c) ~~678.21(a)(2)~~.

(4) No person shall fillet any shark while in or on state waters. The possession while in or on state waters of any shark that has been sliced, divided, filleted, ground, skinned, scaled, or deboned, is prohibited. Mere evisceration or “gutting” of such fish, mere removal of gills, or removal of the heads and tails, is not prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 4-8-92, Amended 2-14-94, 1-1-98, Formerly 46-44.004, Amended \_\_\_\_\_.

68B-44.005 Commercial Harvest of Sharks: Federal Permit Required.

No person shall harvest sharks in or from the waters of the state for commercial purposes or sell any shark harvested from such waters unless such person is in possession of a valid federal annual vessel permit for sharks issued pursuant to 50 C.F.R. § ~~635.4~~ ~~678.4~~ or written authorization of such harvest or sale from the Regional Director of the National Marine Fisheries Service pursuant to 50 C.F.R. § ~~635.32~~ ~~678.27~~.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 4-8-92, Amended 2-14-94, Formerly 46-44.005, Amended.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mark Robson, Director, Division of Marine Fisheries Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 18, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 27, 2007

## FISH AND WILDLIFE CONSERVATION COMMISSION

### Marine Fisheries

RULE NOS.:	RULE TITLE:
68B-45.002	Definitions
68B-45.004	Regulation and Prohibition of Certain Harvesting Gear

PURPOSE AND EFFECT: The purpose of these rule amendments is to allow for a less narrowly-defined configuration for the fold up traps typically used in the recreational harvest of harvest blue crabs. The effect will be to allow the legal use of fold-up traps up to 1 cubic foot in volume that are not necessarily pyramid-shaped.

SUMMARY: Subsection (5) of Rule 68B-45.002, F.A.C., is amended to broaden the definition of the term "fold up trap" to include such traps that are not shaped like a pyramid. Paragraph (1)(d) of Rule 68B-45.004, F.A.C., is amended to delete the one square foot limitation on the base panel of a fold up trap.

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

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

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

DATES AND TIME: During the regular meeting of the Commission, September 12-14, 2007, 8:30 a.m. – 5:00 p.m., each day

PLACE: St Petersburg Hilton, 333 First Street South, St. Petersburg, 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: The ADA Coordinator, at (850)488-6411. 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 RULES IS: Mark Robson, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554

THE FULL TEXT OF THE PROPOSED RULES IS:

68B-45.002 Definitions.

(1) through (4) No change.

(5) "Fold up trap" means a ~~pyramid-shaped~~ plastic or wire meshed collapsing trap, ~~with a square base panel and triangular shaped side panels,~~ that opens outward to occupy a single plane when placed on the water bottom. It is baited in the center of the base panel and encloses crabs when retrieved by means of a cord drawing together ~~the topmost points of the side panels triangles.~~

(6) through (17) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-14-93, Amended 6-1-94, 10-4-95, Formerly 46-45.002, Amended 7-1-03, 7-15-04, 5-26-05, \_\_\_\_\_.

68B-45.004 Regulation and Prohibition of Certain Harvesting Gear.

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

(d) Fold-up trap ~~with a square base panel no larger than one foot square.~~

(e) through (g) No change.

(2) through (10) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 12-14-93, Amended 6-1-94, 1-1-95, 10-4-95, 9-30-96, 1-1-98, 6-1-99, Formerly 46-45.004, Amended 2-28-02, 10-21-04, 3-1-05, 3-30-06, 9-21-06,\_\_\_\_\_.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mark Robson, Director, Division of Marine Fisheries Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 14, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 27, 2007

## FISH AND WILDLIFE CONSERVATION COMMISSION

### Marine Fisheries

RULE NOS.:	RULE TITLES:
68B-55.001	Definitions
68B-55.002	Retrieval of Trap Debris
68B-55.004	Retrieval of Derelict Traps and Traps Located in Areas Permanently Closed to Trapping
68B-55.005	Recovery of Traps in Area of Major Natural Disaster

**PURPOSE AND EFFECT:** The purpose of these rule amendments is three-fold. The amendment to rule 68B-55.01 modifies the definition of derelict trap to account for the fact that blue crab traps are now required to be marked with Commission-supplied trap tags. The amendments to Rules 68B-55.002 and 68B-55.004, F.A.C., exempt federal, state, or local government employees from acquiring authorization from the Florida Fish and Wildlife Conservation Commission in order to retrieve trap debris and traps that are located within areas where trapping is prohibited all year-round. The effect of these rule amendments will expedite the removal of these traps and reduce their impact to the environment. Rule 68B-55.005, F.A.C., is a new rule that will allow possession of a blue crab, stone crab, or lobster trap by someone other than its owner in the aftermath of a major storm for the purpose of returning it to its owner. The effect will be to aid fishers in recovering their traps in the aftermath of a major storm and allow them to resume normal fishing operations. This will also reduce damage to the environment and the unintended mortality to marine life caused by lost traps.

**SUMMARY:** The proposed amendment to Rule 68B-55.001, F.A.C. would modify the language that defines a derelict blue crab trap to account for the fact they are now required to be marked with Commission-supplied trap tags. The proposed amendment to Rules 68B-55.002 and 68B-55.004, F.A.C., would exempt federal, state, or local government employees from acquiring authorization from the Florida Fish and Wildlife Conservation Commission in order to retrieve trap debris and traps that are located within areas where trapping is prohibited year-round. Proposed new Rule 68B-55.005, F.A.C., would create a mechanism that allows the legal possession of blue crab, stone crab, or lobster traps by someone other than their owner in the aftermath of a catastrophic storm event for the purpose of returning them to their owner.

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

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

**SPECIFIC AUTHORITY:** Article IV, Section 9, Florida Constitution.

**LAW IMPLEMENTED:** Article IV, Section 9, Florida Constitution.

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

**DATES AND TIME:** During the regular meeting of the Commission, September 12-14, 2007, 8:30 a.m. – 5:00 p.m., each day

**PLACE:** St. Petersburg Hilton, 333 First Street South, St. Petersburg, 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: The ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice)

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Mark Robson, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554

**THE FULL TEXT OF THE PROPOSED RULES IS:**

68B-55.001 Definitions.

(1) through (2) No change.

(3) “Derelict trap” means any trap during any closed season for the species, or any fishable trap during the open season that lacks more than two of the following elements:

(a) through (b) No change.

(c) Current Commission-issued trap tag (if required) ~~(spiny lobster or stone crab) or identification (blue crabs).~~

(d) No change.

(4) "Fishable trap" means a trap that has 6 intact sides and at least two of the following elements:

(a) through (b) No change.

(c) Current Commission-issued trap tag (if required).

(d) No change.

(5) through (6) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-03, Amended 3-1-05, \_\_\_\_\_.

#### 68B-55.002 Retrieval of Trap Debris.

(1) Local, state, or federal governmental entities, nonprofit nongovernmental organizations, fishery participant organizations, or other community or citizens groups are hereby authorized to remove trap debris from shoreline areas landward of mean low water, and from mangroves or other shoreline vegetation when they organize, promote, and participate in coastal cleanup events for the purpose of removing marine debris.

(2) Except as provided in subsection (3), other coastal cleanup events for the purpose of removing trap debris from all other areas of state waters shall only be undertaken with prior authorization from the Commission, to assure that such removal is adequately supervised.

(3) Local, state, or federal government personnel may remove trap debris located in areas that are permanently closed to trapping without prior authorization from the Commission.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-03, Amended \_\_\_\_\_.

#### 68B-55.004 Retrieval of Derelict Traps and Traps Located in Areas Permanently Closed to Trapping.

(1) During the closed season for the harvest of any species for which traps are allowable gear, and after any authorized trap retrieval period together with any extensions, traps are considered to be derelict and may be retrieved as part of coastal cleanup events conducted by local, state, or federal government entities, nonprofit nongovernmental organizations, fishery participant organizations, or other community or citizens groups. Except as provided in subsection (3), such events shall only be undertaken with prior authorization from the Commission, to assure that such removal is adequately supervised but without the mandatory reporting required in Rule 68B-55.003, F.A.C.

(2) During the open season for harvest of any species for which traps are allowable gear, retrieval of derelict traps may occur at any time deemed appropriate by the Commission. Commission employees, local, state, or federal personnel, or members of a fishery participant organization may retrieve derelict traps. Except as provided in subsection (3), retrieval

other than by Commission personnel shall only be pursuant to a Commission approved plan. The plan shall include the operational area and time period proposed, authorized personnel, the number of vessels, methods of disposition, and number and qualifications of supervisory personnel. An approved plan shall also include notification of the Commission's Division of Law Enforcement no less than 24 hours prior to commencement of retrieval under this program with final float plan information including contact information, vessel registration numbers, trip times, and number of days.

(3) Local, state, or federal government personnel may retrieve traps located in areas that are permanently closed to trapping without prior authorization from the Commission.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-03, Amended \_\_\_\_\_.

#### 68B-55.005 Recovery of Traps in Area of Major Natural Disaster.

(1) In the event of an executive order issued by the Governor of the State of Florida declaring an emergency resulting from a major natural disaster such as a hurricane, tropical storm, or similar weather occurrence, upon a finding that the disaster has caused massive trap losses in any fishery regulated by the Commission, the Executive Director of the Fish and Wildlife Conservation Commission will issue an order declaring a trap emergency in the affected area or in a specified part thereof. Such order shall serve to activate the following provisions of this rule.

(2) The trap emergency will be in the area and during the period specified in the activation order.

(3) Each harvester in the affected trap fishery may designate persons authorized to recover and possess traps of the harvester. Such designation shall be on an Emergency Trap Recovery Designation Affidavit (FWC Form DMF- SL5500), which form is hereby incorporated by reference. The original of the affidavit shall be retained by the harvester. A copy of the affidavit will be filed with the nearest office of the Commission's Division of Law Enforcement and also provided to each person authorized to recover and possess traps of the harvester. The affidavit shall be valid from the date the notarized form is received by the Commission's Division of Law Enforcement until the end of that license year.

(4) Persons authorized to recover and possess traps of a harvester will be allowed to do so only in the area and during the period specified in the activation order. Each such person shall possess and maintain available for inspection a copy of the affidavit while the person is engaged in recovering or possessing the harvester's traps.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New \_\_\_\_\_.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mark Robson, Director, Division of Marine Fisheries Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 14, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 27, 2007

## **FISH AND WILDLIFE CONSERVATION COMMISSION**

### **Division of Law Enforcement**

RULE NO.:	RULE TITLE:
68D-24.109	Withlacoochee River Boating Restricted Areas

PURPOSE AND EFFECT: Annual spring rains routinely cause the Withlacoochee River to rise. This condition creates a danger to vessels transiting the area. Objects previously well above the water and objects previously on dry land become wholly or partially submerged and create hazards to navigation. These objects include without limitation: Waterway markers, bollards and piles, docks and wharves, electrical and telephone wires, utility poles, trees and stumps, fences, dwellings, boat houses, and sheds. The turbulent and muddy waters cause boats to allide dangerously upon submerged objects without warning. Restricting operation to steerageway speed will mitigate the dangers and damages associated with such allisions. Limiting vessel operation to speeds no greater than Idle Speed No Wake is necessary to allow vessels additional opportunity to assess the situation and to avoid dangers.

Vessel operation at speeds greater than IDLE SPEED NO WAKE also endangers persons in or near the river. Floodwaters submerge accustomed footpaths and handholds. These submerged areas could cause persons to slip and fall, perhaps into the river. Under these circumstances, there is a substantial likelihood of injury or death.

There is general concurrence from Citrus, Hernando, Marion and Sumter Counties, the Florida Fish and Wildlife Conservation Commission in Lake City and Ocala, Florida, the Boating and Waterways Section, the United States Coast Guard, and the United States Army Corps of Engineers to proceed with this rulemaking.

SUMMARY: This amendment will expand the existing Idle Speed No Wake zone along the Withlacoochee River at Camp Izzard Boat Ramp, Sherwood Forest, Turner Camp, the Citrus/Hernando County line, Silver Lake and the CSX railway trestle. This amendment will also provide for using a newly established monitoring device which will greatly enhance the turnaround associated with flooding conditions on the river.

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

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

SPECIFIC AUTHORITY: 327.04, 327.46 FS.

LAW IMPLEMENTED: 327.46 FS.

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

DATES AND TIME: During the Commission's regular meeting, September 13, 2007, 8:30 a.m. – 5:00 p.m.

PLACE: Hilton Hotel, 333 First Street South, St. Petersburg, FL 33701

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five (5) days before the workshop/meeting by contacting: The ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Captain Alan Richard, Assistant General Counsel, Florida Fish and Wildlife Conservation Commission, General Counsel, (850)410-0656, extension 17172, 620 South Meridian Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 68D-24.109 follows. See Florida Administrative Code for present text.)

68D-24.109 Withlacoochee River Boating Restricted Areas.

For the purpose of regulating the speed and operation of vessel traffic during flood conditions on and adjacent to the Withlacoochee River within Citrus, Hernando, Marion, and Sumter Counties, the following boating restricted areas are established:

(1) Idle Speed No Wake and River Closure Restriction Segments.

(a) Big Flat Rock at Mile Marker 9 to Camp Izzard Boat Ramp Segment at Mile Marker 24:

1. All waters in and adjacent to the Withlacoochee River from shoreline to shoreline, from the Big Flat Rock (29.00.920N / 082.24.658W) south to Mile Marker 24, located at Camp Izzard Boat Ramp for a distance of 4.5 miles. This idle speed no wake restriction shall be active and enforceable only when the water level of the Withlacoochee River is measured at the USGS Holder gauge number (02313000) at 7.0 feet and will remain in effect until the river recedes below 7.0 feet.

2. When the Withlacoochee River is measured at the Holder gauge number (02313000) at 10.0 feet, the river in this area will be closed to all vessel traffic except emergency, law enforcement, firefighting, or rescue vessel owned or operated by a governmental entity, as depicted in Drawing A.

3. As river levels recede below 10.0 feet, the river will reopen to all vessel traffic at idle speed no wake. When the river recedes below 7.0 feet, the speed will be Resume Normal Safe Operation.

(b) Camp Izzard Boat Ramp at Mile Marker 24 to Mile Marker 30 Segment:

1. All waters in and adjacent to the Withlacoochee River, from shoreline to shoreline, from Mile Marker 24 located at Camp Izzard Boat Ramp south to Mile Marker 30 for a distance of 6.0 miles. This Idle Speed No Wake restriction shall be active and enforceable only when the water level of the Withlacoochee River is measured at the USGS Holder gauge number (02313000) at 6.0 feet and will remain in effect until the river recedes below 6.0 feet.

2. When the Withlacoochee River is measured at the Holder gauge number (02313000) at 9.0 feet, the river in this area will be closed to all vessel traffic except emergency, law enforcement, firefighting, or rescue vessel owned or operated by a governmental entity, as depicted in Drawing B.

3. As river levels recede below 9.0 feet, the river will reopen to all vessel traffic at Idle Speed No Wake. When the river recedes below 6.0 feet, vessel speed will be Resume Normal Safe Operation.

(c) Turner Camp at Mile Marker 34 to Mile Marker 35A Segment:

1. All waters in and adjacent to the Withlacoochee River shoreline to shoreline, from Mile Marker 34 to Mile Marker 35A (28.53.722N / 082.16.231W) for a distance of 1.35 miles. This Idle Speed No Wake restriction shall be active and enforceable only when the water level of the Withlacoochee River is measured at the USGS SR 44 gauge (02312722) at 38 feet and will remain in effect until the river recedes to below 38 feet.

2. When the Withlacoochee River is measured at the USGS SR 44 gauge (02312722) at 41 feet, the river in this area will be closed to all vessel traffic except emergency, law enforcement, firefighting, or rescue vessel owned or operated by a governmental entity, as depicted in drawing C and D.

3. As river levels recede below 41 feet, the river will reopen to all vessel traffic at Idle Speed No Wake. When the river recedes to below 38 feet, the speed will be Resume Normal Safe Operation.

(d) Squire Court at Mile Marker 38 to Mile Marker 41 at Shawnee Trail Segment:

1. All waters in and adjacent to the Withlacoochee River from shoreline to shoreline, from Mile Marker 38 at Squire Court, south to Mile Marker 41 at Shawnee Trail for a distance of 3.4 miles. This Idle Speed No Wake restriction shall be active and enforceable only when the water level of the Withlacoochee River is measured at the USGS SR 44 gauge (02312722) at 38 feet and will remain in effect until the river recedes to below 38 feet.

2. When the Withlacoochee River is measured at the USGS SR 44 gauge (02312722) at 41 feet, the river in this area will be closed to all vessel traffic except emergency, law enforcement, firefighting, or rescue vessel owned or operated by a governmental entity, as depicted in Drawing C and D. As river levels recede below 41 feet, the river will reopen to all vessel traffic at Idle Speed No Wake.

3. As river levels recede below 41 feet, the river will reopen to all vessel traffic at Idle Speed No Wake. When the river recedes to below 38 feet, the speed will be Resume Normal Safe Operation.

(e) Citrus/Hernando County Line to Mile Marker 61 Segment:

1. All waters in and adjacent to the Withlacoochee River, from shoreline to shoreline, from the Citrus/Hernando County line south to Mile Marker 61. This Idle Speed No Wake restriction shall be active and enforceable only when the water level of the Withlacoochee River is measured at the USGS Croom gauge (02312500) and will remain in effect until the river recedes to below 9.0 feet.

2. When the Withlacoochee River is measured at the USGS Croom gauge (02312500) at 11.0 feet, the river in this area will be closed to all vessel traffic except emergency, law enforcement, firefighting, or rescue vessel owned or operated by a governmental entity, as depicted in Drawing E. As river levels recede below 11.0 feet, the river will reopen to all vessel traffic at Idle Speed No Wake.

3. When the river recedes to below 9.0 feet, vessel speed will be Resume Normal Safe Operation.

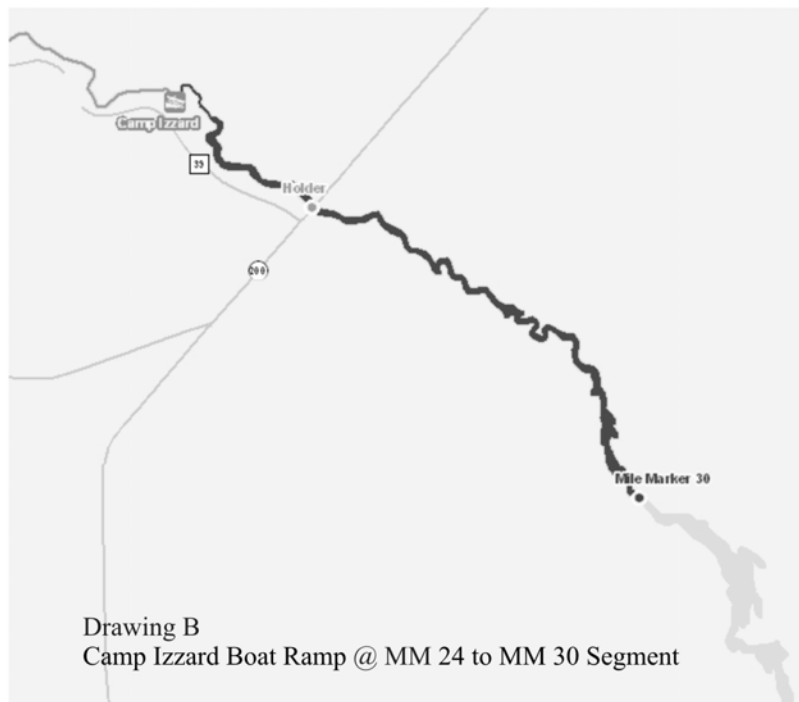
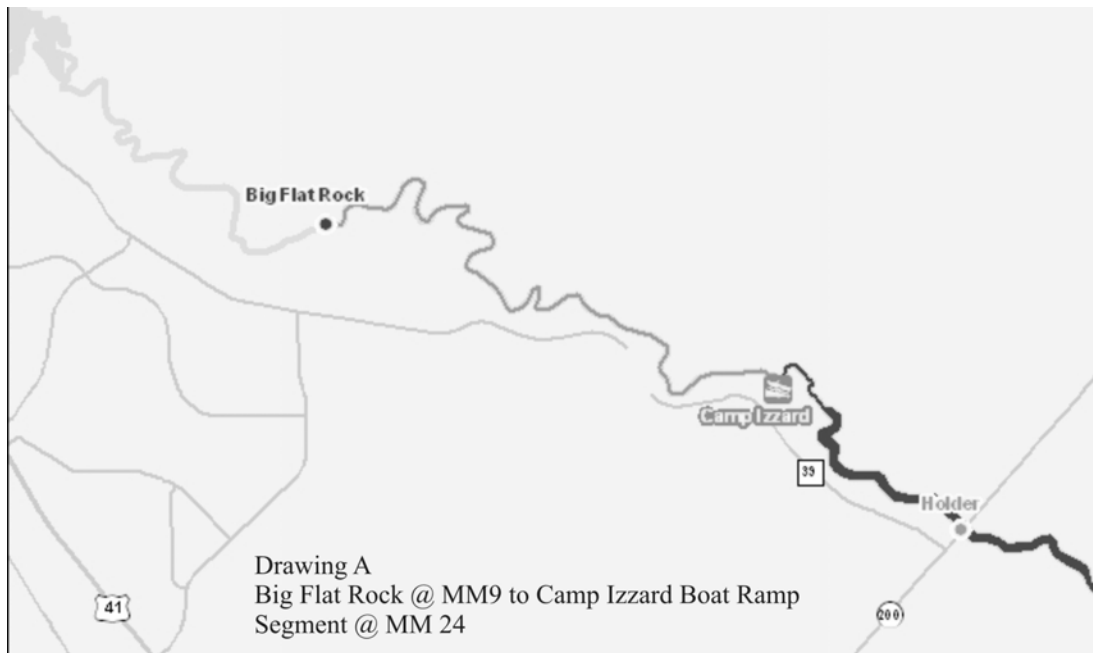
(f) Silver Lake at Mile Marker 64 to CSX Railway Trestle at Mile Marker 67 Segment:

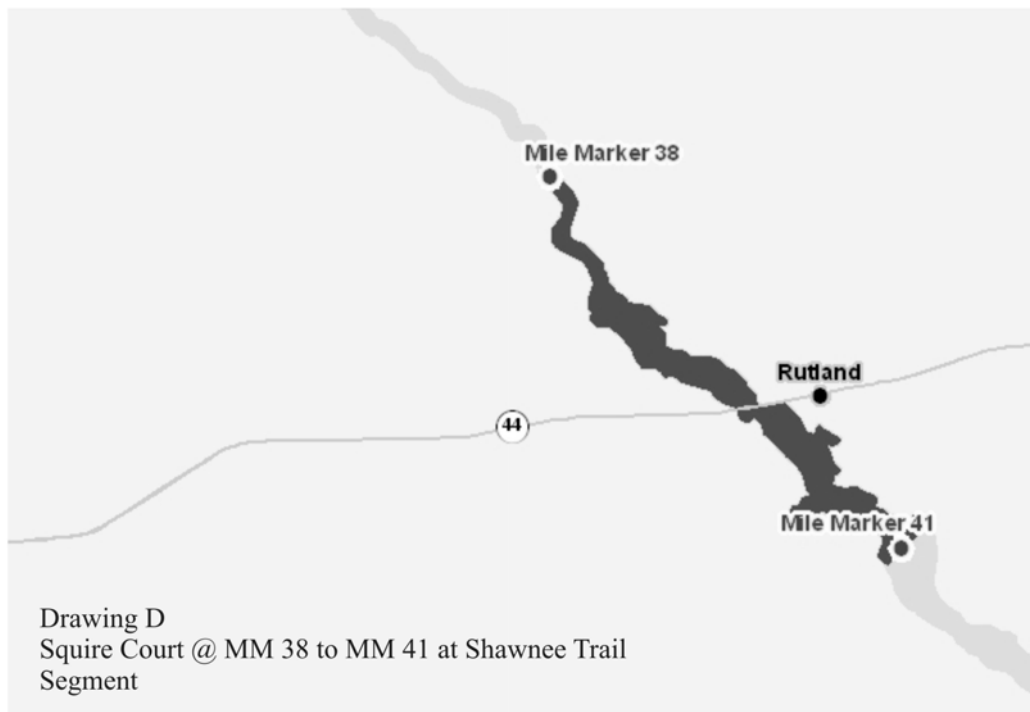
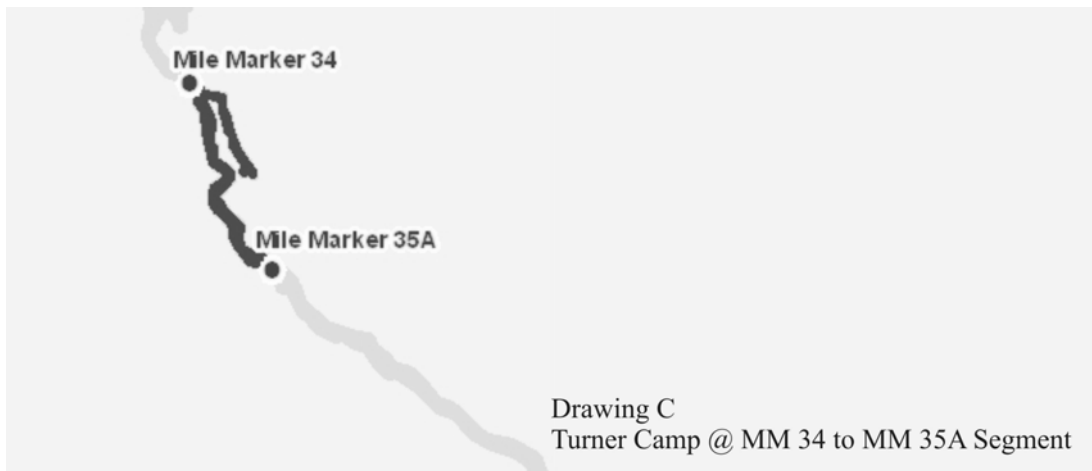
1. All waters in and adjacent to the Withlacoochee River, from shoreline to shoreline, from the Silver Lake Park boundary line, at Mile Marker 64, south to 500 feet north of the fender system of the CSX railway trestle at Mile Marker 70, for a distance of 7.0 miles. This Idle Speed No Wake restriction shall be active and enforceable only when the water level of the Withlacoochee River is measured at the USGS Trilby gauge (02312000) at 12.0 feet and will remain in effect until the river recedes to below 12.0 feet.

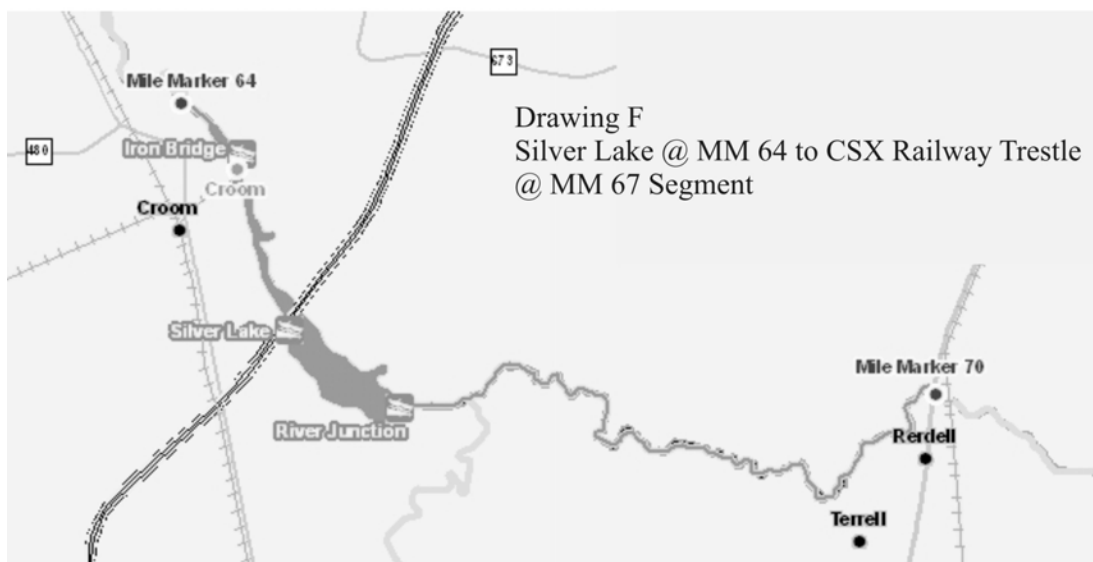
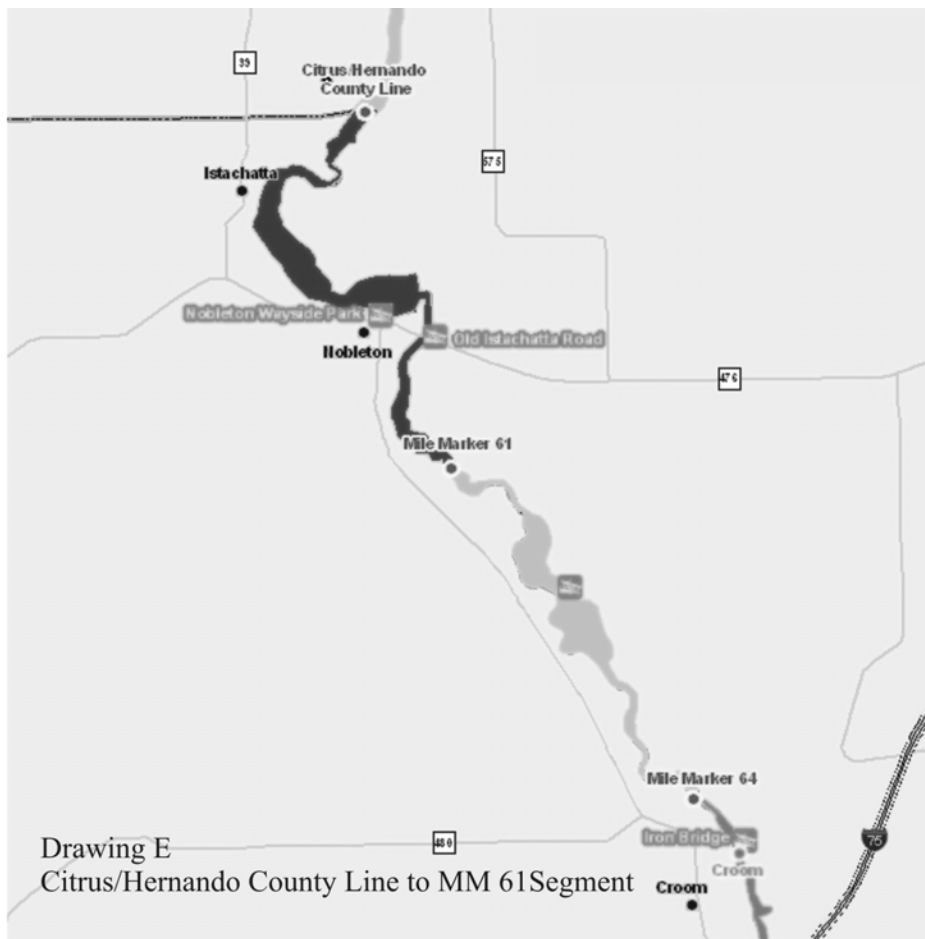
2. When the Withlacoochee River is measured at the Trilby gauge (02312000) at 15.0 feet, the River in this area will be closed to all vessel traffic except emergency, law enforcement, firefighting, or rescue vessel owned or operated by a governmental entity, as depicted in Drawing F. As river levels recede below 15.0 feet, the river will reopen to all vessel traffic at Idle Speed No Wake.

3. When the river recedes below 12.0 feet, vessel speed will be Resume Normal Safe Operation.

(2) The boating restricted areas are depicted in the following drawings:







Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS.  
History—New 2-10-97, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Ms. Tara Alford, Management Analyst, Boating and  
Waterways Section, Division of Law Enforcement, 620 South  
Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Colonel Julie Jones, Director,  
Division of Law Enforcement

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: June 13, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: May 18, 2007

## DEPARTMENT OF FINANCIAL SERVICES

### Finance

RULE NOS.:	RULE TITLES:
69V-50.055	Application Procedure for Motor Vehicle Retail Installment Seller License
69V-50.058	Motor Vehicle Retail Installment Seller Branch Office License
69V-50.070	Motor Vehicle Retail Installment Seller and Motor Vehicle Retail Installment Seller Branch Office License Renewal and Reactivation

PURPOSE AND EFFECT: Rules 69V-50.055, 69V-50.058, and 69V-50.070, F.A.C., pertaining to the licensure and renewal process for motor vehicle retail installment sellers are repealed. New rules pertaining to the licensure and renewal process for these persons are being proposed under Rule Chapter 69V-85, F.A.C. The new rules will reflect and implement the changes to The Motor Vehicle Retail Sales Finance Act (Part I, Chapter 520, Fla. Stat.) that are contained in Chapter 2006-213, Laws of Florida. The Commission is consolidating its rules for clarity. Rules that are applicable to all of the various license types are being consolidated under the Rule Chapter 69V-85, F.A.C. Rules specific to individual license types will remain under the individual rule chapters.

SUMMARY: Rules 69V-50.055, 69V-50.058, and 69V-50.070, F.A.C., pertaining to the licensure and renewal process for motor vehicle retail installment sellers are repealed. New rules pertaining to the licensure and renewal process for these persons are being proposed under Rule Chapter 69V-85, F.A.C. The new rules will reflect and implement the changes to The Motor Vehicle Retail Sales Finance Act (Part I, Chapter 520, Fla. Stat.) that are contained in Chapter 2006-213, Laws of Florida. The Financial Services Commission is consolidating its rules for clarity. Rules that are applicable to all of the various license types are being consolidated under the Rule Chapter 69V-85, F.A.C. Rules specific to individual license types will remain under the individual rule chapters.

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

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

SPECIFIC AUTHORITY: 520.03, 520.994 FS.

LAW IMPLEMENTED: 120.60, 520.03, 520.994 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE  
PROPOSED RULES IS: Gregory C. Oaks, Bureau Chief, 200  
East Gaines Street, The Fletcher Building, Tallahassee, Florida  
32399-0375, (850)410-9805

THE FULL TEXT OF THE PROPOSED RULES IS:

69V-50.055 Application Procedure for Motor Vehicle  
Retail Installment Seller License.

~~(1) Each person desiring to obtain licensure as a motor  
vehicle retail installment seller shall apply to the Office of  
Financial Regulation by submitting the following:~~

~~(a) A completed Application for Motor Vehicle Retail  
Installment Seller License, Form OFR-HV-1, revised 10/99,  
which is hereby incorporated by reference and available from  
the Office of Financial Regulation, 200 East Gaines Street,  
Tallahassee, Florida 32399-0375; and~~

~~(b) The statutory, non-refundable application fee required  
by Section 520.03, F.S., which shall be the fee for the biennial  
period beginning January 1 of each odd-numbered year or any  
part thereof.~~

~~(2) Request for Additional Information. Any request for  
additional information will be made by the Office of Financial  
Regulation within thirty (30) calendar days after receipt of the  
application by the Office of Financial Regulation. The  
additional information must be received by the Office of  
Financial Regulation within forty-five (45) calendar days from  
the date of the request. Failure to respond to the request within  
forty-five (45) calendar days from the date of request shall be  
construed by the Office of Financial Regulation as grounds for  
denial for failure to complete the application, and the  
application shall be denied pursuant to Section 120.60(1), F.S.~~

~~(3) Withdrawal of Application. An applicant may request  
withdrawal of an application prior to a determination of the  
application being made by the Office of Financial Regulation  
by submitting a written request that the application be  
withdrawn.~~

~~(4) Refunds. If the application is withdrawn or denied, the  
license fee is non-refundable.~~

~~(5) Upon approval of an application, a license will be  
issued for the remainder of the biennial licensure period.~~

~~(6) Restoration of Civil Rights.~~

~~(a) If one's civil rights have been restored and the conviction did not directly relate to the operation of a retail installment business, the applicant shall provide evidence of restoration of civil rights.~~

~~(b) If one's civil rights have been restored and the conviction is directly related to the operation of a retail installment business, the applicant shall provide evidence of restoration of rights and rehabilitation. Evidence of rehabilitation should include, but is not limited to, employment history and letters from probation officers and employers.~~

Specific Authority 520.03(2), 520.994(5) FS. Law Implemented 120.60(1), 520.03(2) FS. History—New 11-5-87, Amended 5-9-90, 11-11-90, 9-28-94, 8-9-95, 7-10-96, 9-29-96, 12-8-99, Formerly 3D-50.055, Repealed.

69V-50.058 Motor Vehicle Retail Installment Seller Branch Office License.

~~(1) Every motor vehicle retail installment seller which conducts business in a branch office shall apply for a license to operate a branch office on Form OFR-HV-2, Application for Motor Vehicle Retail Installment Seller Branch Office License, revised 10/99, which is hereby incorporated by reference and available from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375. Any office or location shall be deemed to be a branch office if the name or advertising of a motor vehicle retail installment seller shall be displayed in such a manner as to reasonably lead the public to believe that such business may be conducted at such office, location, or advertised address. If a motor vehicle retail installment seller has more than one location in the same county, only one license is required for that county.~~

~~(2) The statutory, non-refundable application fee for an initial branch office license required by Section 520.03, F.S., shall be the fee for the biennial period beginning January 1 of each odd-numbered year or any part thereof.~~

~~(3) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) calendar days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within forty five (45) calendar days from the date of the request. Failure to respond to the request within forty five (45) calendar days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application and the application shall be denied pursuant to Section 120.60(1), F.S.~~

~~(4) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn.~~

~~(5) Refunds. If the application is withdrawn or denied, the license fee is non-refundable.~~

~~(6) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.~~

Specific Authority 520.03(2), 520.994(5) FS. Law Implemented 120.60(1), 520.03(2) FS. History—New 11-11-90, Amended 8-9-95, 7-10-96, 9-29-96, 12-8-99, Formerly 3D-50.058, Repealed.

69V-50.070 Motor Vehicle Retail Installment Seller and Motor Vehicle Retail Installment Seller Branch Office License Renewal and Reactivation.

~~(1) Each active motor vehicle retail installment seller and motor vehicle retail installment seller branch office license shall be renewed for the biennial period beginning January 1 of each odd-numbered year upon receipt of the statutory renewal fee required by Section 520.03, F.S., and the renewal/reactivation notice, Form OFR MV 3, revised 10/99, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

~~(2) If the Office of Financial Regulation has not received the renewal notice and renewal fee prior to January 1 of the renewal year, the license shall revert from active to inactive status. The inactive license may be reactivated within six (6) months after becoming inactive upon submission of the statutory renewal fee, a reactivation fee equal to the renewal fee, and the reactivation notice. A license that is not reactivated within six (6) months after becoming inactive automatically expires.~~

~~(3) A renewal notice and fee shall be considered submitted when received in the Office of Financial Regulation's cashier office in Tallahassee, Florida.~~

~~(4) The received date shall be the date stamped on the notice when received by the Office of Financial Regulation's cashier's office in Tallahassee, Florida.~~

~~(5) Engaging in a retail installment transaction as defined in Section 520.02(15), F.S., with an inactive or expired license is a violation of Chapter 520, F.S., and subjects the person to disciplinary action.~~

~~(6) Renewal via the Internet. In lieu of filing the paper version of the renewal form, a licensee may renew its license electronically by following the applicable instructions on the Office of Financial Regulation's website ([www.dbf.state.fl.us](http://www.dbf.state.fl.us)) on the Internet.~~

~~(7) If December 31 of the year is on a Saturday, Sunday or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.~~

Specific Authority 520.03(2), (3), 520.994(5) FS. Law Implemented 520.03(2), (3), 520.994(5) FS. History—New 11-5-87, Amended 11-11-90, 12-18-93, 9-29-96, 12-8-99, 12-25-00, Formerly 3D-50.070, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Gregory C. Oaks, Bureau Chief, 200 East Gaines Street, The  
Fletcher Building, Tallahassee, Florida 32399-0375,  
(850)410-9805

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: July 31, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: March 16, 2007

## DEPARTMENT OF FINANCIAL SERVICES

### Finance

RULE NOS.:	RULE TITLES:
69V-60.060	Application Procedure for Retail Installment Seller License
69V-60.065	Retail Installment Seller Branch Office License
69V-60.070	Retail Installment Seller and Retail Installment Seller Branch Office License Renewal and Reactivation

PURPOSE AND EFFECT: Rules 69V-60.060, 69V-60.065, and 69V-60.070, F.A.C., pertaining to the licensure and renewal process for retail installment sellers are repealed. New rules pertaining to the licensure and renewal process for these persons are being proposed under Rule Chapter 69V-85, F.A.C. The new rules will reflect and implement the changes to The Retail Installment Sales Finance Act (Part II, Chapter 520, Fla. Stat.) that are contained in Chapter 2006-213, Laws of Florida. The Financial Services Commission is consolidating its rules for clarity. Rules that are applicable to all of the various license types are being consolidated under the Rule Chapter 69V-85, F.A.C. Rules specific to individual license types will remain under the individual rule chapters.

SUMMARY: Rules 69V-60.060, 69V-60.065, and 69V-60.070, F.A.C., pertaining to the licensure and renewal process for retail installment sellers are repealed. New rules pertaining to the licensure and renewal process for these persons are being proposed under Rule Chapter 69V-85, F.A.C. The new rules will reflect and implement the changes to The Retail Installment Sales Finance Act (Part II, Chapter 520, Fla. Stat.) that are contained in Chapter 2006-213, Laws of Florida. The Financial Services Commission is consolidating its rules for clarity. Rules that are applicable to all of the various license types are being consolidated under the Rule Chapter 69V-85, F.A.C. Rules specific to individual license types will remain under the individual rule chapters.

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

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

SPECIFIC AUTHORITY: 520.32, 520.994 FS.

LAW IMPLEMENTED: 520.32, 520.994 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Gregory C. Oaks, Bureau Chief, 200 East Gaines Street, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

THE FULL TEXT OF THE PROPOSED RULES IS:

69V-60.060 Application Procedure for Retail Installment Seller License.

~~(1) Each person desiring to obtain licensure as a retail installment seller shall apply to the Office of Financial Regulation by submitting the following:~~

~~(a) A completed Application for Retail Installment Seller License, Form OFR-HR-1, revised 10/99, which is hereby incorporated by reference and available from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375; and~~

~~(b) The statutory, non-refundable application fee required by Section 520.32, F.S., which shall be the fee for the biennial period beginning January 1 of each odd-numbered year or any part thereof.~~

~~(2) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) calendar days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within forty five (45) calendar days from the date of the request. Failure to respond to the request within forty five (45) calendar days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application and the application shall be denied pursuant to Section 120.60(1), F.S.~~

~~(3) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn.~~

~~(4) Refunds. If the application is withdrawn or denied, the license fee is non-refundable.~~

~~(5) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.~~

~~(6) Restoration of Civil Rights.~~

~~(a) If one's civil rights have been restored and the conviction did not directly relate to the operation of a retail installment business, the applicant shall provide evidence of restoration of civil rights.~~

~~(b) If one's civil rights have been restored and the conviction directly related to the operation of a retail installment business, the applicant shall provide evidence of restoration of rights and rehabilitation. Evidence of rehabilitation should include, but is not limited to, employment history and letters from probation officers and employers.~~

Specific Authority 520.32(2), 520.994(5) FS. Law Implemented 520.32(2) FS. History--New 11-5-87, Amended 5-9-90, 11-11-90, 9-28-94, 8-9-95, 7-10-96, 9-29-96, 12-8-99, Formerly 3D-60.060, Repealed.

69V-60.065 Retail Installment Seller Branch Office License.

~~(1) Every retail installment seller which conducts business in a branch office shall apply for a license to operate a branch office on Form OFR-HR-2, Application for Retail Installment Seller Branch Office License, revised 10/99, which is hereby incorporated by reference and available from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375. Any office or location shall be deemed to be a branch office if the name or advertising of a retail installment seller shall be displayed in such a manner as to reasonably lead the public to believe that such business may be conducted at such office, location or advertised address.~~

~~(2) The statutory, non-refundable application fee required by Section 520.32, F.S., for an initial branch office license shall be for the biennial period beginning January 1 of each odd-numbered year or any part thereof.~~

~~(3) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) calendar days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within forty five (45) calendar days from the date of the request. Failure to respond to the request within forty-five (45) calendar days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application and the application shall be denied pursuant to Section 120.60(1), F.S.~~

~~(4) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn.~~

~~(5) Refunds. If the application is withdrawn or denied, the license fee is non-refundable.~~

~~(6) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.~~

Specific Authority 520.32(2), 520.994(5) FS. Law Implemented 520.32(2) FS. History--New 11-11-90, Amended 8-9-95, 7-10-96, 9-29-96, 12-8-99, Formerly 3D-60.065, Repealed.

69V-60.070 Retail Installment Seller and Retail Installment Seller Branch Office License Renewal and Reactivation.

~~(1) Each active retail installment seller and retail installment seller branch office license shall be renewed for the biennial period beginning January 1 of each odd-numbered year, upon receipt of the statutory renewal fee required by Section 520.32, F.S., and the renewal/reactivation notice, Form OFR-RS-3, revised 10/99, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

~~(2) If the Office of Financial Regulation has not received the renewal notice and renewal fee prior to January 1 of the renewal year, the license shall revert from active to inactive status. The inactive license may be reactivated within six (6) months after becoming inactive upon submission of the statutory renewal fee, a reactivation fee equal to the renewal fee, and the reactivation notice. A license that is not reactivated within six (6) months after becoming inactive automatically expires.~~

~~(3) A renewal notice and fee shall be considered submitted when received in the Office of Financial Regulation's cashier's office in Tallahassee, Florida.~~

~~(4) The received date shall be the date stamped on the notice when received by the Office of Financial Regulation's cashier's office in Tallahassee, Florida.~~

~~(5) Engaging in a retail installment transaction as defined in Section 520.31(13), F.S., with an inactive or expired license is a violation of Chapter 520, F.S., and subjects the person to disciplinary action.~~

~~(6) Renewal via the Internet. In lieu of filing the paper version of the renewal form, a licensee may renew its license electronically by following the applicable instructions on the Office of Financial Regulation's website (www.dbf.state.fl.us) on the Internet.~~

~~(7) If December 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.~~

Specific Authority 520.32(2), (3), 520.994(5) FS. Law Implemented 520.32(2), (3), 520.994(5) FS. History--New 11-5-87, Amended 11-11-90, 12-18-93, 9-29-96, 12-8-99, 12-25-00, Formerly 3D-60.070, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Gregory C. Oaks, Bureau Chief, 200 East Gaines Street, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Financial Services Commission  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: July 31, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: March 16, 2007

## DEPARTMENT OF FINANCIAL SERVICES

### Finance

RULE NOS.:	RULE TITLES:
69V-70.050	Application Procedure for Sales Finance Company License
69V-70.055	Sales Finance Company Branch Office License
69V-70.060	Sales Finance Company and Sales Finance Company Branch Office License Renewal and Reactivation

PURPOSE AND EFFECT: Rules 69V-70.050, 69V-70.055, and 69V-70.060, F.A.C., pertaining to the licensure and renewal process for sales finance companies are repealed. New rules pertaining to the licensure and renewal process for these persons are being proposed under Rule Chapter 69V-85, F.A.C. The new rules will reflect and implement the changes to The Installment Sales Finance Act (Part III, Chapter 520, Fla. Stat.) that are contained in Chapter 2006-213, Laws of Florida. The Financial Services Commission is consolidating its rules for clarity. Rules that are applicable to all of the various license types are being consolidated under the Rule Chapter 69V-85, F.A.C. Rules specific to individual license types will remain under the individual rule chapters.

SUMMARY: Rules 69V-70.050, 69V-70.055, and 69V-70.060, F.A.C., pertaining to the licensure and renewal process for sales finance companies are repealed. New rules pertaining to the licensure and renewal process for these persons are being proposed under Rule Chapter 69V-85, F.A.C. The new rules will reflect and implement the changes to The Installment Sales Finance Act (Part III, Chapter 520, F.S.) that are contained in Chapter 2006-213, Laws of Florida. The Financial Services Commission is consolidating its rules for clarity. Rules that are applicable to all of the various license types are being consolidated under the Rule Chapter 69V-85, F.A.C. Rules specific to individual license types will remain under the individual rule chapters.

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

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

SPECIFIC AUTHORITY: 520.52, 520.994 FS.

LAW IMPLEMENTED: 520.52, 520.994 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Gregory C. Oaks, Bureau Chief, 200 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

THE FULL TEXT OF THE PROPOSED RULES IS:

69V-70.050 Application Procedure for Sales Finance Company License.

~~(1) Each person desiring to obtain licensure as a sales finance company shall apply to the Office of Financial Regulation by submitting the following:~~

~~(a) A completed Application for Sales Finance Company License, Form OFR-HI-1, revised 10/99, which is hereby incorporated by reference and available from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375; and~~

~~(b) The statutory, non-refundable application fee required by Section 520.52, F.S., which shall be the fee for the biennial period beginning January 1 of each odd-numbered year or any part thereof.~~

~~(2) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) calendar days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within forty five (45) calendar days from the date of the request. Failure to respond to the request within forty five (45) calendar days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application and the application shall be denied pursuant to Section 120.60(1), F.S.~~

~~(3) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn.~~

~~(4) Refunds. If the application is withdrawn or denied, the license fee is non-refundable.~~

~~(5) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.~~

~~(6) Restoration of Civil Rights.~~

~~(a) If one's civil rights have been restored and the conviction did not directly relate to the operation of a retail installment business, the applicant shall provide evidence of restoration of civil rights.~~

~~(b) If one's civil rights have been restored and the conviction directly related to operating a retail installment business, the applicant shall provide evidence of restoration of~~

rights and rehabilitation. Evidence of rehabilitation should include, but is not limited to, employment history and letters from probation officers and employers.

Specific Authority 520.52(2), 520.994(5) FS. Law Implemented 520.52(2) FS. History--New 11-5-87, Amended 5-9-90, 11-11-90, 9-28-94, 8-9-95, 7-10-96, 9-29-96, 12-8-99, Formerly 3D-70.050, Repealed.

69V-70.055 Sales Finance Company Branch Office License.

(1) Every sales finance company which conducts business in a branch office shall apply for a license to operate a branch office on Form OFR III 2, Application for Sales Finance Company Branch Office License, revised 10/99, which is hereby incorporated by reference and available from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375. Any office or location shall be deemed to be a branch if the name or advertising of a sales finance company shall be displayed in such a manner as to reasonably lead the public to believe that such business may be conducted at such office, location, or advertised address.

(2) The statutory, non-refundable application fee for an initial branch office license required by Section 520.52, F.S., shall be the fee for the biennial period beginning January 1 of each odd-numbered year or any part thereof.

(3) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) calendar days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within forty-five (45) calendar days from the date of the request. Failure to respond to the request within forty-five (45) calendar days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application and the application shall be denied pursuant to Section 120.60(1), F.S.

(4) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn.

(5) Refunds. If the application is withdrawn or denied, the license fee is non-refundable.

(6) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.

Specific Authority 520.52(2), 520.994(5) FS. Law Implemented 520.52(2) FS. History--New 11-11-90, Amended 8-9-95, 7-10-96, 9-29-96, 12-8-99, Formerly 3D-70.055, Repealed.

69V-70.060 Sales Finance Company and Sales Finance Company Branch Office License Renewal and Reactivation.

(1) Each active sales finance company and sales finance company branch office license shall be renewed for the biennial period beginning January 1 of each odd-numbered

year, upon receipt of the statutory renewal fee required by Section 520.52, F.S., and the renewal/reactivation notice, Form OFR-SF-3, revised 10/99, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.

(2) If the Office of Financial Regulation has not received the renewal notice and renewal fee prior to January 1 of the renewal year, the license shall revert from active to inactive status. The inactive license may be reactivated within six (6) months after becoming inactive upon submission of the statutory renewal fee, a reactivation fee equal to the renewal fee, and the reactivation notice. A license that is not reactivated within six (6) months after becoming inactive automatically expires.

(3) A renewal notice and fee shall be considered submitted when received in the Office of Financial Regulation's cashier's office in Tallahassee, Florida.

(4) The received date shall be the date stamped on the notice when received by the Office of Financial Regulation's cashier office in Tallahassee, Florida.

(5) Engaging in a business as a sales finance company as defined in Section 520.31(16), F.S., with an inactive or expired license is a violation of Chapter 520, F.S., and subjects the person to disciplinary action.

(6) Renewal via the Internet. In lieu of filing the paper version of the renewal form, a licensee may renew its license electronically by following the applicable instructions on the Office of Financial Regulation's website ([www.dbf.state.fl.us](http://www.dbf.state.fl.us)) on the Internet.

(7) If December 31 of the year is on a Saturday, Sunday or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

Specific Authority 520.52(2), (3), 520.994(5) FS. Law Implemented 520.52(2), (3), 520.994(5) FS. History--New 11-5-87, Amended 11-11-90, 12-18-93, 9-29-96, 12-8-99, 12-25-00, Formerly 3D-70.060, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Gregory C. Oaks, Bureau Chief, 200 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 31, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2007

**DEPARTMENT OF FINANCIAL SERVICES****Finance**

RULE NOS.:	RULE TITLES:
69V-80.003	Completion Certificates
69V-80.015	Application Procedure for Home Improvement Finance Seller License
69V-80.050	Home Improvement Finance Seller and Home Improvement Finance Seller Branch Office License Renewal and Reactivation
69V-80.060	Home Improvement Finance Seller Branch Office License

**PURPOSE AND EFFECT:** Rules 69V-80.015, 69V-80.050, and 69V-80.060, F.A.C., pertaining to the licensure and renewal process for home improvement finance sellers are repealed. New rules pertaining to the licensure and renewal process for these persons are being proposed under Rule Chapter 69V-85, F.A.C. The new rules will reflect and implement the changes to The Home Improvement Sales and Finance Act (Part IV, Chapter 520, F.S.) that are contained in Chapter 2006-213, Laws of Florida. A new rule is created to implement the completion certificate required by Section 520.81, Florida Statutes.

**SUMMARY:** Rules 69V-80.015, 69V-80.050, and 69V-80.060, F.A.C., pertaining to the licensure and renewal process for home improvement finance sellers are repealed. New rules pertaining to the licensure and renewal process for these persons are being proposed under Rule Chapter 69V-85, F.A.C. The new rules will reflect and implement the changes to The Home Improvement Sales and Finance Act (Part IV, Chapter 520, F.S.) that are contained in Chapter 2006-213, Laws of Florida. A new rule is created to implement the completion certificate required by Section 520.81, Florida Statutes.

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

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

**SPECIFIC AUTHORITY:** 520.81, 520.994, 520.63 FS.

**LAW IMPLEMENTED:** 520.81, 520.994, 520.63 FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Gregory C. Oaks, Bureau Chief, 200 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

**THE FULL TEXT OF THE PROPOSED RULES IS:**

69V-80.003 Completion Certificates.

The completion certificate required by Section 520.81, F.S., Form OFR-520-03, is hereby incorporated by reference and available on the Office's website at [www.flofr.com](http://www.flofr.com) and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376.

Specific Authority 520.81(2), 520.994(5) FS. Law Implemented 520.81 FS. History-New \_\_\_\_\_.

69V-80.015 Application Procedure for Home Improvement Finance Seller License.

~~(1) Each person desiring to obtain licensure as a home improvement finance seller shall apply to the Office of Financial Regulation by submitting the following:~~

~~(a) A completed Application for Home Improvement Finance Seller License, Form OFR-HC-1, revised 10/99, which is hereby incorporated by reference and available from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375; and~~

~~(b) The statutory non-refundable application fee required by Section 520.63, F.S., which shall be the fee for the biennial period beginning January 1 of each odd-numbered year or any part thereof.~~

~~(2) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) calendar days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within forty-five (45) calendar days from the date of the request. Failure to respond to the request within forty-five (45) calendar days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application and the application shall be denied pursuant to Section 120.60(1), F.S.~~

~~(3) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn.~~

~~(4) Refunds. If the application is withdrawn or denied, the license fee is non-refundable.~~

~~(5) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.~~

~~(6) Restoration of Civil Rights.~~

~~(a) If one's civil rights have been restored and the conviction did not directly relate to the operation of a retail installment business, the applicant shall provide evidence of restoration of civil rights.~~

~~(b) If one's civil rights have been restored and the conviction directly related to the operation of a retail installment business, the applicant shall provide evidence of~~

~~restoration of rights and rehabilitation. Evidence of rehabilitation should include, but is not limited to, employment history and letters from probation officers and employers.~~

Specific Authority 520.63(2), (3), 520.994(5) FS. Law Implemented 520.63(2) FS. History—New 4-13-88, Amended 5-9-90, 11-11-90, 9-28-94, 8-9-95, 7-10-96, 9-29-96, 12-8-99, Formerly 3D-80.015, Repealed.

69V-80.050 Home Improvement Finance Seller and Home Improvement Finance Seller Branch Office License Renewal and Reactivation.

~~(1) Each active home improvement finance seller and home improvement finance seller branch office license shall be renewed for the biennial period beginning January 1 of each odd-numbered year, upon receipt of the statutory renewal fee required by Section 520.63, F.S., and the renewal/reactivation notice, Form OFR-HI-3, effective 10/99, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

~~(2) If the Office of Financial Regulation has not received the renewal notice and renewal fee prior to January 1 of the renewal year, the license shall revert from active to inactive status. The inactive license may be reactivated within six (6) months after becoming inactive upon submission of the statutory renewal fee, a reactivation fee equal to the renewal fee, and the reactivation notice. A license that is not reactivated within six (6) months after becoming inactive automatically expires.~~

~~(3) A renewal notice and fee shall be considered submitted when received in the Office of Financial Regulation's cashier's office in Tallahassee, Florida.~~

~~(4) The received date shall be the date stamped on the notice when received by the Office of Financial Regulation's cashier's office in Tallahassee, Florida.~~

~~(5) Acting as "home improvement finance seller" as defined in Section 520.61(13), F.S., with an inactive or expired license is a violation of Chapter 520, F.S., and subjects the person to disciplinary action.~~

~~(6) Renewal via the Internet. In lieu of filing the paper version of the renewal form, a licensee may renew its license electronically by following the applicable instructions on the Office of Financial Regulation's website (www.dbf.state.fl.us) on the Internet.~~

~~(7) If December 31 of the year is on a Saturday, Sunday or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.~~

Specific Authority 520.63(2), (3), 520.994(5) FS. Law Implemented 520.63(2), (3), 520.994(5) FS. History—New 4-13-88, Amended 11-11-90, 12-18-93, 9-29-96, 12-8-99, 12-25-00, Formerly 3D-80.050, Repealed.

69V-80.060 Home Improvement Finance Seller Branch Office License.

~~(1) Every home improvement finance seller which conducts home improvement business in a branch office shall apply for a license to operate a branch office on Form OFR-HC-2, Application for Home Improvement Finance Seller Branch Office License, revised 10/99, which is hereby incorporated by reference and available from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375. Any office or location shall be deemed to be a branch office if the name or advertising of a home improvement finance seller shall be displayed in such a manner as to reasonably lead the public to believe that such business may be conducted at such office, location, or advertised address.~~

~~(2) The statutory, non-refundable applicant fee for an initial branch office license required by Section 520.63, F.S., shall be for the biennial period beginning January 1 of each odd-numbered year or any part thereof.~~

~~(3) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) calendar days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within forty five (45) calendar days from the date of the request. Failure to respond to the request within forty five (45) calendar days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application and the application shall be denied pursuant to Section 120.60(1), F.S.~~

~~(4) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn.~~

~~(5) Refunds. If the application is withdrawn or denied, the license fee is non-refundable.~~

~~(6) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.~~

Specific Authority 520.63(2), 520.994(5) FS. Law Implemented 520.63(2) FS. History—New 4-13-88, Amended 5-9-90, 11-11-90, 8-9-95, 7-10-96, 9-29-96, 12-8-99, Formerly 3D-80.060, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Gregory C. Oaks, Bureau Chief, 200 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Financial Services Commission  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 31, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2007

**DEPARTMENT OF FINANCIAL SERVICES****Finance**

RULE NOS.:	RULE TITLES:
69V-85.002	Application Forms, Fees, Procedures and Requirements
69V-85.003	Branch Application Forms, Fees, Procedures and Requirements
69V-85.004	Renewal Fees, Deadlines and Requirements
69V-85.005	Amendments, Change of Name, Change of Entity and Change in Control or Ownership
69V-85.200	Definition of Moral Turpitude

**PURPOSE AND EFFECT:** Chapter 2006-213, Laws of Florida, contains amendments to Chapter 520, Florida Statutes, relating to retail installment sales. The proposed rules implement and reflect the statutory changes, which pertain to the licensing and regulation of persons under The Motor Vehicle Retail Sales Finance Act, The Retail Installment Sales Act, The Installment Sales Finance Act, and The Home Improvement Sales and Finance Act. In conjunction with this notice, several rules under Rule Chapters 69V-50, 69V-60, 69V-70, and 69V-80, F.A.C., which are set forth in separate rule notices, are being proposed for repeal. The Financial Services Commission is consolidating its rules for clarity. Rules that are applicable to all license types under chapter 520, F.S., are being consolidated under the Rule Chapter 69V-85, F.A.C. Rules specific to individual license types will remain under the individual rule chapters.

**SUMMARY:** The proposed rules streamline and update the licensing process regarding licensure under Chapter 520, Florida Statutes, relating to Retail Installment Sales. The proposed rules set forth the licensing process and renewal process for persons required to be licensed under chapter 520, F.S.; mandate the electronic filing of renewal fees; specify the process to be followed when a person or group of persons proposes to acquire a controlling interest in a licensee; require certain persons associated with the applicant or licensee to submit biographical information to the Office of Financial Regulation; provide that if an application is withdrawn or denied, all fees are nonrefundable; provide that if the information contained in any application form, or in any amendment thereto, becomes inaccurate for any reason, the applicant/licensee shall file an amendment correcting such information within thirty (30) days; and specify other provisions relating to the licensing process.

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

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

**SPECIFIC AUTHORITY:** 520.03, 520.32, 520.999, 520.52, 520.63, 520.994 FS.

**LAW IMPLEMENTED:** 520.02, 520.03, 520.31, 520.32, 520.999, 520.52, 520.61, 520.63, 520.994 FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Gregory C. Oaks, Bureau Chief, Office of Financial Regulation, 200 East Gaines Street, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

**THE FULL TEXT OF THE PROPOSED RULES IS:**

69V-85.002 Application Forms, Fees, Procedures and Requirements.

(1) Each person desiring to obtain licensure under Chapter 520, F.S., shall apply to the Office of Financial Regulation by submitting the following:

(a) A completed Application for License under Chapter 520, Florida Statutes, Form OFR-520-01, revised, which is hereby incorporated by reference and available on the Office's website at [www.flofr.com](http://www.flofr.com) and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376; and

(b) The statutory, non-refundable application fee required by Sections 520.03, 520.32, 520.52, and 520.63, F.S., as applicable, which shall be the fee for the biennial period beginning January 1 of each odd-numbered year or any part thereof.

(2) Each ultimate equitable owner of 10% or greater interest, each chief executive officer, each chief financial officer, chief operations officer, chief legal officer, chief compliance officer, control person, member, partner, joint venturer, and each director of an entity applying for licensure, shall submit a completed Biographical Summary from Form OFR-520-01, to the Office of Financial Regulation. Form OFR-520-01 is incorporated by reference in subsection 69V-85.002(1), F.A.C.

(3) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) calendar days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within forty-five (45) calendar days after the date of the request. Failure to respond to the request within forty-five (45) calendar days after the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application, and the application shall be denied pursuant to Section 120.60(1), F.S., unless the Office has received a written request prior to the original 45-day deadline from the applicant to extend the

original 45-day period. However, no request for extension shall be granted for a period exceeding an additional forty-five (45) days.

(4) Amendments to Pending Applications. If the information contained in any application form for a licensure under Chapter 520, F.S., or any amendment thereto, becomes inaccurate for any reason, the applicant shall file an amendment correcting such information within thirty (30) days after the change on Form OFR-520-01. An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days after receipt of the application by the Office. Otherwise, the application may be amended only with prior written permission from the Office of Financial Regulation. Requests to make changes which are material to the application may be deemed by the Office of Financial Regulation to be grounds for denial, and a new application, accompanied by the appropriate filing fee, may be required. Form OFR-520-01 is incorporated by reference in subsection 69V-85.002(1), F.A.C.

(5) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn. Withdrawals will be deemed effective upon receipt by the Office.

(6) Refunds. If the application is withdrawn or denied, all fees are non-refundable.

(7) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.

Specific Authority 520.03(2), 520.32(2), 520.52(2), 520.63(2), 520.994(5) FS. Law Implemented 520.03(2), 520.32(2), 520.52(2), 520.63(2) FS. History--New \_\_\_\_\_.

#### 69V-85.003 Branch Application Forms, Fees, Procedures and Requirements.

(1) Every licensee under Chapter 520, F.S., that conducts business in a branch office shall apply for a license to operate a branch office using Form OFR-520-02, Application for Branch Office License, revised XX/XX/2007, which is hereby incorporated by reference and available on the Office's website at [www.flofr.com](http://www.flofr.com) and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376. Any office or location shall be deemed to be a branch office if the name or advertising of a licensee is displayed in such a manner as to reasonably lead the public to believe that such business may be conducted at such office, location, or advertised address. If a motor vehicle retail installment seller licensed under Section 520.03, F.S., has more than one location in the same county, only one license is required for that county.

(2) The statutory, non-refundable application fee for an initial branch office license required by Sections 520.03, 520.32, 520.52, and 520.63, F.S., as applicable, shall be the fee for the biennial period beginning January 1 of each odd-numbered year or any part thereof.

(3) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) calendar days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within forty-five (45) calendar days after the date of the request. Failure to respond to the request within forty-five (45) calendar days after the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application and the application shall be denied pursuant to Section 120.60(1), F.S., unless the applicant has made a good faith effort to comply with the statutory requirements of Chapter 520, F.S., and the rules of this chapter.

(4) Amendments to Pending Applications. If the information contained in any application form for branch office license, or any amendment thereto, becomes inaccurate for any reason, the applicant shall file an amendment correcting such information within thirty (30) days after the change on Form OFR-520-02. An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days from receipt of the application by the Office. Otherwise, the application may be amended only with prior written permission from the Office of Financial Regulation. Requests to make changes which are material to the application may be deemed by the Office of Financial Regulation to be grounds for denial, and a new application, accompanied by the appropriate filing fee, may be required. Form OFR-520-02 is incorporated by reference in subsection 69V-85.003(1), F.A.C.

(5) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn. Withdrawals will be deemed effective upon receipt by the Office.

(6) Refunds. If the application is withdrawn or denied, all fees are non-refundable.

(7) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.

Specific Authority 520.03(2), 520.32(2), 520.52(2), 520.63(2), 520.994(5) FS. Law Implemented 520.03(2), 520.32(2), 520.52(2), 520.63(2) FS. History--New \_\_\_\_\_.

69V-85.004 Renewal Fees, Deadlines and Requirements.

(1) Each active license and each active branch office license issued under Chapter 520, F.S., shall be renewed for the biennial period beginning January 1 of each odd-numbered year upon receipt of the statutory renewal fee required by Sections 520.03, 520.32, 520.52, and 520.63, F.S., as applicable.

(2) If the Office of Financial Regulation has not received the renewal fee prior to January 1 of the renewal year, the license shall revert from active to inactive status. The inactive license may be reactivated within six (6) months after becoming inactive upon submission of the statutory renewal fee and reactivation fee equal to the renewal fee. A license that is not reactivated within six (6) months after becoming inactive automatically expires.

(3) A renewal fee submitted electronically on the Office's website shall be considered received on the date the Office issues a confirmation of payment to the licensee via the Office's website. A confirmation is issued by the Office upon successful submission of your renewal payment.

(4) If the payment is received in a paper format, the received date shall be the date stamped on the payment when received by the Department of Financial Services' Cashier's Office in Tallahassee, Florida.

(5) All fees required to be filed under this rule shall be filed electronically at [www.flofr.com](http://www.flofr.com).

(6) Any person may petition for waiver of the requirement of electronic submission of fees by filing a petition pursuant to Rule 28-106.301, Florida Administrative Code. Such petition shall demonstrate a technological or financial hardship that entitles the person to file the application, fees, data or form in a paper format.

(7) If December 31 of the year is on a Saturday, Sunday or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

Specific Authority 520.03(3), 520.32(3), 520.52(3), 520.63(2), 520.994(3) FS. Law Implemented 520.02(17), 520.03(1), 520.03(3), 520.31(15), 520.31(18), 520.32(1), 520.32(3), 520.52(1), 520.52(3), 520.61(18), 520.61(1), 520.63(3) FS. History—New \_\_\_\_\_.

69V-85.005 Amendments, Change of Name, Change of Entity and Change in Control or Ownership.

(1) Each person licensed under Chapter 520, F.S., which proposes to change its name, form of business organization, or any other information contained in any initial application form or any amendment thereto, must file an amendment pursuant to Section 520.999, F.S., not later than thirty-days (30) after the effective date of the change on: Application for Installment Seller or Sales Finance License, Form OFR-520-01 and Application for Branch Office License, Form OFR-520-02. The forms are available on the Office's website at [www.flofr.com](http://www.flofr.com) and by mail from the Office of Financial

Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376. Name changes pursuant to this subsection shall not involve any change in controlling interest of the licensed entity:

(2) Each licensee under Chapter 520, F.S., that proposes to change any personnel described in Sections 520.03, 520.32, 520.52, and 520.63, F.S., listed in any initial application or any amendment thereto must file an amendment not later than thirty-days (30) prior to the effective date of the change or within two (2) business days after the date the licensee first received notice of the change on Application for Installment Seller or Sales Finance License, Form OFR-520-01 and Application for Branch Office License, Form OFR-520-02. In the event the change in personnel in Section 520.999, F.S., listed in any initial application or any amendment thereto results in the addition of anyone referenced in this subsection, such persons must comply with Section 520.999, F.S. unless such person has previously complied with Section 520.999, F.S., with an entity currently licensed under this chapter.

(3) Applications for licensure under Chapter 520 required as a result of an acquisition of a controlling interest in a licensee pursuant to subsection 520.999(2), F.S., must be filed in a timely manner as to allow the Office to complete its review of the application prior to the effective date of the acquisition, but not later than thirty (30) days prior to the date of such acquisition. Such applications must be filed in accordance with Sections 520.03, 520.32, 520.52, and 520.63, F.S.

(4) The office shall waive the requirement for a licensee to file a new application pursuant to Subsection 520.999(2), F.S. when:

(a) A person or group of persons proposing to purchase or acquire a controlling interest in a Chapter 520 licensee has previously filed the information with the Office required in Sections 520.03, 520.32, 520.52, and 520.63, F.S., with a licensee to the office, provided that such person is currently affiliated with the licensee; or

(b) The acquirer is currently licensed with the office under Chapter 520, F.S.

(5) If the requirement to file a new application for a change in controlling interest is waived pursuant to subsection (4) of this rule, the licensee must file an amendment as prescribed in subsection (2) of this rule to report the change in controlling interest.

(6) Forms OFR-520-01 and OFR-520-02 are incorporated by reference in subsections 69V-85.002(1) and 69V-85.003(1), F.A.C., respectively.

Specific Authority 520.999, 520.994(5) FS. Law Implemented 520.999 FS. History—New \_\_\_\_\_.

69V-85.200 Definition of Moral Turpitude.

~~The following definition of "moral turpitude" shall apply in all licensing and enforcement actions under Chapter 520, F.S. This definition shall serve as the Office of Financial Regulation's interpretation of the term "moral turpitude" as used in paragraphs 520.995(3)(b) and (c), F.S.:~~

~~"Moral turpitude" shall be defined as follows: "Moral turpitude involves duties owed by persons to society as well as acts contrary to justice, honesty, principle or good morals." This includes, but is not limited to, theft, extortion, use of the mail to obtain property under false pretenses, tax evasion, and the sale of (or intent to sell) controlled substances."~~

Specific Authority 520.994(5) FS. Law Implemented 520.995(3)(b), (c) FS. History--New 8-9-95, Formerly 3D-85.200, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE:

Gregory C. Oaks, Bureau Chief, Office of Financial Regulation, 200 East Gaines Street, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: July 31, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: March 16, 2007

**DEPARTMENT OF FINANCIAL SERVICES**

**Finance**

**RULE NOS.:**

69V-160.024

**RULE TITLES:**

Names and Addresses of Corporate Officers

69V-160.030

Application Procedure for Consumer Finance License

69V-160.031

Consumer Finance License Renewal and Reactivation

69V-160.032

Amendments, Change of Name, Change of Entity, and Change in Control or Ownership

**PURPOSE AND EFFECT:** Chapter 2006-213, Laws of Florida, contains amendments to Chapter 516, Florida Statutes, the Florida Consumer Finance Act. Among other things, Chapter 2006-213, Laws of Florida, amends provisions concerning the licensing and regulation of consumer finance companies. The proposed rules implement and reflect the statutory changes regarding consumer finance companies.

**SUMMARY:** The proposed rules update the licensing process for consumer finance companies required to be licensed under Chapter 516, Florida Statutes. The proposed rules set forth the licensing process and renewal process; mandate electronic filing of renewal fees; specify the process to be followed when a person or group of persons proposes to acquire a controlling interest in a licensee; require certain persons associated with

the applicant or licensee to submit biographical information to the Office of Financial Regulation; provide that if an application is withdrawn or denied, all fees are nonrefundable; provide that if the information contained in any application form, or in any amendment thereto, becomes inaccurate for any reason, the applicant/licensee shall file an amendment correcting such information within thirty (30) days; and streamline and specify other provisions relating to the licensing process.

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

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

**SPECIFIC AUTHORITY:** 516.22(1), 516.23(3), 516.031, 516.03(1), 516.05, 516.23(3) FS.

**LAW IMPLEMENTED:** 516.03(1), 516.05, 516.07, 516.01, 516.02(1), 516.05(4), 516.05(5) FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Gregory C. Oaks, Bureau Chief, 200 East Gaines Street, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

**THE FULL TEXT OF THE PROPOSED RULES IS:**

69V-160.024 Names and Addresses of Corporate Officers. ~~A licensee constituted in the corporate form shall furnish the Office of Financial Regulation the name and address of each officer of its corporation and when any officer of the corporation is changed, the Office of Financial Regulation shall immediately be notified of the change and the name and address of any new officer or officers.~~

Specific Authority 20.05(5), 516.22(1) FS. Law Implemented 516.12(1)(2), 516.05(2)(a), 516.07(1)(c) FS. History--Amended 10-20-73, Renumbered 3-2-24 to 3D-160.24 on 8-11-75, Readopted 9-1-75, Formerly 3D-160.24, 3D-160.024, Repealed.

69V-160.030 Application Procedure for Consumer Finance License.

(1) Each person desiring to apply for licensure as a consumer finance company shall submit the following to the Office of Financial Regulation:

(a) A completed Application for Consumer Finance License, Form OFR-516-01 CF-301, revised XX/XX/2007-10-09, which is hereby incorporated by reference and available on the Office's website at www.flofr.com and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376 32399-0375;

(b) The statutory, non-refundable investigation fee required by Section 516.03, F.S.;

(c) The statutory, non-refundable biennial license fee required by Section 516.03, F.S., ~~which is refundable upon denial of licensure; and~~

(d) ~~Evidence Documentation~~ that the applicant has liquid assets of at least \$25,000.00 for the operation of the consumer finance company. For the purposes of this rule "Evidence" means documentation from an insured financial institution that the liquid assets are on deposit with the institution.

(2) Each ultimate equitable owner of 10% or greater interest, each chief executive officer, each chief financial officer, chief operations officer, chief legal officer, chief compliance officer, control person, member, partner, joint venturer, and each director of an entity applying for licensure as a consumer finance company, shall submit a completed Biographical Summary from Form OFR-516-01 to the Office of Financial Regulation.

~~(3)(2)~~ Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within forty-five (45) days from the date of the request. Failure to respond to the request within forty-five (45) days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application, and the application shall be denied pursuant to Section 120.60(1), F.S., unless the Office has received a written request prior to the original 45-day deadline from the applicant to extend the original 45-day period. However, no request for extension shall be granted for a period exceeding an additional forty-five (45) days.

(4) Amendments to Pending Applications. If the information contained in any application form for licensure as a consumer finance company, or in any amendment thereto, becomes inaccurate for any reason, the applicant shall file an amendment correcting such information within thirty (30) days after the change on Form OFR-516-01, Application for Consumer Finance License. An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days after receipt of the application by the Office. Otherwise, the application may be amended only with prior written permission from the Office of Financial Regulation. Requests to make changes which are material to the application may be deemed by the Office of Financial Regulation to be grounds for denial, and a new application, accompanied by the appropriate filing fees, may be required.

~~(5)(3)~~ Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial

Regulation by submitting a written request that the application be withdrawn. Withdrawals will be deemed effective upon receipt by the Office.

~~(6)(4)~~ Refunds. If the application is withdrawn or denied, all fees are non-refundable ~~the investigation fee is non refundable. If the application is withdrawn or denied, the license fee is refundable.~~

~~(5) If one's civil rights have been restored and the conviction did not directly relate to the consumer finance industry, the applicant shall provide evidence of restoration of civil rights. If one's civil rights have been restored and the conviction is directly related to the consumer finance industry, the applicant shall provide evidence of restoration of civil rights and rehabilitation. Evidence of rehabilitation should include, but is not limited to, employment history and letters from probation officers and employers.~~

(7) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.

Specific Authority 516.22(1), 516.23(3), 516.031 FS. Law Implemented 516.03(1), 516.05(1), 516.07 FS. History—New 12-18-88, Amended 5-9-90, 10-1-95, 1-5-00, Formerly 3D-160.030, Amended.

69V-160.031 Consumer Finance License Renewal and Reactivation.

(1) Each active consumer finance license will be renewed for the biennial period beginning January 1 of every odd-numbered year, upon submission of the statutory renewal fee ~~and renewal notice to the Office of Financial Regulation. Form OFR-CF-3 (effective 10/99), Consumer Finance License Renewal, is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

(2) If the Office of Financial Regulation has not received the renewal fee prior to January 1 of the renewal year, the license shall revert from active to inactive status. Failure to return the renewal notice and fee prior to January 1 of the renewal year shall automatically result in the license becoming inactive. The inactive license may be reactivated within six (6) months after becoming inactive upon payment of the biennial license fees; and payment of the reactivation fee which is a fee equal to the biennial license fee; and return of the reactivation notice.

(3) A renewal fee submitted electronically on the Office's website shall be considered received on the date the Office issues a confirmation of payment to the licensee via the Office's website. A confirmation is issued by the Office upon successful submission of a renewal payment. Renewal via the Internet. In lieu of filing the paper version of the renewal form, a licensee may renew its license electronically by following the applicable instructions on the Office of Financial Regulation's website (www.dbf.state.fl.us) on the Internet.

(4) If the payment is received in a paper format, the received date shall be the date stamped on the payment when received by the Department of Financial Services' Cashier's Office in Tallahassee, Florida.

(5) All renewal fees required to be filed under this rule shall be filed electronically at [www.flofr.com](http://www.flofr.com).

(6) Any person may petition for waiver of the requirement of electronic submission of fees by filing a petition pursuant to Rule 28-106.301, Florida Administrative Code. Such petition shall demonstrate a technological or financial hardship that entitles the person to file the application, fees, data or form in a paper format.

(7)(4) If December 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

Specific Authority 516.03(1), 516.22(1), 516.23(3) FS. Law Implemented 516.03(1), 516.05(1), (2) FS. History—New 12-13-88, Amended 1-5-00, 12-25-00, Formerly 3D-160.031, Amended \_\_\_\_\_.

69V-160.032 Amendments, Change of Name, Change of Entity and Change in Control or Ownership.

(1) Each person licensed under Chapter 516, F.S., that proposes to change its name, form of business organization, or any other information contained in any initial application form or any amendment thereto, must file an amendment pursuant to Section 516.05, F.S., not later than thirty-days (30) after the effective date of the change on Application for Consumer Finance License, Form OFR-516-01. Name changes pursuant to this subsection shall not involve any change in controlling interest of the licensed entity.

(2) Each licensee under Chapter 516, F.S., that proposes to change any personnel described in Section 516.03, F.S., listed in any initial application or any amendment thereto must file an amendment not later than thirty-days (30) prior to the effective date of the change or within two (2) business days after the date the licensee first received notice of the change on Application for Consumer Finance License, Form OFR-516-01. In the event the change in personnel in Section 516.03, F.S., listed in any initial application or any amendment thereto results in the addition of anyone referenced in this subsection, such persons must comply with Section 516.03, F.S. unless such person has previously complied Section 516.03 with an entity currently licensed under this chapter.

(3) Applications for licensure under Chapter 516, F.S., required as a result of an acquisition of a controlling interest in a licensee pursuant to Section 516.05(5), F.S., must be filed in a timely manner as to allow the Office to complete its review of the application prior to the effective date of the acquisition, but not later than thirty (30) days prior to the date of such acquisition. Such applications must be filed in accordance with Section 516.03, F.S.

(4) The office shall waive the requirement for a licensee to file a new application pursuant to Section 516.05(5), F.S., when:

(a) A person or group of persons proposing to purchase or acquire a controlling interest in a Chapter 516, F.S., licensee has previously filed with the Office the information required in Section 516.03, F.S., with the licensee to the office, provided that such person is currently affiliated with the licensee; or

(b) The acquirer is currently licensed with the office under Chapter 516, F.S.

(5) If the requirement to file a new application for a change in controlling interest is waived pursuant to subsection 4 of this rule, the licensee must file an amendment as prescribed in subsection 2 of this rule to report the change in controlling interest.

(6) Form OFR-516-01 is incorporated by reference in subsection 69V-160.030(1), F.A.C.

Specific Authority 516.05(4), 516.05(5), 516.23(3) FS. Law Implemented 516.01, 516.02(1), 516.05(4), 516.05(5) FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Gregory C. Oaks, Bureau Chief, 200 East Gaines Street, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Financial Services Commission  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 31, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2007

### Section III Notices of Changes, Corrections and Withdrawals

#### **BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

#### **AGENCY FOR HEALTH CARE ADMINISTRATION Medicaid**

RULE NO.:  
59G-4.003

RULE TITLE:  
Medicaid Providers Who Bill on the  
UB-04

## NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 24, June 15, 2007 issue of the Florida Administrative Weekly.

These changes are in response to comments received from the Joint Administrative Procedures Committee and to comments received prior to the date of the public hearing.

59G-4.003(2). We added the effective date of May 2007 to Form UB-04 CMS-1450, Approved OMB No. 0938-0097, and placed the word “and” before “State of Florida Abortion Certification Form.”

The rule incorporates by reference the Florida Medicaid Provider Reimbursement Handbook, UB-04, May 2007. The following changes were made to the handbook:

Page 1-3, Clean Claim. The section was rewritten to read, “In order for a claim to be paid, it must be a clean claim. Per subsection 59G-1.010(42), F.A.C., ‘clean claim’ means a claim that:

- Has been completed properly according to Medicaid billing guidelines;
- Is accompanied by all necessary documentation required by federal law, state law, or state administrative rule for payment; and
- Can be processed and adjudicated without obtaining additional information from the provider or from a third party.

A clean claim includes a claim with errors originating in the claim system. It does not include a claim from a provider who is under investigation for fraud, abuse, or violation of state or federal Medicaid laws, rules, regulations, policies, or directives, or a claim under review for medical necessity.”

Page 1-3, Out-of-State Claims Filing Limit. We corrected the section to read, “Claims submitted by out-of-state providers must be received by Medicaid or the Medicaid fiscal agent no later than 12 months from the date of service or the date of discharge to be considered for payment.”

Page 1-5, Delay in Recipient Eligibility Determination. We revised the section to read, “An exception is granted when there is a delay in the determination of an individual’s Medicaid eligibility by the Department of Children and Families or the Social Security Administration.”

Page 1-6, Medicaid Delay in Updating Eligibility File. We revised the first sentence to read, “If Medicaid delays updating a recipient’s eligibility on FMMIS, an exception is granted.”

Page 1-6, Evaluate the Claim. We corrected the section to read, “The provider must evaluate any claim that exceeds the 12-month filing limit and determine if the claim fits any of the conditions for an exception to the 12-month filing limit.”

Page 1-9, The UB-04 Claim Form. We replaced the sample claim form with the final version, which contains the OMB approval number.

Page 1-28, Form Locator 44. We expanded the instructions for Freestanding Dialysis Centers to read, “Claims for the administration of Erythropoietin (Epogen, EPO) require the entry of the five-digit injection HCPCS code and the 11-digit National Drug Code (NDC). The first five digits of the NDC are the manufacturer’s labeler code. If the manufacturer omitted one or more leading zero from the labeler code on the package, be sure to add the leading zeros on the claim. If the NDC is only 10 digits, add a leading ‘0’ in the middle group of numbers so the claim can process. For example, if the NDC is in a 5-3-2 digit format, add a leading ‘0’ in the middle group to make it a 5-4-2 digit format.

Whenever possible, bill the claim electronically on an 837i transaction, because there is not a Form Locator on the UB-04 for the NDC. If the provider must bill on a paper claim, attach documentation with the NDC to the claim and send it to the area Medicaid office for processing.”

Page 1-49, Technical Support. In the first paragraph, second sentence, we added the time zone so the sentence reads, “The Medicaid fiscal agent’s EDI Technical Support is available to all providers Monday through Friday from 8:00 a.m. to 7:00 p.m. Eastern Time at (800)829-0218.”

Page 2-1, Prior Authorization Requirements. We revised the first sentence to read, “In order to be reimbursed by Medicaid, certain services require that providers obtain prior authorization of the services’ medical necessity per subsection 59G-1.010(166), F.A.C., before the services are performed.”

Page 2-3, Introduction. In the first paragraph, second sentence, we added, “in accordance with subsection 59G-1.010(166), F.A.C.”

Page 2-8, Individuals with Pending Medicaid Eligibility and Medically Need Recipients. We added the following note after the last paragraph, “See Chapter 3 in the Florida Medicaid Provider General Handbook for a description of the Medically Needy Program. The Florida Medicaid Provider General Handbook is incorporated by reference in Rule 59G-5.020, F.A.C.”

Page 2-9, Retrospective Payment Review. In the first paragraph, first sentence, we added “liability” after third party so that the sentence reads, “recipients with third party liability (TPL) insurance coverage.”

Page 2-15, Medicaid Prior Authorization Unit Responsibility. We revised the second sentence to read, “The decision will be rendered within ten business days following the receipt of documentation to establish the need for the out-of-state service.”

Page 2-21, Illustration 2-2. Completed Sample Prior Authorization Request. We revised the sample to be for a procedure that requires prior authorization.

Page 2-43, Illustration 2-11. Exception to Hysterectomy Acknowledgement Requirement Form. We changed the reference on the form from the UB-92 to the UB-04.

Page 3-11, New or Photocopied Claims. We added the following definition of an AHCA priority exception claim, "An AHCA priority exemption claim is a claim that AHCA sends to the Medicaid fiscal agent for processing."

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

## DEPARTMENT OF HEALTH

### Division of Family Health Services

RULE NO.: 64F-12.011	RULE TITLE: Wholesale Distribution of Prescription Drugs – Exceptions and Specific Distributions Authorized
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#### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 7, February 16, 2007 issue of the Florida Administrative Weekly.

The changes are in response to comments from staff of the Joint Administrative Procedures Committee and to comments made at a public hearing held on the rule.

The changes are as follows:

(1) The exemption from the definition of wholesale distribution in Section 499.012(1)(a)2.b., F.S., for "emergency medical reasons" includes:

(a) No change.

(b) Transfers of prescription drugs by a health care entity to an emergency transport vehicle which is under the direction of a medical director of an emergency medical service provider licensed under Chapter 401, F.S., for use in the treatment of persons transported to that health care entity to immediately restock a licensed vehicle or an emergency medical kit for prescription drugs used on that person or to immediately restock prescription drugs on the vehicle which have become unsuitable for use. This exception does not extend to the stocking of supply inventory or for warehousing of prescription drugs used by emergency medical service providers;

(c) Emergency transfers of prescription drugs as authorized in Rule 59A-4.112, F.A.C., for nursing homes or Rule 64B16-28.6021, F.A.C., of the Florida Board of Pharmacy; or

(d) No change.

(e) Transfers of prescription drugs in an emergency declared pursuant to Section 252.36, F.S., until the state of emergency is lifted, under the following conditions:

1. The manufacturer, wholesaler, or other person supplying the prescription drugs is authorized by Florida law to distribute prescription drugs in or into Florida; and

2. The prescription drugs are delivered to a temporary emergency medical station, officially designated by the state emergency operation center as a Disaster Medical Assistance Team or State Medical Response Team site; or

3. The prescription drugs are delivered to a Pharmacy licensed under Chapter 465, F.S.;

(f) through (g) No change.

(h) Transfers of prescription drugs by or on behalf of the Department of Health to a health care entity authorized to purchase prescription drugs, for storage and use in the treatment of persons in need of emergency medical services, including controlling communicable diseases or providing protection from unsafe conditions that pose an imminent threat to public health;

(i) Transfers of prescription drugs by or on behalf of the Department of Health to the licensed medical director of a government agency health care entity, authorized to purchase prescription drugs, for storage and use in the treatment of persons in need of emergency medical services, including controlling communicable diseases or providing protection from unsafe conditions that pose an imminent threat to public health.

(2) through (4) No change.

Specific Authority 499.012, 499.014, 499.03, 499.05 FS. Law Implemented 499.012, 499.014, 499.03 FS. History—New 7-1-96, Formerly 10D-45.0525, Amended 1-26-99, 4-17-01, 1-1-04, \_\_\_\_\_.

## DEPARTMENT OF HEALTH

### Division of Family Health Services

RULE NO.: 64F-20.002	RULE TITLE: Criteria for Distributing Monies
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#### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 20, May 18, 2007 issue of the Florida Administrative Weekly.

The changes are in response to written comments received from the Joint Administrative Procedures Committee (JAPC) and the Florida Council Against Sexual Violence (FCASV). The rule is amended to address concerns raised by JAPC and FCASV and shall read as follows:

(1)(a) No change.

(b) If governed by a board of directors, the rape crisis center's board of directors must meet no less than four times out of the year;

(c) The rape crisis center must have been in operation for at least a year;

(d) No change.

(e) A rape crisis center must complete and submit a rape crisis trust fund survey form, #DH 3230, 7/07, to the Florida Department of Health Sexual Violence Prevention Program on or before March 31st of each year. The Rape Crisis Trust Fund Survey as published May 18, 2007, is incorporated by reference and a copy of the form may be obtained from <http://www.doh.state.fl.us/Family/svpp/index.html> or writing to the Florida Department of Health, Sexual Violence Prevention Program, 4052 Bald Cypress Way, BIN #A-13, Tallahassee, Florida 32399-1723; and

(f) No change.

(2) through (5) No change.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elvira Hanson, 4052 Bald Cypress Way, Bin A-13, Tallahassee, Florida 32399

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

### Family Safety and Preservation Program

RULE NOS.:	RULE TITLES:
65C-32.001	Definitions
65C-32.002	Parenting Course Delivery
65C-32.003	Required Components of the Parenting Course
65C-32.004	Parenting Course Evaluation
65C-32.005	Parenting Course Approval
65C-32.006	Parenting Course Approval Process
65C-32.007	Complaints
65C-32.008	Revocation of Approval

### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 19, May 11, 2007 issue of the Florida Administrative Weekly.

### THE FULL TEXT OF THE PROPOSED RULES IS:

65C-32.001 Definitions.

(1) "Complaint" means an allegation of a violation of Section 61.21(3), F.S., and the rules adopted pursuant to Chapter 65C-32, F.A.C.

(2) "Department" means the Department of Children and Family Services.

(3) "Distance learning" means instruction provided through correspondence or via the Internet, pursuant to Rule 65C-32.002, F.A.C.

(4) "Instructor" means the individual(s) qualified to provide instruction in a live classroom setting.

(5) "Letter of Non-Compliance" means a written notification advising the provider of the specified rule violation(s).

(6) "Parenting Course" means the Parent Education and Family Stabilization Course designated pursuant to Section 61.21(2)(a), F.S., to provide information to parents as that information relates to court actions between the parents involving custody, care, visitation, and support of a child or children.

(7) "Provider" means an individual or legal entity qualified to develop and implement the Parent Education and Family Stabilization Course meeting the qualifications for approval pursuant to Chapter 65C-32, F.A.C.

(8) "Revocation" means withdrawal of approval of a parenting course.

(9) "Verified finding" means to substantiate a complaint of non-compliance with Section 61.21, F.S., or the rules in this chapter.

Specific Authority 61.21(3)(e) FS. Law Implemented 61.21 FS. History—New\_\_\_\_\_.

### 65C-32.002 Parenting Course Delivery.

(1) A parenting course shall be a minimum of 4 hours, including the time required for instruction, participant exercises and course evaluation.

(2) The conveyance of the specific live parenting course content shall include a variety of methods, such as lectures, group discussions, role-plays, videotapes, or other instructional activities.

(3) Each provider offering a parenting course shall incorporate a means for participants to communicate with the course instructor for questions.

(4) The provider(s) of a parenting course and the instructor of a live parenting course shall possess the following qualifications:

(a) Bachelor's degree in counseling, social work, psychology, education or related field and have at a minimum 2 years experience in dealing with family, parenting, and divorce related issues; or

(b) Has a minimum of 4 years related work experience in dealing with family, parenting, and divorce-related issues.

Specific Authority 61.21(3)(e) FS. Law Implemented 61.21 FS. History—New\_\_\_\_\_.

### 65C-32.003 Required Components of the Parenting Course.

(1) The provider of a parenting course shall provide to each participant a printed disclaimer in written form which states the following: "The components of the parenting course are intended for educational purposes only. The presentation of this material is not intended to constitute mental health therapy, give information on specific mental health disorders nor medications to treat mental health disorders. Participants are encouraged to discuss specific mental health questions with a licensed mental health therapist of their choice."

(2) The legal component of the parenting course shall provide general Florida family law principles. The presentation of this material is not intended to constitute legal advice and the course material must direct the participant to consult with a licensed attorney for answers to specific legal questions.

(3) The components required for the parenting courses for divorcing parents in the state of Florida shall include, but are not limited to the following:

(a) Divorce as Loss. This component shall include a recognition of divorce as the loss of the current family structure and processes experienced by adults and children in working through loss. In addition, a distinction shall be made between loss of the current family structure and the continuing parental role;

(b) Permanency of Parental Role / Shared Parenting. This component shall include information about how children are positively impacted by a continuing relationship with both parents and the types of support children need from both parents;

(c) Developmental Stages of Childhood. This component shall include information on the developmental stages of childhood, as well as how a divorce may impact development, what parents can do to minimize the impact of the divorce, and when to seek additional help for a child experiencing problems;

(d) Communicating with Children In a Divorce Situation. This component shall include information about discussing divorce-related issues with children in reference to the developmental stage of the child;

(e) Communicating with the Other Parent. This component shall include the negative impact of a parent expressing anger toward the other parent in front of the children, the benefits to children of keeping them out of the middle of parental conflict, and how to establish a relationship with the other parent which shall minimize the children's exposure to parental conflict;

(f) Abuse. This component shall include information on the power and control dynamics of domestic violence and the statewide toll-free domestic violence hotline telephone number where services may be accessed. An explanation of child abuse and neglect and the statutory mandate to report such incidences to the Child Abuse Hotline must also be included in addition to the penalties for false reporting;

(g) Legal Concepts. This component shall include general information about Florida family law, including references to statutory definitions as they relate to court issues involving divorcing parents with minor children and financial responsibilities to the child(ren); and

(h) Parenting Time. This component shall include information about the benefits to children of maintaining a stable and consistent relationship with both parents,

suggestions about how to develop a parenting plan, and effective communication between the parents about parenting time.

Specific Authority 61.21(3)(e) FS. Law Implemented 61.21 FS. History–New\_\_\_\_\_.

#### 65C-32.004 Parenting Course Evaluation.

(1) Each parenting course shall include a demonstration of the level of comprehension of the learning objectives by the participants following the conclusion of the training.

(2) A certificate of completion shall be distributed to each participant who completes a 4 hour minimum Parent Education and Family Stabilization Course.

Specific Authority 61.21(3)(e) FS. Law Implemented 61.21 FS. History–New\_\_\_\_\_.

#### 65C-32.005 Parenting Course Approval.

(1) To ensure the legislative intent is maintained, each applicant seeking approval of a parenting course shall submit the following documentation for review:

(a) Letter of Introduction;

(b) Course components pursuant to Rule 65C-32.003, F.A.C.;

(c) Course Learning Objectives;

(d) All course materials including instructor's manuals and videos;

(e) Definitions of Key Terms. The key terms include legal and mental health terms to be introduced in a parenting course.

(f) References. The provider of a parenting course shall include a list of resources or a bibliography to reference the source(s) of information of the course content and a list of resource(s) for the divorcing parents and their minor children which is beyond the scope of the course.

(g) Accessibility. The course provider shall provide a means for the department to access their course for the approval process;

(h) Communication. Each distance learning provider shall submit to the department its means of communicating with the participant to answer questions or interact with the participant.

(i) Instructional Techniques. This requirement requires a list of all instructional techniques implemented by a provider or instructor;

(j) Language. This requirement shall include availability of different languages in which the course is offered;

(k) Registration Information. This requirement shall include course name, delivery sites of the course, address and phone number of the provider, and web-site address if available;

(l) Evaluation form. The provider shall provide a copy of the evaluation form for participants upon completion of the parenting course;

(m) Indigent status fees. This requirement shall include a means for indigent divorcing parents to complete their course such as scholarships, acceptance of court waivers, and sliding fee scales if available; and

(n) Resource list. A list of available resources in and around the community that is furnished to each course participant.

(2) The department is under no obligation to accept a packet for approval of a parenting course advertised as "Approved by the Department" before department approval has been granted.

(3) The provider shall provide documentation of the approval requirements pursuant to Rules 65C-32.002 and 65C-32.003, F.A.C. at each delivery site.

Specific Authority 61.21(3)(e) FS. Law Implemented 61.21 FS. History--New\_\_\_\_\_.

#### 65C-32.006 Parenting Course Approval Process.

(1) The approval process shall be:

(a) The department shall notify the provider within five working days of receipt of the packet, either in writing or personally;

(b) The department shall review the packet within 30 working days of notification to the applicant;

(c) After a review of the packet, the department shall notify the applicant of the determination of approval or denial of approval of a course or course provider;

(d) The applicant shall have 90 days to make the specified corrections necessary for approval of a course;

(e) The applicant shall have the opportunity to resubmit completed packets and begin the process over after corrections are completed.

(2) The department shall deem as approved all Parent Education and Family Stabilization Courses submitted and approved prior to the effective date of Chapter 65C-32, F.A.C. The exception is any Parent Education and Family Stabilization Course which has had its approval status revoked.

Specific Authority 61.21(3)(e) FS. Law Implemented 61.21 FS. History--New\_\_\_\_\_.

#### 65C-32.007 Complaints.

(1) All complaints shall be in writing to the department and shall include the following information:

(a) Date of the alleged violation of Section 61.21, F.S., or the rules in this chapter;

(b) Name of the parenting course;

(c) Name of the provider or lead instructor of the course; and

(d) Basis and content of the complaint.

(2) The department shall handle the complaints of non-compliance in the following manner:

(a) The department shall review the rule and designate the rule violation(s) as specified in the complaint;

(b) The department shall notify the provider of the specified alleged rule violation(s) within five working days of receipt of the complaint;

(c) The provider shall have the opportunity to respond to the alleged rule violation(s) within 15 days of the receipt of notice of the alleged rule violation; and

(d) The department shall determine the validity of the alleged rule violation(s) within 45 days of receipt of the provider's response to the complaint.

(3) A "notice of non-compliance" shall be issued to the provider of the course if the complaint is founded.

(4) The provider shall have corrections completed within 60 days of the receipt of the "notice of non-compliance."

(5) Except as otherwise provided in this rule, prior to the final action of denying, suspending or revoking approval of a course, the provider shall have the opportunity to request either a formal or informal administrative hearing to show cause as to why the action should not be taken.

Specific Authority 61.21(3)(e) FS. Law Implemented 61.21 FS. History--New\_\_\_\_\_.

#### 65C-32.008 Revocation of Course Approval.

The following shall subject a parenting course to revocation of approval:

(1) A verified finding that course approval or certification was obtained by fraudulent means such as providing documentation for approval which was based on false documentation;

(2) A verified finding that a course has been altered in any manner such as course contents or change of course materials that are contrary to course requirements per Section 61.21(2), F.S., without written approval from the department;

(3) Providing mental health therapy to participants;

(4) Providing individual legal advice to participants;

(5) Solicitation of participants from the sessions to become private clients or patients; or

(6) The use of the Department of Children and Family Services past or present logo.

Specific Authority 61.21(3)(e) FS. Law Implemented 61.21 FS. History--New\_\_\_\_\_.

**FLORIDA HOUSING FINANCE CORPORATION**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
67-57.001	Purpose and Intent
67-57.005	Definitions
67-57.010	Fees
67-57.020	Notice of funding Availability (NOFA)
67-57.030	Membership Application Procedures
67-57.040	Property Standards
67-57.050	HOP Program Restrictions
67-57.060	Eligible Homebuyer Requirements
67-57.070	Homebuyer Loan Process
67-57.080	HOME Regulations

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 33, No. 28, July 13, 2007 issue of the Florida Administrative Weekly:

DATE PROPOSED RULE DEVELOPMENT PUBLISHED  
IN THE FAW: Vol. 33, No. 14, April 6, 2007

**FINANCIAL SERVICES COMMISSION****OIR – Insurance Regulation**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
69O-157.301	Rate Increase Standards
69O-157.302	Facility Only Rates
69O-157.303	Home Health Care Only Rates
69O-157.304	Comprehensive Only Rates

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 23, June 8, 2007 issue of the Florida Administrative Weekly.

The footnote following Section 627.9407, Florida Statutes, states that Section 11, Ch. 2006-254, provides that “[t]his act shall apply to long-term care insurance policies issued or renewed on or after July 1, 2006. For any long-term care insurance policy issued prior to July 1, 2006, the provisions of [Section 627.94076] shall apply to such policy only upon renewal of such policy on or after July 1, 2008, and the policy shall so provide by endorsement to the policy.”

The remainder of the reads as previously published.

## Section IV

### Emergency Rules

**DEPARTMENT OF STATE****Division of Elections**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
1SER07-1	Constitutional Amendment Initiative Petition; Submission Deadline; Signature Verification

**SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE:** Pursuant to Section 120.54(4)(b), Florida Statutes, this emergency rule is a rule pertaining to the public health, safety, and welfare as it involves the interpretation and implementation of the requirements of Chapters 97-102 and 105 of the Florida Election Code. This emergency rule implements legislative changes as set forth in chapter 2007-30, Laws of Florida, which pertain to new requirements for a supervisor of elections to verify a signature of an elector on initiative petitions. The legislative changes also provide new requirements for electors to have their signatures count, i.e., the elector must be the person who dates the petition form, the elector now may choose to provide a voter registration number in lieu of his or her date of birth on the petition form, and the elector at the time he or she signs the form, must be a registered elector in the county in which the signature is eventually submitted. There is insufficient time to create a new rule incorporating amendments to Rule 1S-2.0091, F.A.C., prior to the effective date of these changes in the law. Procedures must be in place on the effective date of the amendment so that supervisors know what is required for verification and so that electors may properly exercise their right to sign initiative petitions. The absence of a rule with up-to-date applicable procedures for verification of initiative petitions will have an adverse effect of the conduct of elections and the initiative process in the State of Florida. Therefore, this emergency rule is necessary: 1) To establish the procedures for supervisors of elections to verify the signatures of electors on initiative petitions proposing constitutional amendments; 2) To make the electors and political committees know what is required when signing an initiative petition; and 3) To ensure and maintain the efficiency, integrity, and public confidence in the electoral process. The Department of State further finds that the adoption of this rule is necessary to prevent an immediate danger to the public health, safety and welfare.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Division of Elections is aware of the rulemaking procedures prescribed by Section 120.54, Florida Statutes. That process requires advance notice to the general public of intended rules and the opportunity to submit comments on the intended rule, prior to the agency's adoption of the rule. The time period for general rulemaking takes at least 60 days and will prevent the timely amendment and adoption of a rule needed to mandate the implementation of these provisions regarding revocation of initiative petitions by the effective date (August 1, 2007) of the statutory provisions. Florida's electors are active in signing initiative petitions; currently, there are over 30 approved initiative petitions to amend the state's constitution. This rule is necessary to have a procedure in place on the effective date of the statutory changes for those who wish to take advantage of their right to sign initiative petitions. The Department of State has initiated rulemaking to create Rule 1S-2.0091, Florida Administrative Code, to incorporate the text of the emergency rule permanently and it held a rule development workshop on the subject matter of the rule on July 23, 2007. To the extent feasible and permissible by law, this emergency rule has incorporated the public comments received at the rule development workshop.

SUMMARY: This emergency rule implements new legislative changes relating to the requirements for verification of signatures on initiative petitions and adopts procedures for the Secretary of State to deduct from the verified signatures those signatures which have been properly revoked in accordance with the newly legislatively-created revocation process. It also deletes obsolete procedures that were applicable prior to January 1, 2007.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Gary J. Holland, Assistant General Counsel, Division of Elections, Department of State, R.A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399, (850)245-6536

THE FULL TEXT OF THE EMERGENCY RULE IS:

1SER07-1 (1S-2.0091) Constitutional Amendment Initiative Petition; Submission Deadline; Signature Verification Verifying Electors' Signatures.

(1) Submission. Signed initiative petition forms proposing amendments to the Florida Constitution shall be submitted solely by the sponsoring political committee to the Supervisor of Elections in the county in which the petition forms were circulated. It is the responsibility of the sponsoring political committee to ensure that the signed petition form is properly filed with, or if misfiled, forwarded to, the Supervisor of Elections of the county in which the signee is a registered voter ~~elector~~. In the case of a misfiled petition, the filing date of the petition is the date such petition is filed with the proper county.

(2) Signature Verification.

(a) In accordance with the signature verification fee provisions in Section 99.097(4), F.S., Upon receipt of initiative petition forms, the Supervisor of Elections shall verify the signatures on each initiative petition form within 30 days of receipt of the form to ensure that each person signing the said petition form;

1. Was, at the time of signing and verification of the petition, is a registered voter elector in the that county in which the petition is submitted.

2. Had not previously revoked his or her signature on the petition.

3. Had not and that the date the elector signed the petition form is not more than four years prior to the date the Supervisor verified the petition, and

4. Had not ever previously signed a petition form containing the identical initiative.

(b) The Supervisor shall not verify a signature on an initiative petition form unless all of the following information is contained on the petition form:

1. The voter's signee's name,

2. The voter's signee's residential street address (including city and county),

3. The voter's signee's date of birth or voter registration number,

4. The voter's original signee's signature, and

5. The date the voter elector signed the petition, as recorded by the voter.

(3) Random Sampling Not Permitted. Supervisors of Elections may not use random sampling as a method for verifying signatures on constitutional amendment initiative petitions.

(4)(3) Recordation of Verification. Upon completion of the verification as set forth in subsection (2), the Supervisors of Elections shall adhere to the following procedures for submission of verified signature information to the Division of Elections:

(a) Procedures Applicable Before January 1, 2007:

1. The Supervisor of Elections shall submit to the Division of Elections a certificate indicating the total number of signatures checked, the number of signatures verified, the number verified as registered electors and the distribution by congressional district. The Division will provide appropriate forms to the Supervisor of Elections to be used for transmission of the required information. In conjunction with each certificate submitted, each Supervisor shall submit a copy of one petition showing the text of the constitutional amendment to which the certified signatures relate. Certificates may be submitted by the Supervisor via facsimile in order to meet the deadline, followed by an original copy by mail.

2. The Division shall determine from the transmitted certificates whether the requisite number of verified signatures has been obtained with respect to each constitutional

~~amendment for each congressional district and the State as a whole. In order to have the initiative petition timely filed for purposes of appearance on the ballot for the next general election, certificates indicating the requisite number of verified signatures must be received by the Division of Elections no later than 5:00 p.m. on February 1 of the year in which the general election is held. Upon a determination that the constitutionally requisite number of signatures and distribution of signatures by congressional districts has been obtained, the Secretary of State shall issue a certificate of ballot position to the appropriate sponsoring political committee.~~

~~(b) Procedures Applicable On or After January 1, 2007:~~

~~1. No later than 24 hours after verification of signatures on submitted initiative petition forms, the Supervisor of Elections shall directly record into the statewide voter registration system each valid and verified signature. The appropriate supervisor of elections for each respective voter elector whose signature is verified as valid shall record the date the form was received, the date of the signature, the date the signature was verified, and the assigned serial number for the applicable initiative petition.~~

~~(a) Determination of Constitutionally Requisite Number of Signatures. 2. The Division shall determine from the recorded verified petition signatures recorded in on the statewide voter registration system whether the constitutionally requisite number of verified signatures has been obtained with respect to each constitutional amendment for each congressional district and the State as a whole. In order for the initiative petition to be timely filed for appearance on the ballot for the next general election, the constitutionally requisite number of verified signatures must be recorded in the statewide voter registration system no later than 5:00 p.m. on February 1 of the year in which the general election is held.~~

~~(b) Prior to any determination that the constitutionally requisite number of signatures has been obtained for purposes of placing an amendment by initiative on the ballot, the Division shall determine in accordance with Rule 1SER07-2, the number of verified petition revocations recorded no later than 5:00 p.m. on February 1 of the same year. The Division shall then deduct that number from the number of verified signatures recorded for the underlying applicable constitutional initiative amendment. Upon a determination that the constitutionally requisite number of signatures and distribution of signatures by congressional districts has been obtained, the Secretary of State shall issue a certificate of ballot position in accordance with Section 100.371, F.S., to the appropriate sponsoring political committee and assign a designating ballot number.~~

~~(c) For any constitutional amendment by initiative that obtained a certification of ballot position prior to the effective date of this rule, a determination shall be made whether the number of verified signatures for petition revocations recorded as of 5:00 p.m. on February 1 of the year in which the next~~

general election is held is sufficient to reduce the number of verified signatures for the underlying initiative amendment below the constitutionally required number of signatures obtained for ballot placement. If the number of recorded verified petition revocations is sufficient, then the initiative amendment is removed or stricken from the ballot in accordance with subsection 1S-2.0011(3), F.A.C.

(5)(4) Limitation on Use of Verified Signatures. Verified signatures used successfully to place a proposed amendment by initiative on the ballot that subsequently fails to be approved by the electors at the general election shall not be used again in support of any future initiative petition.

(6) The effective date of this emergency rule is August 1, 2007.

Specific Authority 20.10(3), 97.012(1), 100.371(7) FS. Law Implemented 100.371 FS. History—New 1-6-80, Amended 12-20-83, Formerly 1C-7.091, 1C-7.0091, Amended 2-13-90, 3-5-96, 1-5-04, 3-16-06, 8-1-07.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: August 1, 2007

## DEPARTMENT OF STATE

### Division of Elections

RULE NO.:

1SER07-2

RULE TITLE:

Constitutional Amendment Initiative  
Petition Revocation; Petition  
Approval; Submission Deadline;  
Signature Verification

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Pursuant to Section 120.54(4)(b), Florida Statutes, this emergency rule is a rule pertaining to the public health, safety, and welfare as it involves the interpretation and implementation of the requirements of Chapters 97-102 and 105 of the Florida Election Code. This emergency rule implements statutory changes as set forth in Chapter 2007-30, Laws of Florida, which pertain to the creation of a process for revocation of signature on initiative petitions. There is insufficient time to create a new rule prior to the effective date of the law that created a petition revocation process. The amendment to Section 100.371, F.S., permits electors to revoke their signatures on an initiative petition within 150 days of the date that they signed the form; therefore, procedures must be in place on the effective date of the amendment so that electors may exercise their right of revocation. The absence of a rule with applicable procedures for the revocation of signatures on initiative petitions will have an adverse effect of the conduct of elections in the State of Florida. The statute creating the ability of electors to revoke their signatures on initiative petitions mandated that the petition-revocation form and the manner in which signatures are obtained, submitted, and verified must be

subject to the same relevant requirements and timeframes that exist for the corresponding initiative petition form and processes. Therefore, this emergency rule is necessary: 1) To establish the procedures for permitting electors to revoke their signatures on initiative petitions proposing constitutional amendments that they had signed; and 2) To ensure and maintain the efficiency, integrity, and public confidence in the electoral process. The Department of State further finds that the adoption of this rule is necessary to prevent an immediate danger to the public health, safety and welfare.

**REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES:** The Division of Elections is aware of the rulemaking procedures prescribed by Section 120.54, Florida Statutes. That process requires advance notice to the general public of intended rules and the opportunity to submit comments on the intended rule, prior to the agency's adoption of the rule. The time period for general rulemaking takes at least 60 days and will prevent the timely amendment and adoption of a rule needed to mandate the implementation of these provisions regarding revocation of initiative petitions by the effective date (August 1, 2007) of the statutory provisions. Rulemaking could not occur earlier due to waiting upon the Governor's action on Senate Bill 900, which also contained procedures for the petition revocation process. The Governor vetoed Senate Bill 900 on June 26, 2007. Currently, there are over 30 approved initiative petitions which are potentially affected by the amendments contained within chapter 2007-30, Laws of Florida. This rule is necessary to have a procedure in place on the effective date of the statutory provisions for those who wish to take advantage of the amended laws to remove their signature from approved initiative petitions. The Department of State has initiated rulemaking to create Rule 1S-2.0095, Florida Administrative Code, to incorporate the text of the emergency rule permanently and it held a rule development workshop on the subject matter of the rule on July 23, 2007. To the extent feasible and permissible by law, this emergency rule has incorporated the public comments received at the rule development workshop.

**SUMMARY:** This emergency rule provides uniform provisions that permit electors to revoke their signatures on initiative petitions.

**THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS:** Gary J. Holland, Assistant General Counsel, Division of Elections, Department of State, R.A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399, (850)245-6536

THE FULL TEXT OF THE EMERGENCY RULE IS:

1SER07-2 Constitutional Amendment Initiative Petition Revocation; Petition Approval; Submission Deadline; Signature Verification.

(1) Submission of Petition Revocation Form. Prior to circulation of a petition revocation form, any person or group sponsoring the revocation effort must register as a political committee pursuant to Chapter 106 and must obtain approval of the petition revocation form from the Division of Elections. Submissions shall be in writing and shall include a copy or a facsimile of the proposed form to be circulated. No petition revocation form may be circulated unless approved by the Division of Elections.

(2) Requirements and Approval of Petition Revocation Form. The Division shall review the petition revocation form solely for sufficiency of the format and shall render a decision within seven (7) days following receipt. The format of the petition revocation form is deemed sufficient only if the form:

(a) Is printed on separate cards or individual sheets of paper. The minimum size of such forms shall be 3 inches by 5 inches and the maximum shall be 8 1/2 inches by 11 inches.

(b) Is clearly and conspicuously entitled at the top of the form "Petition Revocation Form."

(c) Includes adequate space for the voter's name, residential street address, city, county at the time of signing the initiative petition for which the signature is being revoked, voter registration number, date of birth, signature, and date of signature.

(d) Contains the ballot title and ballot summary of the proposed amendment in the initiative petition for which the signature is being revoked.

(e) Conspicuously contains the full text of the amendment for which the signature is being revoked, as indicated in the initiative petition as approved in Rule 1S-2.009, F.A.C. If the text must be printed on both sides of the form, it shall be clearly indicated that the text is continued or begins on the other side.

(f) Contains space for only one voter's signature, to be located below the full text of the amendment for which the signature is being revoked.

(g) Contains instructions below the signature of the voter that provides:

1. The Supervisor of Elections may not accept the petition revocation form directly from the voter.

2. The voter shall return the form to the political committee sponsoring the revocation petition, and

3. The contact information for the sponsoring political committee sponsoring the revocation petition, which at a minimum, shall include its name and mailing address.

(h) Is marked, in accordance with Section 106.143, F.S., with the appropriate disclaimer which identifies the name of the political committee sponsoring the revocation effort and the name of the entity paying for the petition, if different from the name of the committee sponsoring the revocation effort.

(i) Contains space for the name and address of a paid petition circulator, in the event the petition revocation form is gathered by a paid petition circulator.

(3) Format of Petition Revocation Form. The format of the initiative petition revocation form submitted for review and approval by the Division of Elections shall be substantially in accordance with Form DS-DE 19R (eff. 8/1/2007), entitled "Petition Revocation Form." Form DS-DE 19R is hereby incorporated by reference and is available from the Division of Elections, Room 316, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250; (850)245-6500; or by download from the Division of Elections' webpage at <http://election.dos.state.fl.us>.

(4) Additional Information or Materials. Other than providing information or a method by which the petition revocation form may be returned by mail to the political committee, no additional information or materials that relate to the initiative petition or the petition revocation shall be printed directly on the form.

(5) Assignment of a Serial Number. The Division shall assign a serial number to each approved petition revocation form. The number shall be the serial number of the initiative petition form followed by an "R". For example, the serial number of the petition-revocation form on petition 06-1 would be 06-1R. The serial number assigned must be printed in the lower right hand corner of the petition revocation form.

(6) Bundling. No petition revocation form circulated for signature may be bundled with or attached to any other petition form or petition-revocation form.

(7) Reproduction. Petition-revocation forms may be reproduced in newspapers, magazines, other forms of printed mass media or made available via the Internet for download or printing, provided such forms are reproduced in the same format as approved by the Division. The petition revocation form may be included within a larger advertisement, provided the forms are clearly defined by a solid or broken line border.

(8) Submission of Signed Petition Revocation Forms. All signed petition revocation forms shall be returned to the political committee sponsoring the revocation effort. Only the political committee sponsoring the revocation effort shall submit the signed petition revocation forms to the Supervisors of Elections for verification of signatures. It is the responsibility of the political committee sponsoring the revocation effort to ensure that the signed petition revocation form is properly filed with, or if misfiled forwarded to, the

supervisor of elections of the county in which the signee was a registered voter at the time of signing the underlying original initiative petition. In the case of a misfiled petition revocation form, the filing date of the petition revocation form is the date such petition is filed with the proper county.

(9) Signature Verification.

(a) In accordance with the signature verification fee provisions in Section 99.097(4), F.S., the Supervisor of Elections shall verify the signatures on each petition revocation form within 30 days of receipt of the form and shall confirm that:

1. The underlying original initiative petition on which the signature is being revoked was verified,

2. The date the petition revocation form was signed by the voter is not more than 150 days from the date the underlying original initiative petition was signed, and

3. The voter is a registered voter in Florida at the time of verifying the signature on the petition revocation form.

(b) The Supervisor shall not verify a signature on a petition revocation form unless all of the following information is contained on the petition revocation form:

1. The voter's name,

2. The voter's residential street address (including city and county) that was recorded on the underlying original signature petition on which the voter desires to revoke his or her signature;

3. The voter's date of birth or voter registration number;

4. The voter's original signature, and

5. The date the voter signed the petition revocation form, as recorded by the voter.

(10) Recordation of Verification. No later than 24 hours after verification of signatures on submitted petition revocation forms, the Supervisor of Elections shall record each valid and verified signature in the statewide voter registration system. The appropriate supervisor of elections for each respective voter whose signature is verified as valid shall record the date the petition revocation form was received, the date of signature, the date the signature was verified, and the assigned serial number for the applicable revocation petition.

(11) Filing Deadline. In order for a petition revocation form to count against the number of signatures recorded as verified for the underlying original initiative petition for the next general election, the signed petition revocation must be verified and entered into the statewide voter registration system no later than 5:00 p.m. of February 1 preceding the next general election in which the initiative amendment is certified for ballot position.

(12) Availability of Forms. The sponsoring political committee for the petition revocation effort shall provide each supervisor of elections with petition revocation forms for distribution at the main and branch offices of the supervisor of elections.

(13) Irrevocable Effect of Revocation. A voter may sign only one petition revocation form for the underlying original petition. In accordance with Section 104.185, F.S., when a voter signs a petition revocation form, the voter may not again sign the initiative petition on which the voter is seeking to revoke his or her signature.

(14) Applicability. Revocation of a voter's signature on an initiative petition may occur only on or after August 1, 2007 for a petition revocation form filed with the supervisor of elections not more than 150 days from the date the voter signed the underlying original initiative petition.

(15) The effective date of this emergency rule is August 1, 2007.

Specific Authority 20.10(3), 97.012, 100.371, 101.161 FS. Law Implemented Art. XI, Fla. Const., 100.371, 101.161 FS. History—New 8-1-07.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: August 1, 2007

## **BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

## **DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER07-49  
 RULE TITLE: Instant Game Number 711, GOLDEN 7s

**SUMMARY:** This emergency rule describes Instant Game Number 711, "GOLDEN 7s," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER07-49 Instant Game Number 711, GOLDEN 7s.

(1) Name of Game. Instant Game Number 711, "GOLDEN 7s."

(2) Price. GOLDEN 7s lottery tickets sell for \$5.00 per ticket.

(3) GOLDEN 7s lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning GOLDEN 7s lottery ticket, the ticket must meet the applicable requirements of Rule 53ER06-4, F.A.C.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX	8 EIGHT	9 NINE	10 TEN
11 ELEVEN	12 TWELVE	13 THIRTEEN	14 FOURTEEN	15 FIFTEEN	16 SIXTEEN	18 EIGHTEEN	19 NINETEEN	20 TWENTY
21 TWENTYONE	22 TWENTYTWO	23 TWENTYTHREE	24 TWENTYFOUR	25 TWENTYFIVE	26 TWENTYSIX	28 TWENTYEIGHT	29 TWENTYNINE	7 SEVEN

(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX	8 EIGHT	9 NINE	10 TEN
11 ELEVEN	12 TWELVE	13 THIRTEEN	14 FOURTEEN	15 FIFTEEN	16 SIXTEEN	18 EIGHTEEN	19 NINETEEN	20 TWENTY
21 TWENTYONE	22 TWENTYTWO	23 TWENTYTHREE	24 TWENTYFOUR	25 TWENTYFIVE	26 TWENTYSIX	28 TWENTYEIGHT	29 TWENTYNINE	

(6) The prize symbols and prize symbol captions are as follows:

\$1.00 ONE	\$2.00 TWO	\$4.00 FOUR	\$5.00 FIVE	\$10.00 TEN
\$15.00 FIFTEEN	\$25.00 TWENTYFIVE	\$50.00 FIFTY	\$75.00 SEVENTYFIVE	\$100 ONE HUNDRED
\$200 TWO HUNDRED	\$500 FIVE HUNDRED	\$1,000 ONE THOUSAND	\$10,000 TEN THOUSAND	\$77,777 SEVENTYSEVENTHSEVENTYSEVEN

(7) The legends are as follows:

YOUR NUMBERS      WINNING NUMBERS

(8) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the "YOUR NUMBERS" play area that matches a play symbol and corresponding play symbol caption in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that play

symbol. A ticket having a "7" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to a prize of \$100.

(b) The prizes are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$15.00, \$25.00, \$50.00, \$75.00, \$100, \$200, \$500, \$1,000, \$10,000 and \$77,777.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 711 are as follows:

GAME PLAY	WIN	ODDS OF 1 IN	NUMBER OF WINNERS IN 52 POOLS OF
			120,000 TICKETS PER POOL
\$1 x 5	\$5	30.00	208,000
(\$1 x 3) + \$2	\$5	30.00	208,000
\$1 + (\$2 x 2)	\$5	60.00	104,000
\$5	\$5	60.00	104,000
\$1 x 10	\$10	60.00	104,000
\$2 + (\$4 x 2)	\$10	60.00	104,000
(\$1 x 4) + (\$2 x 3)	\$10	60.00	104,000
\$1 + (\$2 x 2) + \$5	\$10	120.00	52,000
\$10	\$10	120.00	52,000
\$1 x 15	\$15	60.00	104,000
\$15	\$15	60.00	104,000
\$5 x 5	\$25	300.00	20,800
(\$5 x 3) + \$10	\$25	400.00	15,600
\$5 + (\$10 x 2)	\$25	300.00	20,800
(\$2 x 5) + \$5 + \$10	\$25	300.00	20,800
(\$1 x 5) + (\$2 x 10)	\$25	400.00	15,600
\$25	\$25	600.00	10,400
\$50	\$50	85.71	72,800
\$5 x 15	\$75	24,000.00	260
\$5 + (\$10 x 7)	\$75	24,000.00	260
(\$5 x 5) + \$50	\$75	24,000.00	260
(\$10 x 5) + \$25	\$75	24,000.00	260
\$75	\$75	24,000.00	260
\$10 + (\$15 x 6)	\$100	6,000.00	1,040
(\$5 x 10) + (\$10 x 5)	\$100	4,000.00	1,560
\$25 x 4	\$100	12,000.00	520
(\$25 x 2) + \$50	\$100	10,000.00	624
\$100 (SEVEN)	\$100	200.00	31,200
(\$50 x 8) + \$100 (SEVEN)	\$500	15,000.00	416
(\$10 x 5) + (\$25 x 4) + (\$50 x 5) + \$100 (SEVEN)	\$500	15,000.00	416
\$500	\$500	20,000.00	312
\$100 (SEVEN) + (\$200 x 2) + \$500	\$1,000	624,000.00	10
\$200 x 5	\$1,000	624,000.00	10
(\$50 x 10) + (\$100 x 5)	\$1,000	624,000.00	10
\$500 x 2	\$1,000	624,000.00	10
\$1,000	\$1,000	624,000.00	10
\$1,000 x 10	\$10,000	3,120,000.00	2
(\$500 x 10) + (\$1,000 x 5)	\$10,000	3,120,000.00	2
\$10,000	\$10,000	3,120,000.00	2
\$77,777	\$77,777	1,560,000.00	4

(10) The estimated overall odds of winning some prize in Instant Game Number 711 are 1 in 4.27. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 711, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a GOLDEN 7s lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(13) Payment of prizes for GOLDEN 7s lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 7-27-07.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: July 27, 2007

## DEPARTMENT OF THE LOTTERY

RULE NO.:	RULE TITLE:
53ER07-50	Instant Game Number 712, HOT SLOTS

SUMMARY: This emergency rule describes Instant Game Number 712, "HOT SLOTS," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER07-50 Instant Game Number 712, HOT SLOTS.

(1) Name of Game. Instant Game Number 712, "HOT SLOTS."

(2) Price. HOT SLOTS lottery tickets sell for \$1.00 per ticket.

(3) HOT SLOTS lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area

on the ticket. To be a valid winning HOT SLOTS lottery ticket, the ticket must meet the applicable requirements of Rule 53ER06-4, F.A.C.

(4) The PLAY symbols and play symbol captions are as follows:




(5) The prize symbols and prize symbol captions are as follows:

<b>TICKET</b>	<b>\$1.00</b>	<b>\$2.00</b>	<b>\$5.00</b>	<b>\$10.00</b>	<b>\$20.00</b>
TICKET	ONE	TWO	FIVE	TEN	TWENTY
<b>\$25.00</b>	<b>\$50.00</b>	<b>\$100</b>	<b>\$250</b>	<b>\$500</b>	<b>\$5,000</b>
THY FIVE	FIFTY	ONE HUN	TWO FTY	FIVE HUN	FIVE THOU

(6) The legends are as follows:

GAME 1  
GAME 2  
GAME 3  
GAME 4  
GAME 5

(7) Determination of Prizewinners.

(a) There are five games on a ticket. A ticket having three of the same play symbols and corresponding play symbol captions within the same game shall entitle the claimant to the prize shown for that game. A ticket having a “” symbol in a game shall entitle the claimant to a prize of \$25.00.

(b) The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$250, \$500 and \$5,000. A claimant who is entitled to a prize of a “TICKET” shall be entitled to a prize of a \$1.00 instant ticket, except as follows. A person who submits by mail a HOT SLOTS lottery ticket which entitles the claimant to a prize of a \$1.00 instant ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(8) The estimated odds of winning, value, and number of prizes in Instant Game Number 712 are as follows:

GAME PLAY TICKET	WIN	ODDS OF		NUMBER OF WINNERS IN 56 POOLS OF
		1 IN	PER POOL	180,000 TICKETS
\$1	\$1	10.00	1,008,000	840,000
\$2	\$2	30.00	336,000	336,000
\$1 x 5	\$5	50.00	201,600	201,600
\$5 x 2	\$10	150.00	67,200	67,200
\$5 x 3	\$15	300.00	33,600	33,600
\$25 (STAR)	\$25	300.00	33,600	33,600
\$10 x 5	\$50	7,200.00	1,400	1,400
(\$5 x 3) + \$10 + \$25	\$50	1,800.00	5,600	5,600
(STAR)	\$50	7,200.00	1,400	1,400
\$20 x 5	\$100	30,000.00	336	336
\$5 + (\$10 x 2) + \$25	\$100	7,500.00	1,344	1,344
(STAR) + \$50	\$100	30,000.00	336	336
\$100 x 5	\$500	180,000.00	56	56
\$250 x 2	\$500	180,000.00	56	56
\$500	\$500	180,000.00	56	56
\$5,000	\$5,000	2,016,000.00	5	5

(9) The estimated overall odds of winning some prize in Instant Game Number 712 are 1 in 3.98. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(10) For reorders of Instant Game Number 712, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(11) By purchasing a HOT SLOTS lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(12) Payment of prizes for HOT SLOTS lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 7-27-07.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: July 27, 2007

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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

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## Section V

### Petitions and Dispositions Regarding Rule Variance or Waiver

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**DEPARTMENT OF LAW ENFORCEMENT**

NOTICE IS HEREBY GIVEN THAT on July 27, 2007, the Criminal Justice Standards and Training Commission, received a petition for a waiver of subsection 11B-27.002(4), F.A.C., from Patt York. The Petitioner wishes to waive the requirement that an officer complete basic recruit training, pass the State Officer Certification Examination and find employment within four years of beginning basic recruit training.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302-1489, (850)410-7676. Comments on the petition may be directed to the above address and telephone number.

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**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

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**WATER MANAGEMENT DISTRICTS**

NOTICE IS HEREBY GIVEN THAT on July 24, 2007, South Florida Water Management District (District) received a petition for waiver from Charles Alan Barley, Application No. 07-0724-3 for issuance of a Right of Way Occupancy Permit for utilization of Works or Lands of the District known as the L-28, Miami-Dade County, to allow utilization of the District's L-28 right of way for temporary vehicular access to privately-owned land lying in multiple Sections through Township 54, 53, 52S, Range 35E. The petition seeks relief from subsection 40E-6.221(9), Florida Administration Code, which governs the requirement that, except for both private

and public utilities, an applicant must own or lease the land lying adjacent to the District Work within Works or Lands of the District.

A copy of the petition may be obtained from Juli Triola at (561)682-6268 or e-mail at [jtriola@sfwmd.gov](mailto:jtriola@sfwmd.gov). The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at: South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Juli Triola, Office of Counsel.

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NOTICE IS HEREBY GIVEN THAT on July 25, 2007, the South Florida Water Management District (District), received a petition for waiver from Michael and Valerie Ferguson, Application No. 07-0524-2, for utilization of Works or Lands of the District known as the C-1N Canal, Miami-Dade County, for placement of 2 existing palm trees located 36' from top of bank along south right of way of C-1N canal, Section 23, Township 55 South, Range 39 East. The petition seeks relief from subsections 40E-6.011(4), (6), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground encroachments within 40 feet from the top of bank within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting Juli Triola at (561)682-6268 or e-mail at [jtriola@sfwmd.gov](mailto:jtriola@sfwmd.gov). The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Juli Triola, Office of Counsel.

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**DEPARTMENT OF THE LOTTERY**

NOTICE IS HEREBY GIVEN THAT on July 27, 2007, the Department of the Lottery has issued an order.

In which it GRANTED a petition for a variance filed on June 11, 2007, by and through Essa Kahazal, President, G & M Food Store, Inc. The Petition was published in Vol. 33, No. 26, F.A.W. on June 29, 2007.

Petitioner sought a variance of subsection 53ER07-16(3), Florida Administrative Code, with respect to active tickets, which are lost, stolen or damaged. The Department determined that the purpose of the underlying statute can be achieved by other means and that Petitioner has demonstrated that strict application of the rule would create a substantial hardship and violate principles of fairness.

A copy of the Order may be obtained by contacting: Office of the General Counsel, Florida Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399, or by calling (850)487-7777.

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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN TAHT on July 24, 2007, the Board of Accountancy, received a petition for Melanie A. McDonald, seeking a variance or waiver of paragraph 61H1-28.0052(1)(b), Florida Administrative Code, that requires that candidates pass all four test sections of the CPA Examination within a rolling eighteen-month period, that begins on the date that the first test section passed is taken.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Voloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, or by telephone at (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

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**DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN THAT on July 27, 2007, the Board of Chiropractic Medicine, received a petition for Variance or Waiver filed on July 27, 2007 on behalf of Jimbo Haley. Petitioner seeks a variance of Rules 64B2-11.0013, entitled "Reexamination," and 64B2-11.001, F.A.C., entitled "Application for Licensure Examination." Specifically, the Petitioner requests that the Board waive the requirements under Rules 64B2-11.0013 and 64B2-11.001, F.A.C., so as to enable him to retake the Board's rules and laws examination outside of the time that had been set for the examination.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3257.

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NOTICE IS HEREBY GIVEN THAT on July 23, 2007, the Board of Dentistry, received a petition for a waiver or variance, filed by Edwin A. Bayo, Esq, on behalf of Jose L. Avila, D.D.S., seeking variance of subsection 64B5-2.0146(2) and/or 64B5-7.003(4), F.A.C., with respect to the following licensure requirements: that each applicant for a Florida dental license successfully completes supplemental remedial education to the level of a graduation senior and that experience as an intern or resident is not acceptable for fulfilling that supplemental education.

A copy of the Petition for Variance or Waiver may be obtained by contacting Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

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NOTICE IS HEREBY GIVEN THAT on July 23, 2007, the Board of Dentistry, received a petition for a waiver or variance of subsection 64B5-2.0146(2), F.A.C., filed by Edwin A. Bayo, Esq, on behalf of Ana Victoria Garcia-Motta, D.D.S., seeking variance with respect to the following licensure requirement: that each applicant for a Florida dental license successfully completes supplemental remedial education to the level of a graduating senior.

A copy of the Petition for Variance or Waiver may be obtained by contacting Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

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NOTICE IS HEREBY GIVEN THAT on July 30, 2007, the Board of Dentistry, received a petition for a waiver or variance of subsection 64B5-2.0146(2) and/or 64B5-7.003(4), F.A.C., filed by Edwin A. Bayo, Esq, on behalf of Jazriel Cruz, D.D.S., with respect to the following licensure requirement: that each applicant for a Florida dental license successfully completes supplemental remedial education to the level of a graduating senior and that experience as an intern or resident is not acceptable for fulfilling that supplemental education.

A copy of the Petition for Variance or Waiver may be obtained by contacting Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

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NOTICE IS HEREBY GIVEN that on July 30, 2007, the Board of Dentistry, received a petition for a waiver or variance of subsection 64B5-2.0146(2), F.A.C., filed by Edwin A. Bayo, Esq, on behalf of Ahmer Qamar, D.D.S., with respect to the following licensure requirement: that each applicant for a Florida dental license successfully completes supplemental remedial education to the level of a graduating senior.

A copy of the Petition for Variance or Waiver may be obtained by contacting Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

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Notice is hereby given that on July 27, 2007; the Department of Health received an Emergency Petition for Variance from subparagraph 64E-13.004(6)(a)1., Florida Administrative Code, from Metropolitan Cathedral of Truth, Inc., proposed to be located at 1110 Rich Bay Rd., Havana, Florida. This rule requires schools to have toilet facilities for preschool grades through grade three to be provided with toilet and handwashing facilities located within or adjoining classrooms. The Metropolitan Christian Academy of the Arts is a private school proposing to open a location in Havana, Florida.

Comments on this petition should be filed with Sam Power, Agency Clerk, Department of Health, Office of General Counsel, 4052 Bald Cypress Way, BIN A02, Tallahassee, Florida, 32399-1703, within 14 days of this notice.

A copy of the Petition may be obtained from Lucy Schneider, Office of General Counsel, 4052 Bald Cypress Way, BIN A02, Tallahassee, Florida 32399-1703 or by calling (850)245-4024.

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## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN THAT on July 23, 2007, the The Department of Children and Family Services, received a petition for Waiver of Rule 65C-15.017, F.A.C. The petition was received by PSI Family Services, Inc., and Embra James and Melvin Briley, assigned Case No. 07-013W. Rule 65C-15.017, F.A.C., governs the educational and work experience requirements of persons operating or employed by a licenses child-placing agency.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Office of the Agency Clerk, Department of Children and Family Services, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

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## FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN THAT on July 31, 2007, the Florida Housing Finance Corporation, received a petition for Waiver of paragraph 67-48.004(14)(n), Florida Administrative Code, from Spinal Cord Living-Assistance Development, Inc. (SCLAD), ("Petition"). The Petition is seeking a waiver of the rules which provides certain requirements regarding threshold items for the universal cycle.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

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## Section VI Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

State Board of Administration  
Financial Services Commission

Department of Veterans' Affairs  
Department of Highway Safety and Motor Vehicles  
Department of Law Enforcement  
Department of Revenue  
Department of Education  
Administration Commission  
Florida Land and Water Adjudicatory Commission  
Board of Trustees of the Internal Improvement Trust Fund

Department of Environmental Protection

DATE AND TIME: August 28, 2007, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to, matters relating to rulemaking for all activities concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and for all activities relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S. The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation and Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants,

electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

**CABINET AIDES BRIEFING:** On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

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## DEPARTMENT OF STATE

The **Department of State**, Florida State Historical Records Advisory Board announces a public meeting to which all persons are invited.

**DATE AND TIME:** Wednesday, September 12, 2007, 2:00 p.m.

**PLACE:** Eustis Memorial Library, Library Conference Room, 120 North Center Street, Eustis, FL 32726, (352)357-5686

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The State Historical Records advisory Board will review and discuss a preliminary proposal for changes in the State Partnership Grant Program by the National Historical Publications Records Commission (NHPRC) and discuss the Council of State Archivists (COSA) position on this topic.

A copy of the agenda may be obtained by contacting: Mr. Jim Berberich, Coordinator, State Historical Records Advisory Board, Department of State, State Library and Archives of Florida, R. A. Gray Building, Tallahassee, Florida 32399-0250, (850)245-6701.

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 Mr. Jim Berberich at (850)245-6701. 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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## DEPARTMENT OF LEGAL AFFAIRS

The **Florida Commission on the Status of Women** announces a telephone conference call to which all persons are invited.

DATE AND TIME: August 14, 2007, 10:00 a.m.  
 PLACE: Please call (850)414-3300 for instructions on participation  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Legislative Committee.

DATE AND TIME: August 14, 2007, 11:00 a.m.  
 PLACE: Please call (850)414-3300 for instructions on participation  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Awards and Recognition Committee.

DATE AND TIME: August 14, 2007, 3:00 p.m.  
 PLACE: Please call (850)414-3300 for instructions on participation  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Bylaws Committee.

DATE AND TIME: August 15, 2007, 3:00 a.m.  
 PLACE: Please call (850)414-3300 for instructions on participation  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Women's Hall of Fame Committee.

DATE AND TIME: August 16, 2007, 10:00 a.m.  
 PLACE: Please call (850)414-3300 for instructions on participation  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Committee.

DATE AND TIME: August 16, 2007, 11:00 a.m.  
 PLACE: Please call (850)414-3300 for instructions on participation  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Full Commission.

DATE AND TIME: August 22, 2007, 10:00 a.m.  
 PLACE: Please call (850)414-3300 for instructions on participation  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Outreach Taskforce.

DATE AND TIME: August 29, 2007, 3:00 p.m.  
 PLACE: Please call (850)414-3300 for instructions on participation  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Women's Hall of Fame Committee.

NOTE: In the absence of quorum, items on this agenda will be discussed as workshop, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

A copy of the agenda may be obtained by contacting: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, Fax (850)921-4131.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, Fax (850)921-4131. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, Fax (850)921-4131.

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## DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Florida Agriculture in the Classroom, Inc.**, Board of Directors will meet for its annual retreat.

DATE AND TIME: Wednesday August 29, 2007, 1:00 p.m. – 5:00 p.m.

Retreat Meeting

DATE AND TIME: Thursday, August 30, 2007, 9:00 a.m. – 11:00 a.m.

PLACE: Resort & Club at Little Harbor, 611 Destiny Drive, Ruskin, FL 33570

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The **Animal Industry Technical Council (AITC)** will hold its quarterly meeting to which all interested persons are invited.

DATE AND TIME: September 7, 2007, 1:00 p.m. – 4:00 p.m.

PLACE: Buena Vista Palace, 1900 Buena Vista Drive, Lake Buena Vista, FL 32830, (407)827-2727.

For more information, please contact Anne Vuxton at (850)410-0935.

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The **Consumer Fertilizer Task Force** announces a public meeting to which all persons are invited.

DATE AND TIME: September 6, 2007, 9:00 a.m.

PLACE: Sarasota County Administration Center, Board of County Commissioners Chambers, 1660 Ringling Boulevard, Sarasota, Florida 34326, (941)861-5000

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meeting will be to review, discuss and seek consensus on a package of recommendations to the legislature for proposed refinements to Florida's regulation and use of consumer

fertilizers to ensure they are based on the best available science and uniform subject to variations necessary to meet mandated state and federal water quality standards.

A copy of the agenda may be obtained by contacting: Mr. Anderson H. "Andy" Rackley, Director, Division of Agricultural Environmental Services, 3125 Conner Boulevard, Suite F, Tallahassee, Florida 32399, (850)487-3731.

**The Pesticide Registration Evaluation Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: September 6, 2007, 9:00 a.m.

PLACE: Bureau of Pesticides Conference Room, 3125 Conner Boulevard, Building 6, Room 606, Tallahassee, Florida 32399, (850)487-2130

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee discusses and makes recommendations on pesticide registration issues impacting human health and safety and the environment.

A copy of the meeting agenda may be obtained by contacting the Pesticide Registration Section at (850)487-2130 or from the PREC Web Site at: <http://www.flaes.org/pesticide/pesticideregistration.html>.

For more information, you may contact: Mr. Charlie L. Clark, Administrator, Pesticide Registration Section, 3125 Conner Boulevard, Building 6, Room 601, Tallahassee, Florida 32399-1650, (850)487-2130.

**The Pest Control Research Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: September 14, 2007, 10:00 a.m.

PLACE: Mid-Florida Research and Education Center, 2725 Binion Road, Room 185, Apopka, Florida, (407)884-2034

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss proposals and make funding awards.

For more information, you may contact: Mr. Michael J. Page, Chief of Entomology and Pest Control, 1203 Governors Square Boulevard, Suite 300, Tallahassee, Florida 32301, (850)921-4177.

**The Pest Control Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: October 30, 2007, 9:00 a.m. – 2:00 p.m.

PLACE: Florida Pest Control and Chemical Company, 116 Northwest 16th Avenue, Gainesville, Florida 32601, (352)376-2661

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the business of the Council.

A copy of the agenda may be obtained by contacting: Mr. Michael J. Page, Chief of Entomology and Pest Control, 1203 Governors Square Boulevard, Suite 300, Tallahassee, Florida 32301, (850)921-4177.

**The Florida Citrus Production Research Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 22, 2007, 3:30 p.m.

PLACE: Lee County Civic Center, Conference Room 11831, Bayshore Road, Ft Myers, FL 33917

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting to review, discuss, and establish approval on research proposals for calendar year for 2007-2008, and discussion of general council issues.

If you need special accommodations due to disability or for directions please call Marshall Wiseheart at (850)488-4366 or the Lee Civic Center at (239)543-8368.

**The Private Investigation, Recovery and Security Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, December 13, 2007, 9:00 a.m.

PLACE: Hilton Tampa Airport Westshore, 2225 North Lois Avenue, Tampa, Florida, (813)877-6688

GENERAL SUBJECT MATTER TO BE CONSIDERED: The quarterly meeting of the Council pursuant to the requirement of Section 493.6104(4), Florida Statutes. The Council will conduct a general business meeting.

A copy of the agenda may be obtained by writing to: Department of Agriculture and Consumer Services, Division of Licensing, Attention: April Howard, Post Office Box 6687, Tallahassee, Florida 32314-6687 or by calling April Howard at (850)245-5500.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 5 days before the meeting by contacting April Howard at (850)245-5500. If you are hearing or speech impaired, please contact the agency by calling the Florida Relay Service at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**The Florida State Fair Authority** announces a meeting of the Nominating Committee to which all interested persons are invited.

DATE AND TIME: Thursday, August 23, 2007, 9:00 a.m.

PLACE: Florida State Fairgrounds, 4800 U.S. Highway 301 North, Tampa, FL 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: Old and New Business.

A copy of the agenda may be obtained by contacting: Kathleen Fisher, Executive Assistant, Florida State Fair Authority, P. O. Box 11766, Tampa, FL 33680.

If special accommodations are needed due to a disability, please contact Kathleen Fisher at the above address or at (813)627-4221.

The Florida **State Fair Authority** announces a meeting of the Marketing Committee to which all interested persons are invited.

DATE AND TIME: Thursday, August 23, 2007, 9:30 a.m.

PLACE: Florida State Fairgrounds, 4800 U.S. Highway 301 North, Tampa, FL 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: Old and New Business.

A copy of the agenda may be obtained by contacting: Kathleen Fisher, Executive Assistant, Florida State Fair Authority, P. O. Box 11766, Tampa, FL 33680.

If special accommodations are needed due to a disability, please contact Kathleen Fisher at the above address or at (813)627-4221.

The Florida **State Fair Authority** announces a meeting of the Agricultural Committee to which all interested persons are invited.

DATE AND TIME: Thursday, August 23, 2007, 10:00 a.m.

PLACE: Florida State Fairgrounds, 4800 U.S. Highway 301 North, Tampa, FL 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: Old and New Business.

A copy of the agenda may be obtained by contacting: Kathleen Fisher, Executive Assistant, Florida State Fair Authority, P. O. Box 11766, Tampa, FL 33680.

If special accommodations are needed due to a disability, please contact Kathleen Fisher at the above address or at (813)627-4221.

The Florida **State Fair Authority** announces a meeting of the Finance Committee to which all interested persons are invited.

DATE AND TIME: Thursday, August 23, 2007, 10:30 a.m.

PLACE: Florida State Fairgrounds, 4800 U.S. Highway 301 North, Tampa, FL 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: Old and New Business.

A copy of the agenda may be obtained by contacting: Kathleen Fisher, Executive Assistant, Florida State Fair Authority, P. O. Box 11766, Tampa, FL 33680.

If special accommodations are needed due to a disability, please contact Kathleen Fisher at the above address or at (813)627-4221.

The Florida **State Fair Authority** announces a meeting of the Full Board to which all interested persons are invited.

DATE AND TIME: Thursday, August 23, 2007, 1:00 p.m.

PLACE: Florida State Fairgrounds, 4800 U.S. Highway 301 North, Tampa, FL 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: Old and New Business.

A copy of the agenda may be obtained by contacting: Kathleen Fisher, Executive Assistant, Florida State Fair Authority, P. O. Box 11766, Tampa, FL 33680.

If special accommodations are needed due to a disability, please contact Kathleen Fisher at the address above or at (813)627-4221.

## DEPARTMENT OF EDUCATION

The Florida **Department of Education** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, September 10, 2007, 10:00 a.m. – 2:00 p.m.

PLACE: Department of Education, 325 West Gaines Street, Room 1721/25, Tallahassee, Florida 32399-0400

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is being held to continue discussion of policy and initiatives in regard to secondary to postsecondary alignment of curriculum and assessments.

A copy of the agenda may be obtained by contacting: Dr. Judith Bilsky, Executive Vice Chancellor, Division of Community Colleges, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)245-9452.

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 the Office of Equity and Access at (850)245-0511. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Dr. Judith Bilsky, Executive Vice Chancellor, Division of Community Colleges, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)245-9452.

The Florida **Conflict Resolution Consortium** and the **Committee for a Sustainable Emerald Coast** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, August 13, 2007, 11:00 a.m. – 1:00 p.m. (EST)

PLACE: Call In Numbers: 1(800)210-4771 or (850)645-9020

GENERAL SUBJECT MATTER TO BE CONSIDERED: This will be a call involving the members of the subcommittee for Sustainable Growth and Development as they prepare materials for the next full committee meeting scheduled on August 30, 2007.

A copy of the agenda may be obtained by contacting Lisa Fowler at (850)644-7063.

The **Florida Conflict Resolution Consortium** and the **Committee for a Sustainable Emerald Coast** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, August 30, 2007, 8:00 a.m. – 4:30 p.m. (CST)

PLACE: Emerald Coast Conference Center, 1250 Miracel Strip Pkwy., S.E., Ft. Walton Beach, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee meeting to be held in the morning. A special luncheon presentation will be given by Dr. Arthur C. Nelson, Director of the Metropolitan Institute at Virginia Tech followed by a public workshop. Dr. Nelson will present new research indicating the magnitude of future development issues facing the region. Pre-registration is required to attend luncheon. Register by emailing Allison Stribling at aestribling@earthlink.net.

A copy of the agenda may be obtained by contacting Lisa Fowler at (850)644-7063.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting Lisa Fowler at (850)644-7063. 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).

NOTICE OF CANCELLATION – The **Gulf Coast Community College District**, Board of Trustees announces the CANCELLATION of the following meeting:

DATE AND TIME: August 9, 2007, 10:00 a.m.

PLACE: Gulf Coast Community College, Student Union West, Room 306

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting.

The **Gulf Coast Community College District**, Board of Trustees will hold its Monthly meeting as follows: Contact person for the meeting is: Dr. Jim Kerley, President.

DATE AND TIME: September 13, 2007, 10:00 a.m.

PLACE: Gulf Coast Community College, Student Union West, Room 306

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting.

#### DEPARTMENT OF COMMUNITY AFFAIRS

The **Florida Building Commission** announces a public meeting to which all persons are invited.

DATES AND TIMES: August 19-22, 2007, 8:00 a.m. – completion

PLACE: Embassy Suites Hotel, 3705 Spectrum Boulevard, Tampa, Florida 33612, (813)977-7066

GENERAL SUBJECT MATTER TO BE CONSIDERED: August 20, 2007

8:30 a.m. Meeting of the Structural Technical Advisory Committee.

8:30 a.m. Meeting of the Electrical Technical Advisory Committee.

8:30 a.m. Meeting of the Mechanical Technical Advisory Committee.

9:00 a.m. Meeting of the Accessibility Advisory Council to consider the following applications for waiver from the accessibility code requirements: Chiquita Animal Hospital, 3714 Chiquita Boulevard, Cape Coral; Robin Shepherd Group, 4160 Boulevard Center Drive, Jacksonville; Domo Jopones LLC, 4000 NE 2nd Avenue, Miami; The Fillmore Miami Beach at the Jackie Gleason Theater, 1700 Washington Avenue, Miami Beach; USF Marshall Student Center, 4202 East Fowler Avenue, Tampa; College of Business Office Depot Center, Florida Atlantic University, Boca Raton; Cinema World at Vero Beach, 940 14th Lane, Vero Beach, Rivertown Community Ballfield, Unit 1, 160 Swamp Oak Trail, St. Johns; Charlotte County Cultural Center Theater, 2280 Aaron Street, Port Charlotte; Images Aesthetic Dentistry, 7700 SW 52nd Avenue, South Miami.

1:00 p.m. Meeting of the Product Approval/Prototype Buildings/Manufactured Buildings Program Oversight Committee.

1:00 p.m. Meeting of the Energy Technical Advisory Committee.

3:00 p.m. Meeting of the Accessibility Technical Advisory Committee.

August 21, 2007

8:30 a.m. Meeting of the Fire Technical Advisory Committee.

8:30 a.m. Meeting of the Education Program Oversight Committee.

10:30 a.m. Meeting of the Plumbing Technical Advisory Committee

10:30 a.m. Meeting of the Code Administration Technical Advisory Committee.

1:00 p.m. Meeting of the Plenary Session of the Florida Building Commission.

Review and approval of the Agenda.

Review and approval of the June 26 and 27, 2007 Minutes and Facilitator's Report.

Chair's Discussion of Issues and Recommendations.

Governor's Executive Order on the Climate Change Initiative.  
Review and Update of Commission Workplan.

Consideration of requests for waiver from accessibility code requirements: Chiquita Animal Hospital, 3714 Chiquita Boulevard, Cape Coral; Robin Shepherd Group, 4160 Boulevard Center Drive, Jacksonville; Domo Jopones LLC, 4000 N.E. 2nd Avenue, Miami; The Fillmore Miami Beach at the Jackie Gleason Theater, 1700 Washington Avenue, Miami Beach; USF Marshall Student Center, 4202 East Fowler Avenue, Tampa; College of Business Office Depot Center, Florida Atlantic University, Boca Raton; Cinema World at Vero Beach, 940 14th Lane, Vero Beach, Rivertown Community Ballfield, Unit 1, 160 Swamp Oak Trail, St. Johns; Charlotte County Cultural Center Theater, 2280 Aaron Street, Port Charlotte; Images Aesthetic Dentistry, 7700 S.W. 52nd Avenue, South Miami.

Consideration of Applications for Product and Entity Approval.

Consideration of Legal Issues and Petitions for Declaratory Statement.

Binding Interpretations: Report(s) Only.

Petition 15: Section 1010.8 [The Petition was rejected because it was not heard by the local Board of Rules and Appeals.]

Petition 19: Section 424.2.17.1.2 [Outdoor swimming pools shall be provided with a barrier.]

Second Hearing:

DCA07-DEC-105 by Leonard Devine, Palm Beach County Building Department

First Hearing:

DCA07-DEC-085 by Walter A. Tillit, Jr., PE, TilTeco Inc.

DCA07-DEC-110 by Tommy L. Bruner, Kenco Communities at Ibis, Inc.

DCA07-DEC-115 by Kelly Carman, PE, Leo A Daly

DCA07-DEC-116 by Jeffrey K. Hulsberg, PE, Hulsberg Engineering, Inc.

DCA07-DEC-133 by Kenneth R. Pfeiffer, PE, Pfeiffer Engineering, Inc.

DCA07-DEC-135 by Emil Veksenfeld, PE

DCA07-DEC-136 by Billy Tyson, CBO, CRA Architects

DCA07-DEC-141 by John Leedy, PE, Leedy Electric Corp.

DCA07-DEC-145 by Jode L. Barrows, JLB Drafting

DCA07-DEC-146 by Jode L. Barrows, JLB Drafting

Consideration of Committee Reports and Recommendations: Accessibility TAC Report; Budget Committee Report; Code Administration TAC Report; Electrical TAC Report; Energy TAC Report; Fire TAC Report; Mechanical TAC Report; Plumbing TAC Report; Structural TAC Report; Education POC Report; Product Approval/Prototype Buildings/Manufactured Buildings POC Report, Termite Work Group Report

Update on Code Administration Assessment Report

Supplementary Rule Development Workshop on Rule 9B-7.0042, Florida Accessibility Code

Rule Adoption Hearing on Rule 9B-7.003, Florida Accessibility Code

Supplementary Rule Development Workshop on Rule 9B-72, Product Approval

Rule Adoption Hearing on Rule 9B-74, Prototype Buildings

Rule Adoption Hearing on Rule 9B-3.0472, Carbon Monoxide Detectors

Rule Adoption Hearing on Rule 9B-3.0475, Wind Mitigation Retrofits

Rule Adoption Hearing on Rule 9B-3.0477, Electrical Bonding of Pool Decks

Rule Adoption Hearing on Rule 9B-3.047, Florida Building Code

Commission Member Comments and Issues

General Public Comment

Review Committee Assignments and Issues for the October 8-10, 2007 Commission Meeting.

Summary Review of Meeting Work Products

Adjourn.

August 22, 2007

8:30 a.m. Meeting of the Hurricane Research Advisory Committee.

A copy of the agenda may be obtained by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, or call (850)487-1824 or Fax (850)414-8436, or go to the web site at [www.floridabuilding.org](http://www.floridabuilding.org).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, or call (850)487-1824 or Fax (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs,

2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, or call (850)487-1824 or Fax (850)414-8436, or go to the web site at [www.floridabuilding.org](http://www.floridabuilding.org).

The **Department of Community Affairs**, Century Commission for a Sustainable Florida announces a public meeting to which all persons are invited.

DATES AND TIMES: Sunday, August 26, 2007, 5:00 p.m. – 7:00 p.m.; Monday, August 27, 2007, 8:00 a.m. – 4:30 p.m.

PLACE: Pinellas County Extension, 12520 Ulmerton Road, Largo, FL 33774-3602, (727)582-2456 (Direct Phone), (727)582-2221 (Fax)

GENERAL SUBJECT MATTER TO BE CONSIDERED: This will be the tenth meeting of the Century Commission. The members will continue to discuss the Commission's statutory role, including how to address the impacts of population growth during the next 25-50 years.

A copy of the agenda and other information regarding the meeting and the Century Commission may be obtained at the Internet address [www.centurycommission.org](http://www.centurycommission.org) or by contacting Steve Seibert, (850)321-9051, [steve@seibertlaw.com](mailto:steve@seibertlaw.com) or Valerie Turner, (850)488-8453.

Any person requiring special accommodation at the meeting because of a disability or physical impairment should contact: Rachel Roberts, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100 or at (850)488-8466, [Rachel.Roberts@dca.state.fl.us](mailto:Rachel.Roberts@dca.state.fl.us).

If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

## DEPARTMENT OF TRANSPORTATION

The **Florida Transportation Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: August 22, 2007, 3:30 p.m. – until completion of business

PLACE: Florida Department of Transportation, 605 Suwannee Street, Burns Building, Executive Suite Commission Office, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Teleconference of the Florida Transportation Commission's Subcommittee to discuss additional oversight of the Transportation Authorities as stated in HB 985.

A copy of the agenda may be obtained by contacting Cathy Goodman at (850)414-4105.

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 Cathy Goodman at (850)414-4105. If you are

hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Transportation Commission, Room 176, M.S. 9, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4105.

The **Florida Transportation Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: September 6, 2007, 10:00 a.m. – 12:00 Noon

PLACE: Florida Department of Transportation, 605 Suwannee Street, Burns Building, Executive Suite Commission Office, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Teleconference of the Florida Transportation Commission's Subcommittee to discuss additional oversight of the Transportation Authorities as stated in HB 985.

A copy of the agenda may be obtained by contacting Cathy Goodman at (850)414-4105.

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 Cathy Goodman at (850)414-4105. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Transportation Commission, Room 176, M.S. 9, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4105.

The **Florida Transportation Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: September 13, 2007, 8:30 a.m. – 12:00 Noon (Central Standard Time)

PLACE: Crowne Plaza Grand Hotel, 200 East Gregory Street, Pensacola, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Florida Transportation Commission Meeting.

A copy of the agenda may be obtained by contacting Cathy Goodman at (850)414-4105.

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 Cathy Goodman at (850)414-4105. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Transportation Commission, Room 176, M.S. 9, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4105.

The **Florida Transportation Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: September 13, 2007, 12:00 Noon – until completion of business (Central Standard Time)

PLACE: Florida Institute for Human and Machine Cognition, 40 South Alcaniz Street, Pensacola, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: An information gathering tour of the Florida Institute for Human and Machine Cognition.

A copy of the agenda may be obtained by contacting Cathy Goodman at (850)414-4105.

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 Cathy Goodman at (850)414-4105. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Transportation Commission, Room 176, M.S. 9, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4105.

The **Florida Seaport Transportation and Economic Development Council** announces a Project Review Group teleconference in which all interested persons are invited to participate.

DATE AND TIME: August 20, 2007, 1:30 p.m.

PLACE: Florida Ports Council, 502 E. Jefferson Street, Tallahassee, Florida 32301. Toll Free Call In Number: 1(877)540-9892, Participant Code: 833035

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

Information on the meeting may be obtained by contacting: Toy Keller, Florida Ports Council, 502 E. Jefferson Street, Tallahassee, Florida 32301, (850)222-8028.

Any person wishing to appeal any decision made with respect to any matter considered at the above cited meeting will need a record of proceedings, and for such purpose that person may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this public meeting should advise Toy Keller, (850)222-8028.

## BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

## FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 29, 2007, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery and Control Release matters as well as other Commission business.

A copy of the agenda may be obtained by contacting: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least Five days before the workshop/meeting by contacting: Florida Parole Commission 2601, Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450, (850)488-3417. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Parole Commission, 2601 Blair Stone Road, Tallahassee, Florida 32399-2450.

## PUBLIC SERVICE COMMISSION

The **Florida Public Service Commission** announces a workshop to which all persons are invited.

DATE AND TIME: Thursday, August 23, 2007, 9:30 a.m. – 5:00 p.m.

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Room 148, Tallahassee, FL 32399-0862

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the workshop is to discuss specific issues relevant to the development and implementation of a Renewable Portfolio Standard for Florida. An agenda for the workshop will be available by August 16, 2007. Undocketed.

#### Emergency Cancellation of Workshop.

If a named storm or other disaster requires cancellation of the workshop, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the workshop will also be provided on the Commission's website <http://www.psc.state.fl.us> under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

A copy of the agenda may be obtained by contacting: Lorena Holley, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6193.

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: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 or at (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770.

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The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: \*August 27, 2007, 9:30 a.m.

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact the Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

\*In the event of a change or cancellation, notice will be published at the earliest practicable time on the Commission's website at <http://www.psc.state.fl.us/agendas/internalaffairs/>.

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The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: August 28, 2007, 9:30 a.m.

PLACE: Betty Easley Conference Center, Joseph P. Cresse Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida  
GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366, and 367, F.S.

Persons who may be affected by Commission action on certain items on the conference agenda may be allowed to address the Commission, either informally or by oral argument, when those items are taken up for discussion at the conference, pursuant to Rules 25-22.0021 and 25-22.0022, F.A.C.

A copy of the agenda may be obtained by any person who requests a copy and pays the reasonable cost of the copy (\$1.00, see Copying Charges for Commission Records), by contacting the Office of Commission Clerk at (850)413-6770 or writing: Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. The agenda and recommendations are also accessible on the PSC Website, at <http://www.florida.psc.com> at no charge.

Persons deciding to appeal any decisions made by the Commission with respect to any matter considered at this conference will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based. In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact the Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

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#### EXECUTIVE OFFICE OF THE GOVERNOR

The **Office of Film and Entertainment** and the **Florida Film and Entertainment Advisory Council**, Logo Creation Task Force will convene in meeting via conference call. This is a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 15, 2007, 9:30 a.m.

PLACE: Governor's Office of Film and Entertainment, The Capitol, Suite 2001, Tallahassee, FL 32399-0001

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss Logo Creation Task Force issues of the Advisory Council that have arisen since the 2007 2nd quarter FFEAC meeting.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he/she may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review. Pursuant to Section 286.26, Florida Statutes, any handicapped person wishing to

attend this meeting should contact the Commission at least 48 hours prior to the meeting in order to request any special assistance.

The **Office of Film and Entertainment** and the **Florida Film and Entertainment Advisory Council**, Content Creation Development Fund Task Force will convene in meeting via conference call. This is a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 22, 2007, 9:30 a.m.

PLACE: Governor's Office of Film and Entertainment, The Capitol, Suite 2001, Tallahassee, FL 32399-0001

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss Content Creation Development Fund Task Force issues of the Advisory Council that have arisen since the 2007 2nd quarter FFEAC meeting.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he/she may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review. Pursuant to Section 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact the Commission at least 48 hours prior to the meeting in order to request any special assistance.

The **Commission on Open Government** announces a public meeting and public hearing to which all persons are invited.

DATES AND TIMES: August 22, 2007, Commission Meeting, 12:00 Noon – 3:00 p.m.; Public Hearing, 6:00 p.m. – 8:00 p.m.; August 23, 2007, Public Hearing, 10:00 a.m. – 12:00 Noon; Commission Meeting, 1:00 p.m. – 4:00 p.m.

PLACE: Florida Senate Office Building, Room Lower Level 37, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Commission Meeting:

- State travel procedures
- Sunshine and public record requirements for members
- Ethics requirements
- Issues to be addressed and future expert witnesses

Public Hearings:

- Florida's laws as they relate to the public's right of access to government meetings and records.

NOTE: Interested parties unable to attend meeting or hearing are encouraged to submit written comments to the Commission. Written comments can be mailed: Office of Open Government, Capitol, Executive Office of the Governor, Tallahassee, FL 32399-1050, (850)921-6099, Fax (850)488-0219.

In the absence of quorum, items on this agenda will be discussed as workshop, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)921-6099. You may contact us via email at

[crisstopengov@eog.myflorida.com](mailto:crisstopengov@eog.myflorida.com). For further information, visit our website at [http://www.flgov.com/og\\_commission\\_home](http://www.flgov.com/og_commission_home).

To register online for speaking time during the public hearings or to attend the commission meetings, please register at <http://forms.ucc.fsu.edu/online/workshops/OpenGovernment/list.jsp>. A copy of the agenda may be obtained by contacting: Office of Open Government, Executive Office of the Governor, The Capitol, Tallahassee, FL 32399-1050, (850)921-6099, Fax (850)488-0219.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Office of Open Government, Executive Office of the Governor, The Capitol, Tallahassee, FL 32399-1050, (850)921-6099, Fax (850)488-0219.

If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Office of Open Government, Executive Office of the Governor, The Capitol, Tallahassee, The Capitol, Tallahassee, FL 32399-1050, (850)921-6099, Fax (850)488-0219.

## REGIONAL PLANNING COUNCILS

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

DATE AND TIME: August 22, 2007, 12:00 Noon

PLACE: North Central Florida Regional Planning Council Office, 2009 N. W. 67 Place, Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Finance Committee of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N.W. 67 Place, Gainesville, Florida 32653-1603.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by calling (352)955-2200. 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 **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: August 23, 2007, 6:00 p.m.

PLACE: Holiday Inn Hotel and Suites, 213 S. W. Commerce Drive, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive Committee of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N.W. 67 Place, Gainesville, Florida 32653-1603.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by calling (352)955-2200. 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 **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: August 23, 2007, 6:00 p.m.

PLACE: Holiday Inn Hotel and Suites, 213 S.W. Commerce Drive, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Regional Planning Committee of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N.W. 67 Place, Gainesville, Florida 32653-1603.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by calling (352)955-2200. 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 **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: August 23, 2007, 6:30 p.m.

PLACE: Holiday Inn Hotel and Suites, 213 S.W. Commerce Drive, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Committee of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N.W. 67 Place, Gainesville, Florida 32653-1603.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by calling (352)955-2200. 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 **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: August 23, 2007, 7:30 p.m.

PLACE: Holiday Inn Hotel and Suites, 213 Southwest Commerce Drive, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N.W. 67 Place, Gainesville, Florida 32653-1603.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by calling (352)955-2200. 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 **East Central Florida Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 15, 2007, 10:00 a.m.

PLACE: 631 North Wymore Road, Suite 100, Maitland, Florida 32751 (Please call (407)623-1075 to confirm date, time and place)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the East Central Florida Regional Planning Council. The Executive Committee will meet at 9:00 a.m. to review the meeting agenda.

A copy of the agenda may be obtained by writing to: Ruth Little, Administrative Assistant, East Central Florida Regional Planning Council, 631 North Wymore Road, Suite 100, Maitland, Florida 32751 or by email to [rlittle@ecfrpc.org](mailto:rlittle@ecfrpc.org) by visiting [www.ecfrpc.org](http://www.ecfrpc.org).

The ECFRPC desires to accommodate persons with disabilities. Accordingly, any physically handicapped person, pursuant to Section 286.26 Florida Statutes, should, at least 48 hours prior to the meeting, submit a written request to the Council that the physically handicapped person desires to attend the meeting.

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

DATE AND TIME: Thursday, August 23, 2007, 9:30 a.m.

PLACE: Southwest Florida Regional Planning Council, 1st Floor, Conference Room, 1926 Victoria Avenue, Fort Myers, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Region IX, Local Emergency Planning Committee (LEPC) announces a public meeting to which all persons are invited to discuss and implement provisions of the Emergency Planning and Community Right To Know Act.

A copy of the agenda may be obtained by contacting: Mr. John Gibbons at (239)338-2550, ext. 229 or email [jgibbons@swfrpc.org](mailto:jgibbons@swfrpc.org).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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 Mr. John Gibbons at (239)338-2550, ext. 229 or email [jgibbons@swfrpc.org](mailto:jgibbons@swfrpc.org). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Mr. John Gibbons at (239)338-2550, ext. 229 or email [jgibbons@swfrpc.org](mailto:jgibbons@swfrpc.org).

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The District XI, **Local Emergency Planning Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 22, 2007, 10:00 a.m.

PLACE: Miami-Dade County Emergency Operations Center, 9300 N. W. 41st Street, Miami, FL 33178, (305)468-5400

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the LEPC's ongoing regional hazardous materials training and planning activities for FY 2006/07.

A copy of the agenda may be obtained by contacting: South Florida Regional Planning Council, 3440 Hollywood Blvd., Suite 140, Hollywood, FL 33021, via email request to Manny Cela ([celam@sfrpc.com](mailto:celam@sfrpc.com)), visiting the LEPC website ([www.sfrpc.com/lepc.htm](http://www.sfrpc.com/lepc.htm)) or by calling (954)985-4416 in Broward, Suncom 473-4416 or 1(800)985-4416 toll-free statewide.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting. 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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## METROPOLITAN PLANNING ORGANIZATIONS

The Florida **Metropolitan Planning Organization Advisory Council** (MPOAC) announces a meeting of the Policy and Technical Subcommittee to which all persons are invited.

DATE AND TIME: August 17, 2007, 10:00 a.m. – 3:00 p.m.

PLACE: First Coast MPO Board Room, 1022 Prudential Drive, Jacksonville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Activities related to transportation planning within and adjacent to metropolitan areas in Florida carried out by local, state, and federal agencies.

A copy of the agenda may be obtained by contacting: Brigitte Messina, MPOAC, 605 Suwannee Street, MS 28B, Tallahassee, FL 32399-0450, 1(866)374-3368, ext. 4037 or e-mail [brigitte.messina@dot.state.fl.us](mailto:brigitte.messina@dot.state.fl.us).

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## WATER MANAGEMENT DISTRICTS

The **Northwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: August 23, 2007, 1:00 p.m. (EDT)

PLACE: District Headquarters, 10 miles west of Tallahassee on Highway 90

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting to consider District business.

OTHER MEETINGS TO BE HELD ON AUGUST 23, 2007:

DATE AND TIME: August 23, 2007, 10:30 a.m. (EDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: District Lands Committee to discuss land acquisition matters.

DATE AND TIME: August 23, 2007, 11:15 a.m. (EDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workshop on the District Budget.

DATE AND TIME: August 23, 2007, 12:15 p.m. (EDT)  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Administration, Budget, and Finance Committee. To discuss the fiscal year 2007-2008 tentative proposed budget.

DATE AND TIME: August 23, 2007, 1:15 p.m. (EDT)  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing. Consideration of Regulatory Matters.  
 DATE AND TIME: August 23, 2007, 1:30 p.m. (EDT)  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing on Land Acquisition Matters.

A copy of the agenda may be obtained by contacting: Dorothy Cotton, NFWFMD, 81 Water Management Drive, Havana, Florida 32333, (850)539-5999, dorothy.cotton@nfwfmd.state.fl.us (also available at the District website, www.nfwfmd.state.fl.us).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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 72 hours before the workshop/meeting by contacting Larry Wright at the District. 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 **Southwest Florida Water Management District** announces a hearing on Rule 40D-8.624, Guidance and Minimum Levels for Lakes, F.A.C., to which all persons are invited.

DATE AND TIME: August 28, 2007, 9:00 a.m.  
 PLACE: Governing Board Room, Southwest Florida Water Management District Headquarters, 2379 Broad Street, Brooksville, FL 34604-6899

GENERAL SUBJECT MATTER TO BE CONSIDERED: James P. Gills, as Trustee, has requested a public hearing pursuant to Section 120.54(3)(c), F.S., regarding the District's notice of proposed rules to establish minimum lake levels and guidance levels for Crews Lake in Pasco County, Florida. A hearing was held July 31, 2007, and was continued for the date, time and place described above.

A copy of the agenda may be obtained by contacting: Karen A. Lloyd, Assistant General Counsel, 2379 Broad Street, Brooksville, Florida 34604-6899, (352)796-7211, extension 4651.

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 Dianne Lee, (352)796-7211 or 1(800)423-1476, extension 4658, TDD only number 1(800)231-6103. 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 **Water Resources Advisory Commission (WRAC)** Issues Workshop – CERP Integrated Schedule announces a public meeting to which all persons are invited.

DATE AND TIME: August 20, 2007, 10:00 a.m. – 3:00 p.m.  
 PLACE: South Florida Water Management District (SFWMD), 3301 Gun Club Road, Building B-1, Auditorium, West Palm Beach, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Jacksonville District of the United States Army Corps of Engineers will host a public meeting to hear public and stakeholder comments about a proposed Integrated Project Schedule for Everglads Ecosystem Restoration.

A copy of the agenda may be obtained by contacting Mr. Stuart Appelbaum, Chief, Everglades Division, Jacksonville District, U.S. Army Corps of Engineers, (904)232-1700.

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 the District's Clerk Office, Jacki McGorty at (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).

For more information, you may contact Mr. Stuart Appelbaum, Chief, Everglades Division, Jacksonville District, U.S. Army Corps of Engineers, (904)232-1700.

#### AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration**, Low Income Pool (LIP) Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 11, 2007, 1:30 p.m. – 2:30 p.m.  
 PLACE: Conference Call 1(888)808-6959, Conference Code 4138067

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of the LIP program including funding methodology, policies and procedures in accordance with the approved Medicaid Reform Section 1115 Demonstration.

A copy of the agenda may be obtained by contacting Edwin Stephens at (850)413-8067 or Suncom 294-8067, stephene@ahca.myflorida.com, with any questions or to obtain an agenda when it is set.

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. 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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#### DEPARTMENT OF MANAGEMENT SERVICES

The **DMS – Technology Program**, E911 Board announces the following addendum meeting schedule information.

**DATE AND TIME:** October 16, 2007, 2:00 p.m. – 5:00 p.m.

**PLACE:** Westin Hotel, Key West, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** E911 Rural County Grant Committee meeting to discuss issues related to 2007 Rural County Grant Applications.

**DATE AND TIME:** November 13, 2007, 2:00 p.m. – 5:00 p.m.

**PLACE:** Westin Harbour Island Hotel, Tampa, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** E911 Rural County Grant Committee meeting to discuss issues related to 2007 Rural County Grant Applications.

**DATE AND TIME:** December 11, 2007, 2:00 p.m. – 5:00 p.m.

**PLACE:** Embassy Suites Hotel, Orlando, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** E911 Rural County Grant Committee meeting to discuss issues related to 2007 Rural County Grant Applications.

If accommodation due to disability is needed in order to participate, please notify the DMS – Enterprise Information Technology Services Office/Wireless 911 Board in writing at least five (5) days in advance at 4050 Esplanade Way, Tallahassee, Florida 32399-0950.

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The State of Florida, **Retirement Commission** announces public hearings to which all persons are invited.

**DATE AND TIME:** August 20, 2007, 8:30 a.m.

**PLACE:** Embassy Suites, 3705 Spectrum Blvd., Tampa, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct hearings pursuant to Section 121.23, Florida Statutes, and to consider other matters related to the business of the Commission.

A copy of the Agenda may be obtained by writing: Department of Management Services, State Retirement Commission, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950 or by telephoning (850)487-2410.

A party who decides to appeal any decision made at such hearings will need a verbatim record of the hearing and may need to ensure that one is made, including the testimony and evidence, upon which the appeal is to be based.

Persons requiring accommodations because of a physical, visual, auditory, or speech impairment should contact the Commission Clerk at least ten days prior to the hearing. If you

are hearing or speech impaired, call by using the Florida Relay Service which, 1(800)955-8771 (TDD). Hearing rooms and facilities are wheelchair accessible.

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The State of Florida announces a **Chief Information Officers (CIO)** Council meeting to which all persons are invited.

**DATE AND TIME:** Monday, August 20, 2007, 10:00 a.m. – 12:00 Noon

**PLACE:** Betty Easley Conference Center, Room 166, 4075 Esplanade Way, Tallahassee, FL 32399-0850

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To enhance communication among the Chief Information Officers of all state agencies and assist in identifying critical statewide information technology issues.

If you would like an agenda for this meeting or require special accommodations due to disability or physical impairment, please contact Jeff Griffin at griffij@doacs.state.fl.us, (850)922-2931.

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#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Department of Business and Professional Regulation** announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** August 31, 2007, 10:00 a.m.

**PLACE:** Access Phone: 1(888)808-6959, Conference Code number 9218690

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** General Business meeting.

A copy of the agenda may be obtained by contacting: Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, FL 32399-0766.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, FL 32399-0766, (850)922-7154.

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The **Board of Pilot Commissioners** announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** August 28, 2007, 10:00 a.m.

**PLACE:** 1(888)808-6959, Conference Code 4878197

GENERAL SUBJECT MATTER TO BE CONSIDERED: Deputy Pilot Advancement.

A copy of the agenda may be obtained by contacting: Board of Pilot Commissioners, 1940 N. Monroe St., Tallahassee, FL.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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 the Board office at (850)922-6096. 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 **Florida Engineers Management Corporation** announces a public meeting by conference call to which all persons are invited.

DATE AND TIME: Thursday, August 9, 2007, 9:00 a.m.

PLACE: Conference Call In Number: 1(866)895-8146, Passcode 5210500

GENERAL SUBJECT MATTER TO BE CONSIDERED: Update on the interview process for the President/Executive Director position and the 2007-2008 Contract.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting Carrie A. Flynn at (850)521-0500.

The **Florida Engineers Management Corporation** and the **Florida Board of Professional Engineers** announces a public meeting by conference call to which all persons are invited.

DATE AND TIME: Thursday, August 30, 2007, 9:00 a.m.

PLACE: Conference Call In Number: 1(866)895-8146 Passcode 5210500

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the 2007-2008 Contract and the candidate for the Executive Director position.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting Carrie A. Flynn at (850)521-0500.

The **Board of Accountancy** announces the following public meeting of the Minority Scholarship Council to which all persons are invited.

DATE AND TIME: Tuesday, August 28, 2007, 9:00 a.m.

PLACE: Conference call

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider the applications for scholarships. This is a public meeting.

A copy of the agenda may be obtained by writing to: Vyrus Hayes or Trencia Jenkins, Division of Certified Public Accounting, 240 N.W. 76th Drive, Suite A, Gainesville, Florida 32607.

NOTE: If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act any person requiring special accommodations to participate in this workshop/hearing/meeting by contacting Vyrus Hayes or Trencia Jenkins at (352)333-2505. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8711.

The **Board of Accountancy** announces the following public meetings to which all persons are invited.

DATES AND TIMES: Thursday, September 6, 2007, 10:00 a.m. – until all Rules business is concluded; Thursday, September 6, 2007, 1:00 p.m. – until all Long Range Planning business is concluded; Friday, September 7, 2007, 9:00 a.m. – until all Board Meeting business is concluded

PLACE: Sheraton Suites Tampa Airport, 4400 West Cypress Street, Tampa, FL 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Rules Committee will meet to discuss rule changes. This is a public meeting. The Board will meet to discuss Long Range Planning issues. This is a public meeting. The Board will meet to consider enforcement proceedings including consideration of investigation officers' reports and other general business. This is a public meeting.

A copy of any Rules materials/ Long Range Planning materials and/or the Board agenda may be obtained by writing to: Voloria A. Kelly, Division Director, Division of Certified Public Accounting, 240 N.W. 76th Drive, Suite A, Gainesville, Florida 32607.

Note: If a person decides to appeal any decision made by the Board with respect to any matter considered at these meetings, he/she may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Pursuant to the provisions of the Americans with Disabilities Act any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/

hearing/meeting by contacting Veloria A. Kelly at (850)487-1395. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8711.

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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

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The **Department of Environmental Protection, Division of Waste Management** announces a workshop on Rules 62-788.100, Applicability and Limitations; 62-788.150, Referenced Guidelines; 62-788.200, Definitions; 62-788.300, Application Process; 62-788.310, Affordable Housing VCTC Application Process; 62-788.320, Solid Waste VCTC Application Process; 62-788.400, Eligibility Determination; 62-788.900, Forms, F.A.C., to which all persons are invited.

DATE AND TIME: Tuesday, August 28, 2007, 9:00 a.m.

PLACE: Marjory Stoneman Douglas Building, 3900 Commonwealth Boulevard, Conference Room A, Tallahassee, Florida 32399-3000

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Voluntary Cleanup Tax Credit Program has been expanded and clarified by statute, and the department proposes to clarify some existing requirements based on experience in implementing the program since the rule was initially adopted. The changes to Chapter 62-788, F.A.C., will incorporate or introduce the following at eligible sites: an increase in the per-site tax credit award amount and percentage for site rehabilitation; requirements for issuance of a one-time tax credit award when use of the brownfield site is limited to affordable housing; requirements for issuance of a one-time tax credit when solid waste is removed, transported and disposed of in accordance with department rules; extension of the application deadline from December 31 to January 15; extension of the site rehabilitation certificate issuance deadline from March 1 to March 31; updates in terminology and definitions for consistency and clarity; clarification of the useful life of issued tax credit certificates; clarification that applications must be complete by the submittal deadline and that placeholder applications are not accepted; allowance of tax credits for site rehabilitation conducted prior to brownfield area designation or the execution of the applicable voluntary cleanup agreement or brownfield site rehabilitation agreement. A copy of the agenda may be obtained by contacting: Elizabeth E. Walker, Department of Environmental Protection, Bureau of Waste Cleanup, M.S. 4505, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8933 or [Beth.Walker@dep.state.fl.us](mailto:Beth.Walker@dep.state.fl.us).

Copies of directions to the meeting room, the proposed rule, or the agenda are available via the internet at: <http://www.dep.state.fl.us/waste/categories/wc/pages/WCRuleDevelopment.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 5 days before the workshop/meeting by contacting Beth Walker at (850)245-8933. 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 **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 29, 2007, 10:00 a.m.

PLACE: St. Johns River Water Management District, Palm Bay Service Center, 525 Community College Parkway, S.E., Palm Bay, Florida 32909

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to inform the public of the Department's intent to develop Total Maximum Daily Loads (TMDLs) in the Indian River Lagoon watershed and solicit public participation in this process.

A copy of the agenda may be obtained by contacting: Ms. Toni Edwards, Department of Environmental Protection, 2600 Blair Stone Road, Watershed Planning and Coordination Section, MS 3565, Tallahassee, Florida 32399-2400 or by calling (850)245-8545.

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: Ms. Toni Edwards, Department of Environmental Protection, 2600 Blair Stone Road, Watershed Planning and Coordination Section, MS 3565, Tallahassee, Florida 32399-2400 or by calling (850)245-8545. 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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NOTICE OF CHANGE – The **Division of Recreation and Parks** announces a workshop to which all persons are invited.

DATE AND TIME: Wednesday, September 5, 2007, 9:00 a.m. (EDT)

PLACE: (NEW LOCATION): Florida Fish and Wildlife Conservation Commission Regional Office Conference Room, 3900 Drane Field Road, Lakeland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Presentation and discussion of the proposed land management plan for Colt Creek State Park with the park Advisory Group members.

A copy of the agenda may be obtained by contacting: Colt Creek State Park, 16000 State Road 471, Lakeland, Florida 33809, (863)815-6758.

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 Colt Creek State Park at (863)815-6758. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Scott G. Spaulding, Park Manager at (863)815-6758 or email Scott.Spaulding@dep.state.fl.us.

## DEPARTMENT OF HEALTH

The **Board of Chiropractic Medicine** announces a workshop to which all persons are invited.

DATE AND TIME: Thursday, August 23, 2007, 1:00 p.m.

PLACE: The Breakers, One South County Road, Palm Beach, Florida 33480, (561)655-6611

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Chapter 64B2, Florida Administrative Code.

A copy of the agenda may be obtained by contacting: Joe Baker, Jr., Executive Director, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257 or accessing [www.doh.state.fl.us/mqa/chiro/index.html](http://www.doh.state.fl.us/mqa/chiro/index.html).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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. 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 **Board of Chiropractic Medicine** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, August 24, 2007, 8:30 a.m.

PLACE: The Breakers, One South County Road, Palm Beach, Florida 33480, (561)665-6611

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

A copy of the agenda may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Orthotists & Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing [www.doh.state.fl.us/mqa/chiro/index.html](http://www.doh.state.fl.us/mqa/chiro/index.html).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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. 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 **Board of Pharmacy**, Pharmacist Prescribing Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: August 22, 2007, 12:00 Noon

PLACE: Conference Call Number 1(888)808-6959, Conference Code 5642037

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will approve minutes from previous meeting and select the 7th member of the committee.

A copy of the agenda may be obtained by contacting the Board of Pharmacy at (850)245-4292 or [www.doh.state.fl.us/mqa/pharmacy](http://www.doh.state.fl.us/mqa/pharmacy).

The Florida **Department of Health** announces a hearing to which all persons are invited.

DATE AND TIME: August 23, 2007, 1:00 p.m. – 4:00 p.m.

PLACE: Capital Circle Office Complex, 4025 Esplanade Way, Room 30, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Health is designated as the principal state agency for the allocation and administration of the Preventive Health & Health Services Block Grant within the State of Florida.

As established by the Public Health Services Act, Section 1905(d), the Advisory Committee makes recommendations regarding the development and implementation of the Annual Application/State Plan. The Advisory Committee recommends funding of prevention programs committed to reducing the burden of the leading causes of death and disability by emphasizing effective prevention strategies. Committee members must meet annually to review funding, programs and to recommend plans for the future as a requirement of continued federal funding.

The Preventive Health and Health Services Block Grant Advisory Committee Meeting

DATE AND TIME: August 23, 2007, 1:00 p.m. – 3:00 p.m.

Public Hearing

DATE AND TIME: August 23, 2007, 3:00 p.m. – 4:00 p.m.

The Department of Health reserves the right to close the Public Hearing if there are no attendants after 3:30 p.m.  
For more information, you may contact Janet Baggett at (850)245-4330, ext. 2837 or Kim Ingram at (850)245-4330.

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Council on Homelessness** announces a series of conference call meetings of its committees to which all interested parties are invited to participate. The committees are the Executive, Barriers and Supportive Services, Continuum of Care Capacity, Supportive Housing, Education and Discharge Planning.

COMMITTEE: Executive

DATES AND TIME: Monday, September 10, 2007; October 1, 2007, 3:00 p.m. – 4:00 p.m.

PLACE: Conference Call 1(888)808-6959, Code 9229760

COMMITTEE: Barriers and Supportive Services

DATES AND TIME: Tuesday, September 4, 2007; October 2, 2007, 2:00 p.m. – 3:00 p.m.

PLACE: Conference Call 1(888)808-6959, Code 9229760

COMMITTEE: Continuum of Care Capacity

DATES AND TIME: Wednesday, September 5, 2007; October 3, 2007, 10:00 a.m. – 11:00 a.m.

PLACE: Conference Call 1(888)808-6959, Code 9229760

COMMITTEE: Supportive Housing

DATES AND TIME: Thursday, September 13, 2007; October 11, 2007, 2:00 p.m. – 3:00 p.m.

PLACE: Conference Call 1(888)808-6959, Code 9229760

COMMITTEE: Education

DATES AND TIME: Thursday, September 20, 2007; October 18, 2007, 2:00 p.m. – 3:00 p.m.

PLACE: Conference Call 1(888)808-6959, Code 9229760

COMMITTEE: Discharge Planning

DATES AND TIME: Friday, September 21, 2007; October 19, 2007, 10:00 a.m. – 11:00 a.m.

PLACE: Conference Call 1(888)808-6959, Code 9229760

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** These conference calls will address the committees' continued development of policy recommendations and work tasks to address the Council's Strategic Plan to reduce the number of persons who may be facing homelessness in Florida.

A copy of the agenda for any of the conference calls may be obtained by contacting: Tom Pierce, Office on Homelessness, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)922-4691, or email at [Tom\\_Pierce@dcf.state.fl.us](mailto:Tom_Pierce@dcf.state.fl.us).

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to access these meetings who may be in need of special assistance should contact the Office on Homelessness at (850)922-4691 at least 48 hours in advance of the meeting.

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, Circuit 19, announces the following public meeting to which all persons are invited.

### ALLIANCE MEETING

DATE AND TIME: August 24, 2007, 8:30 a.m. – 10:30 a.m.

PLACE: St. Lucie County Children's Services Council, 546 N. W. University Blvd., Suite 201, Port St. Lucie, FL 34986

For more information, please contact: Linda Poston, Personal Secretary 1, 337 North US Hwy. 1, Room 327C, Fort Pierce, Florida 34950, (772)467-4177.

**SPECIAL ACCOMMODATION:** Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact, Pearlie Clark, ADA Coordinator, (772)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

## FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: August 23, 2007, 9:00 a.m.

PLACE: City Centre Building, 227 North Bronough Street, Fifth Floor, Formal Conference Room, Tallahassee, Florida 32301-1329

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct a public hearing concerning a plan of financing (within the meaning of Section 147 (f)(2)(C) of the Code) pursuant to which the Issuer will issue its single family mortgage revenue bonds (the "Bonds") in an amount not to exceed \$750,000,000 in one or more series to finance owner-occupied residences within the State of Florida (the "State"). Proceeds of the Bonds are expected to be available to finance owner-occupied residences for persons or families of low or moderate income within any county of the State, subject to the participation of lending institutions in the counties they elect to serve. If the Bonds are issued in more than one series, each issue subsequent to the initial series will be issued within three years of the date of issuance of the initial series pursuant to a common plan of finance.

All interested parties are invited to submit written comments and/or present oral comments at the public hearing regarding the issuance of the Bonds or the purpose of the financing. Written comments should be received by the Issuer on or before August 17, 2007.

Any persons desiring to present oral comments should appear at the hearing.

A copy of the agenda may be obtained by contacting Natalyne Zanders at (850)488-4197.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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 Donna Light at (850)488-4197. 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).

### **FISH AND WILDLIFE CONSERVATION COMMISSION**

The Florida **Fish and Wildlife Conservation Commission** announces a meeting of the Florida Panther Technical Advisory Council to which all persons are invited.

**DATES AND TIMES:** Tuesday, August 21, 2007, 9:00 a.m. – 5:00 p.m.; Wednesday, August 22, 2007, 9:00 a.m. – 3:00 p.m.

**PLACE:** Ferris Bryant Building, Conference Room 252, 620 South Meridian Street, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The purpose of the meeting is to discuss the governance and operating procedures of the Florida Panther Technical Advisory Council (FPTAC), and to plan for future meetings. Some members of FPTAC will participate via telephone.

For more information, or to submit written or other physical evidence to present at the meeting, please contact: Mr. Kipp Frohlich, Florida Fish and Wildlife Conservation Commission, Imperiled Species Management Section, Mail Station 6A, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)922-4330.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to attend this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the agency ADA Coordinator (850)488-6411. 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).

### **FINANCIAL SERVICES COMMISSION**

The **Office of Insurance Regulation** announces a hearing to which all persons are invited.

**DATE AND TIME:** August 14, 2007, 9:30 a.m.

**PLACE:** 301 Senate Office Building, The Capital, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** State Farm Fire and Casualty Company (“State Farm Fire and Casualty”) is to appear and testify regarding its underwriting practices, New Business Rule, Non-renewal Rule, Non-renewals, and the impact these decisions have had on State Farm Fire and Casualty’s rate filings and State Farm Fire and Casualty’s relationship to insurance rating and trade associations.

Florida law allows the Office of Insurance Regulation to hold a public hearing for any purpose within the scope of the Insurance Code deemed to be necessary. Input from interested parties will be received at this public hearing. If you are unable to attend this public hearing, please forward your comments to ratehearings@fldfs.com. The subject line of your e-mail should read “State Farm Fire and Casualty.”

A copy of the agenda may be obtained by contacting Rhoda K. Johnson, Esquire at (850)413-4220 or Sam Coskey at (850)413-2616.

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 Sam Coskey at (850)413-2616 or e-mail him at sam.coskey@fldfs.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).

For more information, you may contact Rhoda K. Johnson, Esquire at (850)413-4220 or Sam Coskey at (850)413-2616.

The **Office of Insurance Regulation** announces a hearing to which all persons are invited.

**DATE AND TIME:** August 14, 2007, 9:30 a.m.

**PLACE:** 301 Senate Office Building, The Capital, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** State Farm Florida Insurance Company (“State Farm”) is to appear and testify regarding its underwriting practices, New Business Rule, Non-renewal Rule, Non-renewals, decision to withdraw from the Condominium Association Line of Business, and the impact these decisions have had on State Farm’s rate filings and State Farm’s relationship to insurance rating and trade associations.

Florida law allows the Office of Insurance Regulation to hold a public hearing for any purpose within the scope of the Insurance Code deemed to be necessary. Input from interested parties will be received at this public hearing. If you are unable to attend this public hearing, please forward your comments to ratehearings@fldfs.com. The subject line of your e-mail should read “State Farm 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 Sam Coskey at (850)413-2616 or e-mail him at sam.coskey@fldfs.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).

For more information, you may contact Rhoda K. Johnson, Esquire, (850)413-4220 or Sam Coskey, (850)413-2616.

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The **Office of Insurance Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: August 14, 2007, 9:30 a.m.

PLACE: 301 Senate Office Building, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: State Farm Florida Insurance Company ("State Farm") is to appear and testify regarding its underwriting practices, New Business Rule, Non-renewal Rule, Non-renewals, decision to withdraw from the Condominium Association Line of Business, and the impact these decisions have had on State Farm's rate filings and State Farm's relationship to insurance rating and trade associations.

Florida law allows the Office of Insurance Regulation to hold a public hearing for any purpose within the scope of the Insurance Code deemed to be necessary. Input from interested parties will be received at this public hearing. If you are unable to attend this public hearing, please forward your comments to ratehearings@fldfs.com. The subject line of your e-mail should read "State Farm Florida."

A copy of the agenda may be obtained by contacting Sam Coskey at (850)413-2616 or e-mail him at sam.coskey@fldfs.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Sam Coskey at (850)413-2616 or e-mail him at sam.coskey@fldfs.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).

For more information, you may contact: Rhoda K. Johnson, Esquire at (850)413-4220 or Sam Coskey at (850)413-2616.

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The **Office of Insurance Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: August 16, 2007, 9:00 a.m.

PLACE: 401 Senate Office Building, Tallahassee, Florida (adjacent to The Capitol)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Hartford Insurance Company has requested overall rate increases as follows:

Hartford I.C. of the Midwest: 100% overall rate increase for dwelling fire policies (FLR 07-1195) effective 10/3/2007 for new business and 11/21/07 for renewals;

Hartford I.C. of the Midwest: 46.4% overall rate increase for homeowners policies (FLR 07-11924) effective 9/18/07 for new business and 11/18/07 for renewals;

Hartford A & I; Hartford Casualty; Hartford Fire: 50.5% overall rate increase for dwelling fire policies (FLR 07-11937) effective 10/3/07 for new business and 11/21/07 for renewals; Hartford A & I; Hartford Casualty; Hartford Fire: 29.5% overall rate increase for homeowners policies (FLR 07-11928) effective 9/18/07 for new business and 11/8/07 for renewals.

Hartford Spectrum Program: 121.7% overall rate increase for Residential Condo Assoc. policies (FLR 07-11962) and a 146.3% overall rate increase for Residential Condo Assoc. policies (FLR 07-11966), both effective 11/1/07 for new and renewal business;

Hartford Property Choice Program: 225.9% overall rate increase for Condo policies (FLR 07-11816) and a 210.8% overall rate increase for Condo policies (FLR 07-11817), both effective 11/1/07 for new and renewal business.

The requested rate increases are not uniform and some areas are subject to higher rate increases.

Florida law allows the Office of Insurance Regulation to hold a public hearing for any purpose within the scope of the Insurance Code deemed to be necessary. Input from interested parties will be received at this public hearing. If you are unable to attend this public hearing, please forward your comments to ratehearings@fldfs.com. The subject line of your e-mail should read "Hartford."

A copy of the agenda may be obtained by contacting Sam Coskey at (850)413-2616 or e-mail him at sam.coskey@fldfs.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Sam Coskey at (850)413-2616 or e-mail him at sam.coskey@fldfs.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).

For more information, you may contact C. Khai Patterson, Esquire at (850)413-4276 or Sam Coskey at (850)413-2616.

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The **Office of Insurance Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: August 21, 2007, 10:00 a.m.

PLACE: 401 Senate Office Building, Florida Capitol, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: IDS Property Casualty Insurance Company/Amex Assurance Company has requested a 49.1% overall increase for new and renewal homeowners' policies, effective October 1, 2007. The rate increases are not uniform and some areas are subject to higher rate increases.

Florida law allows the Office of Insurance Regulation to hold a public hearing for any purpose within the scope of the Insurance Code deemed to be necessary. Input from interested parties will be received at this public hearing. If you are unable to attend this public hearing, please forward your comments to [ratehearings@fldfs.com](mailto:ratehearings@fldfs.com). The subject line of your email should read "IDS Property Casualty."

A copy of the agenda may be obtained by contacting Sam Coskey at (850)413-2616 or email him at [sam.coskey@fldfs.com](mailto:sam.coskey@fldfs.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Sam Coskey at (850)413-2616 or email him at [sam.coskey@fldfs.com](mailto:sam.coskey@fldfs.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).

For more information, you may contact Stephen H. Thomas, Jr., Esquire at (850)413-4142 or Sam Coskey at (850)413-2616.

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The **Office of Insurance Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: August 21, 2007, 1:00 p.m.

PLACE: 401 Senate Office Building, Florida Capitol, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Capitol Preferred Insurance Company, Inc. has requested an 18.8% overall increase for new and renewal homeowners policies, effective October 1, 2007; and a 21.5% overall increase for new and renewal dwelling fire insurance policies, effective October 1, 2007. The rate increases are not uniform and some areas are subject to higher rate increases.

Florida law allows the Office of Insurance Regulation to hold a public hearing for any purpose within the scope of the Insurance Code deemed to be necessary. Input from interested parties will be received at this public hearing. If you are unable to attend this public hearing, please forward your comments to [ratehearings@fldfs.com](mailto:ratehearings@fldfs.com). The subject line of your email should read "Capitol Preferred."

A copy of the agenda may be obtained by contacting Sam Coskey at (850)413-2616 or email him at [sam.coskey@fldfs.com](mailto:sam.coskey@fldfs.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Sam Coskey at (850)413-2616 or email him at [sam.coskey@fldfs.com](mailto:sam.coskey@fldfs.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).

For more information, you may contact Stephen H. Thomas, Jr., Esquire at (850)413-4142 or Sam Coskey at (850)413-2616.

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## SOIL AND WATER CONSERVATION DISTRICTS

The **Duval Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: August 8, 2007, 10:00 a.m.

PLACE: Duval Agricultural Extension Center, 1010 N. McDuff Avenue, Jacksonville, FL 32254

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the business of the District Board.

A copy of the agenda may be obtained by contacting Diane Thomas at (904)266-0088, ext. 3 or by e-mail: [diane.thomas@fl.nacdn.net](mailto:diane.thomas@fl.nacdn.net) or fax (904)266-4858.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting. 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 **Volusia Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: August 14, 2007, 3:00 p.m.

PLACE: 3100 E. New York Avenue, Volusia County Ag Center, Meeting Room, Deland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly agenda items.

A copy of the agenda may be obtained by contacting [vswcdsectry@earthlink.net](mailto:vswcdsectry@earthlink.net).

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The **Madison Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: August 20, 2007, 8:15 a.m.

PLACE: USDA-NRCS Service Center, 1416 U.S. 90 E., Madison, FL 32340

GENERAL SUBJECT MATTER TO BE CONSIDERED: General District business.

A copy of the agenda may be obtained by contacting Doris Newman.

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The **Palm Beach Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: August 28, 2007, 8:00 a.m.

PLACE: USDA Service Center 750 S. Military Trail, West Palm Beach, FL 33415

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Office Update.

A copy of the agenda may be obtained by contacting Laura at (561)683-2285, ext. 3.

For more information, you may contact Laura at (561)683-2285, ext. 3.

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## FLORIDA SURPLUS LINES SERVICE OFFICE

The **Florida Surplus Lines Service Office**, Board of Governors' announces a public meeting to which all interested parties are invited.

### BOARD OF GOVERNORS' MEETING

DATE AND TIME: Tuesday, August 14, 2007, 10:00 a.m.

PLACE: Continental Agency of Florida, 6413 Congress Ave., Suite 110, Boca Raton, FL 33487

GENERAL SUBJECT MATTER TO BE CONSIDERED: Selected Board members will meet with other industry representatives to discuss pending federal legislation concerning the non-admitted insurance market.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should contact Georgie a week prior to the meeting at (850)224-7676, ext. 101.

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## ENTERPRISE FLORIDA, INC.

**Enterprise Florida, Inc.** announces a public meeting to which all persons are invited.

Meeting: Enterprise Florida, Inc. Urban Working Group

DATE AND TIME: Tuesday, August 14, 2007, 11:00 a.m. – 12:30 p.m.

PLACE: Biltmore Hotel, 1200 Anastasia Avenue, Coral Gables, FL 33134, 1(305)445-1925

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Ellen Stalnaker, (407)956-5615 at least one (1) day prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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**Enterprise Florida, Inc.** announces a public meeting to which all persons are invited.

Meeting: Enterprise Florida, Inc. Workforce Working Group

DATE AND TIME: Tuesday, August 14, 2007, 11:00 a.m. – 1:00 p.m.

PLACE: Biltmore Hotel, 1200 Anastasia Avenue, Coral Gables, FL 33134, 1(305)445-1925

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Ellen Stalnaker, (407)956-5615 at least one (1) day prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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**Enterprise Florida, Inc.** announces a public meeting to which all persons are invited.

Meeting: Enterprise Florida, Inc. Marketing Working Group

DATE AND TIME: Tuesday, August 14, 2007, 3:00 p.m. – 4:30 p.m.

PLACE: Biltmore Hotel, 1200 Anastasia Avenue, Coral Gables, FL 33134, 1(305)445-1925

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Ellen Stalnaker, (407)956-5615 at least one (1) day prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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**Enterprise Florida, Inc.** announces a public meeting to which all persons are invited.

Meeting: Enterprise Florida, Inc. Stakeholders Council

DATE AND TIME: Wednesday, August 15, 2007, 8:30 a.m. – 11:30 p.m.

PLACE: Biltmore Hotel, 1200 Anastasia Avenue, Coral Gables, FL 33134, 1(305)445-1925

If an accommodation is needed for a disability or physical impairment, please contact Ellen Stalnaker, (407)956-5615 at least one (1) day prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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**Enterprise Florida, Inc.** announces a public meeting to which all persons are invited.

Meeting: Enterprise Florida, Inc. Technology, Entrepreneurship and Capital (TEC) Committee

DATE AND TIME: Wednesday, August 15, 2007, 1:00 p.m. – 2:30 p.m.

PLACE: Biltmore Hotel, 1200 Anastasia Avenue, Coral Gables, FL 33134, 1(305)445-1925

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Ellen Stalnaker, (407)956-5615 at least one (1) day prior to the activity. Persons who are hearing

or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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**Enterprise Florida, Inc.** announces a public meeting to which all persons are invited.

Meeting: Enterprise Florida, Inc. Defense and Space Committee

DATE AND TIME: Wednesday, August 15, 2007, 1:00 p.m. – 3:00 p.m.

PLACE: Biltmore Hotel, 1200 Anastasia Avenue, Coral Gables, FL 33134, 1(305)445-1925

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Ellen Stalnaker, (407)956-5615 at least one (1) day prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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**Enterprise Florida, Inc.** announces a public meeting to which all persons are invited.

Meeting: Enterprise Florida, Inc. Global Commerce and Investment Committee

DATE AND TIME: Wednesday, August 15, 2007, 2:30 p.m. – 4:30 p.m.

PLACE: Biltmore Hotel, 1200 Anastasia Avenue, Coral Gables, FL 33134, 1(305)445-1925

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Ellen Stalnaker, (407)956-5615 at least one (1) day prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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**Enterprise Florida, Inc.** announces a public meeting to which all persons are invited.

Meeting: Enterprise Florida, Inc. Legislative Policy Committee

DATE AND TIME: Wednesday, August 15, 2007, 2:30 p.m. – 4:00 p.m.

PLACE: Biltmore Hotel, 1200 Anastasia Avenue, Coral Gables, FL 33134, 1(305)445-1925

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Ellen Stalnaker, (407)956-5615 at least one (1) day prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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**Enterprise Florida, Inc.** announces a public meeting to which all persons are invited.

Meeting: Enterprise Florida, Inc. Board of Directors Meeting

DATE AND TIME: Thursday, August 16, 2007, 8:30 a.m. – 12:30 p.m.

PLACE: Biltmore Hotel, 1200 Anastasia Avenue, Coral Gables, FL 33134, 1(305)445-1925

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Ellen Stalnaker, (407)956-5615 at least one (1) day prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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**Enterprise Florida, Inc.** announces a public meeting to which all persons are invited.

Meeting: Enterprise Florida, Inc. Board Strategy Council

DATE AND TIME: Thursday, August 16, 2007, 12:30 p.m. – 2:00 p.m.

PLACE: Biltmore Hotel, 1200 Anastasia Avenue, Coral Gables, FL 33134, 1(305)445-1925

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Ellen Stalnaker, (407)956-5615 at least one (1) day prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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#### **TREASURE COAST EDUCATION, RESEARCH AND DEVELOPMENT AUTHORITY**

The **Treasure Coast Education, Research and Development Authority** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Tuesday, August 14, 2007, 1:00 p.m.

PLACE: University of Florida Indian River Research and Education Center, 2199 South Rock Road, Fort Pierce, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Minutes of July 10, 2007 meeting, checking account audit, fund request from St. Lucie County, survey and cattle lease

status report, Executive Director's report, committee reports, and such other business as the Authority may deem appropriate. Those who desire a copy of the agenda or anyone with a disability requiring accommodation to attend this meeting should contact the Authority at (772)467-3107 prior to the meeting.

#### FLORIDA ATLANTIC RESEARCH AND DEVELOPMENT AUTHORITY

The **Florida Atlantic Research and Development Authority** will hold a scheduled meeting to which all interested persons are invited.

DATE AND TIME: Wednesday, August 15, 2007, 8:00 a.m.

PLACE: The Technology Business Incubator Conference Room, 3701 FAU Blvd., Suite 210, Boca Raton, Florida

For information or agenda, contact Scott Ellington, Executive Director at (561)416-6092, e-mail: Scott@research-park.org.

#### FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC. (FWCJUA)

The **FWCJUA** announces a joint and concurrent teleconference meeting of its Board of Governors and its Rates and Forms Committee to which all interested parties are invited to attend.

DATE AND TIME: August 17, 2007, 10:00 a.m.

PLACE: To participate in the teleconference meeting, please contact Kathy Coyne at (941)378-7408

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics will include approval of Board minutes; selection/confirmation of the Actuary; and June 30, 2007 reserve analysis.

A copy of the agenda may be obtained from the FWCJUA's website, [www.fwcjua.com](http://www.fwcjua.com) or by contacting Kathy Coyne at (941)378-7408.

#### DEPARTMENT OF MILITARY AFFAIRS

The **Department of Military Affairs** announces a meeting with which all persons are invited.

DATE AND TIME: Saturday, August 18, 2007, 3:30 p.m.

PLACE: Post Headquarters Conference Room, Camp Blanding Joint Training Center, Camp Blanding, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Armory Board Meeting. The Armory Board will consider action on contracts, leases, agreements and other business relative to real property and facility management issues under its control.

If a person decides to appeal any decision made by the Armory Board with respect to any matter considered at this meeting, that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

IN ACCORDANCE WITH FLORIDA STATUTE 286.0105.

#### FLORIDA ASSOCIATION OF COURT CLERKS

The **Electronic Recording Advisory Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: August 20, 2007, 9:00 a.m.

PLACE: Florida Association of Court Clerks, 3544 Maclay Blvd., Tallahassee, Florida 32312

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a general organizational meeting and review of existing standards and practices for county recorders in this state.

A copy of the agenda may be obtained by contacting Beth Allman at the Florida Association of Court Clerks, (850)921-0808 or [allman@flclerks.com](mailto:allman@flclerks.com).

### Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

#### DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has received the petition for declaratory statement from Jeffrey K. Hulsberg, P.E., of Hulsberg Engineering, Inc. on June 28, 2007. The petition seeks the Commission's opinion as to whether an Exposure Category of "D" as described in section R301.2.1.4 (4), Florida Building Code, Residential Volume (2004 as amended 12/05 and 12/06) is a valid Exposure Category in Florida. If so, whether Exposure D applies only to the first buildings on the shoreline of a lake that are directly exposed to wind coming over the surface of the water, or if it applies also to buildings that are shielded by other buildings and trees. If Exposure D also applies to buildings that are shielded, what is the transition zone length from Exposure D to the next applicable inland exposure category. It has been assigned the number DCA07-DEC-116.

A copy of the request may be obtained by writing: Paula P. Ford, Clerk, Department of Community Affairs, Florida Building Commission, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has received the petition for declaratory statement from Kenneth R. Pfeiffer, P.E., of Pfeiffer Engineering, Inc. on July 13, 2007. The petition seeks the agency's opinion as to

whether a proposed new public swimming pool that meets the criteria for exemption from regulation by the Department of Health contained in Section 514.0115(2), Florida Statutes (F.S.), also qualifies for exemption or variance from the construction requirements contained in section 424.1, Florida Building Code, Building Volume (2004 as amended 12/05 and 12/06). It has been assigned the number DCA07-DEC-133.

A copy of the request may be obtained by writing: Paula P. Ford, Clerk, Department of Community Affairs, Florida Building Commission, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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#### **DEPARTMENT OF REVENUE**

NOTICE IS HEREBY GIVEN THAT the Florida Department of Revenue has received a petition for declaratory statement, filed July 25, 2007, from Cox Radio, Inc. The Petitioner is requesting a declaratory statement as to whether the lease of space for certain communications equipment by a communications services provider is exempt from sales tax pursuant to Section 212.031(1)(a), F.S.

A copy of the petition may be obtained by writing, calling, or faxing: Yvonne Gsteiger, Assistant General Counsel, Department of Revenue, Post Office Box 6668, Tallahassee, Florida 32314-6668, (850)488-0712, Fax (850)488-7112 or e-mailing [gsteiger@dor.state.fl.us](mailto:gsteiger@dor.state.fl.us). (Please advise if you would like the petition mailed or faxed to you. Please include your phone number on your request in case any question arises.)

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#### **BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

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#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by William A. and Susan L. Bramer, Unit Owners, Ormondy Condominium Management Association, Docket No. 2007028045 on May 11, 2007. The following is a summary of the agency's declination of the petition:

The Division has issued an Order Declining the Petition for Declaratory Statement. This matter is a dispute over the interpretation of the declaration rather than the application of an agency statute, rule or order.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: the Division Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

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NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Edward Morawski, Unit Owner, In Re: Remington Reserve Condominium Association, Docket No. 2007031948 on June 1, 2007. The following is a summary of the agency's declination of the petition:

The Division has issued an Order Declining the Petition for Declaratory Statement. This matter is a contractual dispute rather than the application of an agency statute, rule or order.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: the Division Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

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NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Venture Out at Cudjoe Cay, Inc.; Docket No.: 2007036682. The petition seeks the agency's opinion as to the applicability of Section 718.112(2)(d)8., Florida Statutes, as it applies to the petitioner.

Whether Venture Out at Cudjoe Cay, Inc. may appoint a unit owner to fill a vacancy caused by an ineligible person being voted to the board instead of filing the vacancy with the unit owner who received next highest number of votes at the annual meeting under Section 718.112(2)(d)8., Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: to the Division Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Townhouses at Jacaranda Condominium Association, Inc.;

Docket No. 2007040095. The petition seeks the agency's opinion as to the applicability of Section 718.3026, Florida Statutes as it applies to the petitioner.

How, Townhouses at Jacaranda Condominium Association, Inc., a multicondominium association, may comply with Section 718.3026, Florida Statutes, in its competitive bidding process for roof repair.

A copy of the Petition for Declaratory Statement may be obtained by contacting: the Division Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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#### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

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#### **DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN THAT the Board of Dentistry has received the petition for declaratory statement from Dr. Laria-Viota, Dental Director, Smallwood Prison Dental Services, LLC. The petition seeks the agency's opinion as to the applicability of Rule 64B5-7.0035, F.A.C., as it applies to the petitioner.

And whether the rule authorizes Petitioner to apply for, and receive temporary certificates for unlicensed dentists to work in state correctional facilities.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

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#### **DEPARTMENT OF FINANCIAL SERVICES**

NOTICE IS HEREBY GIVEN that the Office of Financial Regulation received a request for a Declaratory Statement on July 16, 2007, from Floridian Community Bank and Joanne P. Gaines ("Petitioners"), regarding the continuing application of a condition of approval contained in the 2002 Final Order of Approval entered with regard to the organization of Floridian Community Bank. The condition at issue states: "That the proposed Director of Marketing, Joanne P. Gaines, will not serve as an executive officer or director of the proposed bank."

The Petitioners are seeking a Declaratory Statement as to whether that condition remains in effect. The request has been assigned the number 0443-B-7/07.

A copy of the request may be obtained by writing: Jeffrey A. LeHeup, Assistant General Counsel, Office of Financial Regulation, 200 E. Gaines Street, Fletcher Building, Suite 526, Tallahassee, Florida 32399-0379.

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NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division of State Fire Marshal, has received a Petition for Declaratory Statement filed on or about July 30, 2007, from Pliny "PJ" Olivier, Petitioner.

Does American Society for Mechanical Engineers (ASME) Section 1 and the National Board Inspection Code apply to boilers located in State of Florida Power Plants, Paper Mills, Phosphate plants, and other heavy industries that have boilers located on their property?

A copy of the Petition may be obtained by writing to, calling, or faxing: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340, phone (850)413-3604, or (850)413-4238, fax (850)922-1235 or (850)488-0697 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in case any question arises), or by e-mailing your request to [Lesley.Mendelson@fldfs.com](mailto:Lesley.Mendelson@fldfs.com).

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NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division of State Fire Marshal, has filed a Final Order of Denial of Petition for Declaratory Statement on July 31, 2007, in RE: Petition for Declaratory Statement, Wilton Lee, Case #90318, thus closing this file.

A copy of the petition may be obtained by writing: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, FL 32399-0340.

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### **Section VIII Notices of Petitions and Dispositions Regarding the Validity of Rules**

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

**NONE**

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**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

**NONE**

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## Section IX Notices of Petitions and Dispositions Regarding Non-rule Policy Challenges

**NONE**

## Section X Announcements and Objection Reports of the Joint Administrative Procedures Committee

**NONE**

## Section XI Notices Regarding Bids, Proposals and Purchasing

### **DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

#### Notice of Bid/Request for Proposal

As a Contractor, you are invited to submit a bid to the FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF ADMINISTRATION, hereinafter referred to as Owner, for an electrical system upgrade project for the Mayo Building located at 407 S. Calhoun Street, Tallahassee, Florida. The Project Budget is estimated to be: \$630,000.00.

The contractor shall provide all materials, labor, equipment, permits and inspection fees necessary for the completion of the project in accordance with the terms and conditions of the Invitation to Bid.

**PROJECT NAME AND LOCATION:** Electrical system upgrade project for the Mayo Building located at 407 S. Calhoun Street, Tallahassee, Florida.

**SOLICITATION DOCUMENT:** The entire solicitation document may be viewed and downloaded from the Vendor Bid System at <http://myflorida.com>, click on Business, Doing Business with the State of Florida, Everything for Vendors and Customers, Vendor Bid System, Search Advertisements, Bid Number ITB/DA-07/08-07, or by calling the Purchasing Office at (850)487-3727. Plans and specifications are available through Pinnacle Engineering Group, P.A., 3303 Thomasville Road, Suite 102, Tallahassee, Florida 32308, (850)422-1763, Fax (850)422-1502.

**MANDATORY PRE-BID CONFERENCE/SITE VISIT:** Each bidder must, before submitting a bid, attend the mandatory pre-bid conference/site visit. The pre-bid conference/site visit will be held on August 23, 2007, 10:00 a.m., 407 S. Calhoun Street, Tallahassee, Florida 32399. During the pre-bid

conference a site visit will be held for prospective bidders. It is the bidders' responsibility to consider any and all site conditions or requirements for the project.

**PUBLIC ENTITY CRIME INFORMATION STATEMENT:** A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

**DISCRIMINATION; DENIAL OR REVOCATION FOR THE RIGHT TO TRANSACT BUSINESS WITH PUBLIC ENTITIES:** An entity or affiliate who had been placed on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity.

**PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND:** If the construction contract award amount is \$100,000.00 or less, a Performance Bond and a Labor and Material Payment Bond are not required.

Sealed bids will be received, publicly opened and read aloud on:

**DATE AND TIME:** September 7, 2007, 2:00 p.m.

**PLACE:** Department of Agriculture and Consumer Services, 407 S. Calhoun Street, SB8 Mayo Building, Tallahassee, Florida 32399, (850)487-3727.

**CONTRACT AWARD:** The official Notice of Award Recommendation will be by electronic posting at [http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu). Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. If no protest is filed the contract will be awarded to the qualified, responsive low bidder in accordance with Chapter 60D-5, F.A.C., by the Owner.

### **DEPARTMENT OF EDUCATION**

#### **NOTICE TO PROFESSIONAL CONSULTANTS:**

The University of Florida Board of Trustees announces that Professional Services in the disciplines of architecture and engineering will be required for the project listed below:

Project: UF-206, Graduate Studies Building (Hough Hall), Gainesville, FL

The project consists of a new, freestanding building to house classrooms and office, meeting, event, study/lounge, and support space for graduate programs in the Warrington College of Business Administration. The new facility, which is estimated at roughly 54,000 GSF, must fit contextually in the historic district of campus with a thoughtful and high-performance design that enhances the “front door” to the University. Hough Hall and a second new building will be located atop an existing surface parking lot, so comprehensive site planning must account for revised traffic patterns, accessibility, routing of utilities, landscape and hardscape elements, and views to and from existing buildings.

The estimated construction budget is approximately \$18,700,000. To ensure occupancy prior to January 2010, site preparation and utilities infrastructure shall be designed and executed as an “early start” package in late summer of 2008 using Construction Manager At-Risk delivery. The University is interested in utilizing Building Information Modeling (BIM) as a tool for improving quality, cost, and schedule by aiding coordination of trades, reducing field conflicts, and generally enhancing the construction process itself. Silver or higher LEED (Leadership in Energy and Environmental Design) certification by the U.S. Green Building Council is mandatory. The selected firm will provide program verification via interactive workshops with users and other stakeholders, site planning, conceptual studies, cost modeling, design, rendering and modeling, construction documents, and construction administration services for the referenced project. Blanket professional liability insurance will be required for this project in the amount of \$3,000,000, and will be provided as a part of Basic Services. Plans and specifications for University of Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes.

Applicants will be evaluated on the basis of their past performance, experience, personnel, design ability, references, workload, and responses to questions posed both in the shortlist and interview phases. Finalists may be provided with supplemental interview requirements and criteria as needed, and the Selection Committee may reject all proposals and stop the selection process at any time.

Applicants desiring to provide professional services for the project shall submit a proposal only after thoroughly reviewing the facilities program, Project Fact Sheet, and other background information. The proposal shall be limited to 40 single-sided, consecutively-numbered pages and shall include:

1. A Letter of Application that concisely illustrates the applicant’s understanding of the scope of services, design intent, and other goals and considerations as outlined in the Project Fact Sheet and facilities program.
2. Company information and signed certification.

3. A completed, project-specific “Professional Qualifications Supplement” (PQS) proposal with signed certification. Applications on any other form will not be considered.
4. Resumes and copies of the applicant’s current Professional Registration Certificate(s) from the appropriate governing board, corporate charter(s) if applicable, LEED accreditation, and other pertinent credentials.

At the time of application, the applicant must possess current design Professional Registration Certificate(s) from the appropriate governing board; must be properly registered to practice its profession in the State of Florida; and, if the applicant is a corporation, must be chartered by the Florida Department of State to operate in Florida. As required by Section 287.133, Florida Statutes, an applicant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected professional must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Unsigned proposals or proposals containing expired or invalid licenses will be disqualified. Submittal materials will not be returned.

The project-specific PQS form, instructions, Project Fact Sheet, facilities program, UF Design Services Guide, UF Construction Standards, standard University of Florida Owner-Professional agreement, and other project and process information can be found on the Facilities Planning & Construction website.

Provide the number of copies prescribed in the Project Fact Sheet. Submittals must be received in the Facilities Planning & Construction office by 3:00 p.m. local time, on Friday, September 7, 2007. Facsimile (FAX) submittals are not acceptable and will not be considered.

Facilities Planning and Construction  
232 Stadium / P. O. Box 115050  
Gainesville, FL 32611-5050  
Telephone: 352-392-1256  
FAX: 352-392-6378  
Internet: [www.facilities.ufl.edu](http://www.facilities.ufl.edu)

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#### NOTICE TO CONSTRUCTION MANAGERS:

The University of Florida Board of Trustees announces that CM-At-Risk services will be required for the project listed below:

Project: UF-313, Veterinary Education and Clinical Research Center at the University of Florida College of Veterinary Medicine – Gainesville, Florida.

This project is an expansion of the College of Veterinary Medicine Small Animal Hospital. The proposed project is envisioned as a 3-story, approximately 93,000 gross square

foot, addition to the Small Animal Hospital (SAH). It will function as an educational, research and clinical facility and allow the SAH to relieve space deficiencies, which are currently causing a less efficient hospital function. In addition, the proposed growth will allow the SAH to increase its caseload, provide a new linear accelerator facility, and to create a healthier environment for patients and clinicians.

The project is to be located at the current College of Veterinary Medicine Small Animal Hospital site, on the south side of S.W. 16th Avenue adjacent to Shealy Drive on the University of Florida campus. The proposed expansion will occupy the current Patient parking lot directly north of the Small Animal Hospital patient receiving area.

The total project construction budget is \$44,623,000, including site improvements and utility infrastructure. Construction shall be "fast-tracked" to begin by 30 September 2008 and be substantially complete in February 2010. Silver LEED (Leadership in Energy and Environmental Design) certification by the U.S. Green Building Council is a mandatory minimum.

The contract for construction management services will consist of two phases, pre-construction and construction. Pre-construction services will begin during the Conceptual Design stage and will include production of cost studies and estimates; value engineering; analysis of the design documents for constructability, coordination, detailing, materials, and systems; development and maintenance of the construction schedule; production of detailed jobsite management plans; development of strategies for the procurement of trade contracts; and development of a Guaranteed Maximum Price (GMP) proposal based on 60% or 100% Construction Documents (to be determined by the Owner during the design phase), for which the design/builder will be paid a fixed fee. If the GMP proposal is accepted and executed, the construction phase will be implemented. In this phase, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for phase one of the contract, or failure to arrive at an acceptable GMP budget within the time provided in the agreement may result in the termination of the construction manager's contract.

Applicants will be evaluated on the basis of their past performance, experience, personnel, references, bonding capacity, workload, and responses to questions posed both in the shortlist and interview phases. The Selection Committee may reject all proposals and stop the selection process at any time.

Applicants desiring to provide construction management services for the project shall submit a proposal only after thoroughly reviewing the facilities program, Project Fact

Sheet, and other background information. The proposal shall be limited to 60 single-sided (or 30 pages front and back), consecutively-numbered pages and shall include:

1. A Letter of Application that concisely illustrates the applicant's understanding of the scope of services, schedule, and other goals and considerations as outlined in the Project Fact Sheet and facilities program.
2. Company information and signed certification.
3. A completed, project-specific "CM Qualifications Supplement" (CMQS) proposal. Applications on any other form will not be considered.
4. Resumes, copies of the applicant's contracting license, corporate charter(s) if applicable, proof of the firm's bonding capacity, LEED accreditation, and other pertinent credentials.

At the time of application, the applicant must be licensed to practice as a general contractor in the State of Florida and, if the applicant is a corporation, must be chartered by the Florida Department of State to operate in Florida. As required by Section 287.133, Florida Statutes, an applicant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction manager must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Unsigned proposals or proposals containing expired or invalid licenses will be disqualified. Submittal materials will not be returned.

The project-specific CMQS forms, instructions, Project Fact Sheet, facilities program, UF Design Services Guide, UF Construction Standards, standard University of Florida Owner-CM agreement, and other project and process information can be found on the Facilities Planning & Construction website.

Finalists may be provided with supplemental interview requirements and criteria as needed.

Provide the number of copies prescribed in the Project Fact Sheet. Submittals must be received in the Facilities Planning & Construction office by 3:00 p.m. local time on Friday, August 31, 2007. Facsimile (FAX) submittals are not acceptable and will not be considered.

Facilities Planning and Construction

232 Stadium / P. O. Box 115050

Gainesville, FL 32611-5050

Telephone: (352)392-1256, Fax: (352)392-6378

Internet: [www.facilities.ufl.edu](http://www.facilities.ufl.edu)

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**BOARD OF TRUSTEES OF THE INTERNAL  
IMPROVEMENT TRUST FUND**

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

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**EXPRESSWAY AUTHORITIES**

Notice of Bid/Request for Proposal  
MDX PROCUREMENT/CONTRACT NO.: ITB-08-01  
MDX WORK PROGRAM NO.: N/A  
MDX PROJECT/SERVICE TITLE: SYSTEM-WIDE  
GUARDRAIL IMPROVEMENTS

The Miami-Dade Expressway Authority (MDX) is requesting individual sealed bids for a Push-Button Contract for System-Wide Guardrail Improvements. The Work consists of, but is not limited to, providing all labor, maintenance of traffic schemes, materials, equipment and incidentals necessary for Guardrail Improvements including replacement of out-dated break-away end assemblies with those compliant with NCHRP crash test requirements, three-beam bridge attachments and replacement of out-dated and deteriorating posts and blocks, as needed at various locations of the MDX System. The Bidder shall be pre-qualified by the Florida Department Transportation (FDOT) under Rule Chapter 14-22, Florida Administrative Code, for guardrail or attenuator or shall have successfully completed three (3) guardrail or attenuator contracts for FDOT or a Florida local government within the last five (5) years. MDX notifies all Bidders and individuals that it requires and encourages small, minority and women-owned businesses to have full opportunity to submit a response to any solicitation document issued by MDX. For copies of the ITB with complete information on the scope of services as well as submittal requirements, please log onto our web site: [www.mdx-way.com](http://www.mdx-way.com) or call MDX Procurement Office at (305)637-3277. Please note: In order to download any MDX solicitations, you must register as a vendor. The vendor registration can only be done through MDX's website. Deadline for submitting a Bid Package is September 5, 2007 by 2:00 p.m., Eastern Time. A Pre-Bid Conference is scheduled for August 14, 2007, at 10:00 a.m. Attendance to the Pre-Bid Conference is NOT mandatory however, everyone is encouraged to attend.

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**DEPARTMENT OF MANAGEMENT SERVICES**

Notice of Bid/Request for Proposal  
FOR GENERAL CONTRACTORS

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS BY THE DEPARTMENT OF MANAGEMENT SERVICES HEREINAFTER REFERRED TO AS OWNER, FOR THE WINDOW REPLACEMENT PROJECT, FLORIDA STATE OFFICE BUILDING:

PROJECT NUMBER: JB-26011000

PROJECT NAME: Window Replacement Project, Florida State Office Building

PROJECT LOCATION: Tallahassee, Florida

ESTIMATED CONSTRUCTION BUDGET: \$3,362,000.00

For details please visit the Department's website listed below and click on "Search Advertisements – Division of Real Estate Development and Management." [http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu).

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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

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**FLORIDA HOUSING FINANCE CORPORATION**

Notice of Bid/Request for Proposal  
Request for Qualifications 2007-03  
for Media Planning and Buying Services

The Florida Housing Finance Corporation invites all qualified entities wishing to provide media planning and buying services (e.g. print, radio, television, outdoor and online advertising) for Florida Housing Finance Corporation to submit proposals for consideration. Proposals shall be accepted until 2:00 p.m. (Eastern Time), Friday, September 7, 2007, to the attention of Robin L. Grantham, Contracts Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

For questions or additional information, please contact Robin L. Grantham at (850)488-4197 or [robin.grantham@floridahousing.org](mailto:robin.grantham@floridahousing.org). To obtain a copy of the Request for Qualifications, which outlines selection criteria and offeror's responsibilities, please submit your request to the attention of Robin L. Grantham, or you can download the Request for Qualifications from the Florida Housing Finance Corporation web site at <http://www.floridahousing.org/Home/BusinessLegal/Solicitations/RequestForQualifications.htm>.

Any modifications that occur to the Request for Qualifications will be posted at the web site and may result in an extension of the deadline.

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**HILLSBOROUGH COUNTY AVIATION AUTHORITY****NOTICE TO DEMOLITION CONTRACTORS**

The Hillsborough County Aviation Authority hereby requests, pursuant to the Consultants Competitive Negotiation Act, Section 287.055, Florida Statutes, letters of interest from Contractors desiring to render services for the following project:

**DEMOLITION CONTRACTORS PRE-QUALIFICATION  
TAMPA INTERNATIONAL, VANDENBERG, PETER O.  
KNIGHT AND PLANT CITY AIRPORTS**

This Agreement provides for services related to the demolition of buildings, pavements, and other structures; leveling and grading; seeding and mulching; locating and securing utilities; asbestos abatement and removal; abandonment of wells, septic tanks, and appurtenances; removal and disposal of aboveground and underground fuel storage tanks and hazardous materials; and related work at Tampa International, Vandenberg, Peter O. Knight and Plant City Airports and other properties acquired by the Authority. A more detailed scope of services will be included in the formal Request for Qualifications.

Letters of interest due:	NLT 5:00 p.m., Friday August 10, 2007
RFP/RFQ posted on web site:	After 12:00 Noon, Monday August 20, 2007
Mandatory pre-qualification conference:	At 10:00 a.m., Thursday August 30, 2007
Response Deadline:	by 5:00 p.m., Thursday September 13, 2007

For additional information on submitting letters of interest, location of meeting and other project details, go to the Authority website at [www.tampaairport.com](http://www.tampaairport.com); Quick Links, Airport Business, RFP/RFQ Information.

## Section XII Miscellaneous

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Moto Dealer Import, LLC, intends to allow the establishment of ADS-Auto Discount Sales, Inc., as a dealership for the sale of motorcycles manufactured by Shanghai JMSTAR Motorcycle Co. Ltd. (JMST) at 3265 West New Haven Avenue, West Melbourne (Brevard County), Florida 32904, on or after July 27, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Moto Dealer Import, LLC are dealer operator(s): Art Stockdale, 3265 West New Haven Avenue,

West Melbourne, Florida 32904; principal investor(s): Art Stockdale, 3265 West New Haven Avenue, West Melbourne, Florida 32904.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Caesar Guan, Manager, Moto Dealer Import, LLC, 4998-B South Royal Atlanta Drive, Tucker, Georgia 30084.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Porsche Cars North America, Inc., intends to allow the establishment of All Pro Auto Group, LLC d/b/a Porsche of Destin, as a dealership for the sale of Porsche automobiles and trucks (PORS) at 808 Airport Road, Destin ( Okaloosa County), Florida 32541, on or after August 22, 2007.

The name and address of the dealer operator(s) and principal investor(s) of All Pro Group, LLC d/b/a Porsche of Destin are dealer operator(s): Bryan Myers, 3330 North 95th Avenue, Ocala, Florida 34482; principal investor(s): Bryan Myers, 3330 North 95th Avenue, Ocala, Florida 34482 and Andre Wadsworth, 14003 North 99th Way, Scottsdale, Arizona 85260.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Glenn Garde, Porsche Cars North America, Inc., 980 Hammond Drive, Suite 1000, Atlanta, Georgia 30328.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Western Star Truck Sales, Inc., intends to allow the establishment of Atlantic Ford Truck Sales, Inc., as a dealership for the sale of Western Star trucks at 17151 Northwest 7th Avenue Extension, Miami (Dade County), Florida 33169, on or after July 25, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Atlantic Ford Truck Sales, Inc. are dealer operator(s): Stephen S. Perry III, 2565 West State Road 84, Fort Lauderdale, Florida 33312; principal investor(s): Stephen S. Perry III, 2565 West State Road 84, Fort Lauderdale, Florida 33312 and Philip S. Maas, 8301 Creekside Circle, #940, Bloomington, Minnesota 55437.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Chuck Thomas, Freightliner, LLC, 3025 Evergreen Drive, Suite 150, Duluth, Georgia 30096.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Sterling Truck Corporation, intends to allow the establishment of Atlantic Ford Truck Sales, Inc., as a dealership for the sale of Sterling trucks (STLG) at 3945 Fiscal Court, Riviera Beach (Broward County), Florida 33064, on or after July 25, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Atlantic Ford Truck Sales, Inc. are dealer operator(s): Stephen S. Perry III, 2565 West State Road 84, Fort Lauderdale, Florida 33312; principal investor(s): Stephen S. Perry III, 2565 West State Road 84, Fort Lauderdale, Florida 33312 and Philip S. Maas, 8301 Creekside Circle, #940, Bloomington, Minnesota 55437.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Chuck Thomas, Freightliner, LLC, 3025 Evergreen Drive, Suite 150, Duluth, Georgia 30096.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Sterling Truck Corporation, intends to allow the establishment of Atlantic Ford Truck Sales, Inc., as a

dealership for the sale of Sterling trucks (STLG) at 2840 Center Port Circle, Pompano Beach (Broward County), Florida 33064, on or after July 25, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Atlantic Ford Truck Sales, Inc. are dealer operator(s): Stephen S. Perry III, 2565 West State Road 84, Fort Lauderdale, Florida 33312; principal investor(s): Stephen S. Perry III, 2565 West State Road 84, Fort Lauderdale, Florida 33312 and Philip S. Maas, 8301 Creekside Circle, #940, Bloomington, Minnesota 55437.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Chuck Thomas, Freightliner, LLC, 3025 Evergreen Drive, Suite 150, Duluth, Georgia 30096.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Western Star Truck Sales, Inc., intends to allow the establishment of Atlantic Ford Truck Sales, Inc., as a dealership for the sale of Western Star trucks (WSTR) at 2840 Center Port Circle, Pompano Beach (Broward County), Florida 33064, on or after July 25, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Atlantic Ford Truck Sales, Inc. are dealer operator(s): Stephen S. Perry III, 2565 West State Road 84, Fort Lauderdale, Florida 33312; principal investor(s): Stephen S. Perry III, 2565 West State Road 84, Fort Lauderdale, Florida 33312 and Philip S. Maas, 8301 Creekside Circle, #940, Bloomington, Minnesota 55437.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Chuck Thomas, Freightliner, LLC, 3025 Evergreen Drive, Suite 150, Duluth, Georgia 30096.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Western Star Truck Sales, Inc., intends to allow the establishment of Atlantic Ford Truck Sales, Inc., as a dealership for the sale of Western Star trucks (WSTR) at 3945 Fiscal Court, Riviera Beach (Broward County), Florida 33064, on or after July 25, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Atlantic Ford Truck Sales, Inc. are dealer operator(s): Stephen S. Perry III, 2565 West State Road 84, Fort Lauderdale, Florida 33312; principal investor(s): Stephen S. Perry III, 2565 West State Road 84, Fort Lauderdale, Florida 33312 and Philip S. Maas, 8301 Creekside Circle, #940, Bloomington, Minnesota 55437.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License

Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Chuck Thomas, Freightliner, LLC, 3025 Evergreen Drive, Suite 150, Duluth, Georgia 30096.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Mod Cycles Corp. intends to allow the establishment of RT Motorsports, LLC, as a dealership for the sale of motorcycles manufactured by Qingqi Group Ningbo Cycles (NING), Zhejiang Taizhou Wangye Power Co. (ZHEJ), Zongshen Industrial Group (ZONG) and Decestele, S.A. (DECE) at 914 North Harbor City Boulevard, Melbourne (Brevard County), Florida 32935, on or after July 31, 2007.

The name and address of the dealer operator(s) and principal investor(s) of RT Motorsports, LLC are dealer operator(s): Randy Bonnette, 914 North Harbor City Boulevard, Melbourne, Florida 32935; principal investor(s): Randy Bonnette, 914 North Harbor City Boulevard, Melbourne, Florida 32935.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Javier Opoczynski, General Manager, Mod Cycles, Corp., 7547 Northwest 52 Street, Miami, Florida 33166.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Zongshen, Inc., intends to allow the establishment of Scooter Superstore of America, Inc., as a dealership for the sale of Zongshen motorcycles (ZONG) at 2311 Thomas Street, Hollywood (Broward County), Florida 33020, on or after July 24, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Scooter Superstore of America, Inc. are dealer operator(s): Peter Warrick, 2311 Thomas Street, Hollywood, Florida 33020; principal investor(s): Peter Warrick, 2311 Thomas Street, Hollywood, Florida 33020.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Jieming Qiu, General Manager, Zongshen, Inc., 3511 Northwest 113 Court, Doral, Florida 33178.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Hardbikes, Inc., intends to allow the establishment of Treasure Coast Harley-Davidson of Stuart, Inc. d/b/a Treasure Coast Toy Store, as a dealership for the sale of Hardbikes motorcycles (HRBK) at 4515 Southeast Commerce Avenue, Stuart, (Martin County), Florida 34997, on or after July 19, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Treasure Coast Harley-Davidson of Stuart, Inc. d/b/a Treasure Coast Toy Store are dealer operator(s): James LeBar, 4515 Southeast Commerce Avenue, Stuart, Florida 34997; principal investor(s): James LeBar, 4515 Southeast Commerce Avenue, Stuart, Florida 34997.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Bob Kay, Vice President of Sales and Marketing, Hardbikes, LLC, 2600 Kirila Road, Hermitage, Pennsylvania 16148.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Piaggio Group Americas, Inc., intends to allow the establishment of Tri-County Cycle, Inc., as a dealership for the sale of Aprilia motorcycles (APRI) at 1007 South 14th Street, Leesburg, (Lake County), Florida 34748, on or after July 31, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Tri-County Cycle, Inc. are dealer operator(s): Judith Kyle, 1007 South 14th Street, Leesburg, Florida 34748; principal investor(s): Judith Kyle, 1007 South 14th Street, Leesburg, Florida 34748.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Angellina Fraser-Lubin, Piaggio Group Americas, Inc., 140 East 45th Street, 17th Floor, New York, New York 10017.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Nissan North America, Inc., intends to allow the relocation of West Palm Nissan, as a dealership for the sale of Nissan vehicles from its present location at 521 South Military Trail, West Palm Beach, Florida 33415, to a proposed location at the corner of Southern Boulevard, Royal Palm Beach, (Palm Beach County), Florida, latitude 26.68140 degrees North, longitude 80.19872 degrees West, on or after February 1, 2007.

The name and address of the dealer operator(s) and principal investor(s) of West Palm Nissan are dealer operator: Roger S. Penske, Jr., 2555 South Telegraph, Bloomfield Hills, Michigan 48302; principal investor(s): Roger S. Penske, Jr., 2555 South Telegraph, Bloomfield Hills, Michigan 48302.

The notice indicates intent to relocate the franchise in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Jim Huddleston, Regional Market Representation Manager, Southeast Region, Nissan North America, Inc., 2839 Paces Ferry Road, Overlook Suite, Atlanta, Georgia 30339.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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**BOARD OF TRUSTEES OF THE INTERNAL  
IMPROVEMENT TRUST FUND**

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

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**REGIONAL PLANNING COUNCILS**

North Central Florida Regional Planning Council has published a draft of the Comprehensive Economic Development Strategy report for the North Central Florida Regional Planning Council region. Prior to adopting and submitting this report to the U.S. Economic Development Administration, a 30-day period of public comment is required. PUBLICATION: The draft 2007-2012 report is available for review on the North Central Florida Regional Planning Council website at [www.ncfrpc.org](http://www.ncfrpc.org). Copies are also available upon request from the business address listed at the end of this notice.

DATE AND TIME: Public comment period is from publication of this notice through September 10, 2007, by 5:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Comprehensive Economic Development Strategy for the North Central Florida Regional Planning Council region. Comments will be forwarded to the North Central Florida Regional Planning Council for consideration prior to adoption of the report at its September 27, 2007 meeting.

COMMENTS: Comments should be received no later than September 10, 2007, by 5:00 p.m., and should be submitted either by emailing [moraski@ncfrpc.org](mailto:moraski@ncfrpc.org) or writing to: Jayne Moraski, Economic Development Director, North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida 32653.

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Notice is hereby given that the Central Florida Regional Planning Council is seeking comments from interested person/entities on the regional Comprehensive Economic Development Strategy (CEDS). The current draft CEDS is available on the Council's website at [www.cfrpc.org](http://www.cfrpc.org). Please forward written comments to: Patricia M. Steed, Executive Director, CFRPC, P. O. Box 2089, Bartow, FL 33831, or [psteed@cfrpc.org](mailto:psteed@cfrpc.org). Comments will also be received during the

Council's regular business meeting on September 12, 2007, at 9:30 a.m. at the Bartow Public Library, 2150 S. Broadway Avenue, Bartow, FL 33830. Contact Kathy Hall at (863)534-7130 for meeting information. The CEDS is financed with Investment Funds provided by the Federal Economic Administration.

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#### **WATER MANAGEMENT DISTRICTS**

The Northwest Florida Water Management District (District) announces the availability of funds under its Florida Forever Competitive Grant Program for capital improvement projects meeting the objectives of the Florida Forever Act (Section 259.105, Florida Statutes) and the Florida Forever Water Management District Work Plan (Section 373.199, F.S.).

The goal of this grant program is to support water resource management efforts that improve water quality, implement stormwater improvements, restore natural systems, demonstrate best management practices, or implement water reuse. Project proposals should clearly demonstrate water resource value.

The District seeks proposals from government entities within the jurisdiction of the District's 16-county area for cooperative or cost-share capital improvement projects that can be completed within 24 months of grant agreement execution. Applications are due at District Headquarters no later than Monday, October 29, 2007, 5:00 p.m. (EDT)

Parties interested in applying are strongly encouraged to attend the informational workshop at the Emergency Operations Center in Bonifay on August 17, 2007, 9:00 a.m. A follow-up workshop will also be held on August 24, 2007, 10:00 a.m. at the District Headquarters in Midway.

The full text of this notice, the application form, and additional information can be found on the District's website: [www.nwfwmd.state.fl.us](http://www.nwfwmd.state.fl.us) under the link entitled "Florida Forever Capital Improvement Grants." Printed or electronic copies of the application form and grant program are also

available upon request. For more information, please contact Christina Coger or Paul Thorpe at (850)539-5999 or 1(800)913-1518.

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#### **AGENCY FOR HEALTH CARE ADMINISTRATION**

NOTICE IS HEREBY GIVEN THAT the Agency for Health Care Administration has issued a response to a Petition to Initiate Rulemaking from Key West HMA, Inc. d/b/a Lower Keys Medical Center. The Petitioner requests that the Agency amend subsections 59A-5.005(1)(j), (k), Florida Administrative Code, to require ambulatory surgery centers (ASC) have a formalized written transfer agreement with a nearby acute care general hospital.

First, Petitioner has not shown that there is a need for the proposed amendment or that the current rules have caused injury to patients. Second, the Agency's existing rule is effective in ensuring the safe and efficient transfer of patients in the event of an emergency. The existing rule envisions emergencies, and thus requires that all attending medical staff members at an ASC, who do not have admitting privileges at a hospital, to have a written agreement from a physician who has staff privileges with a hospital to accept any patient who requires continuing care, or to have a written transfer agreement with a hospital. Accordingly, a patient who requires emergency care is already protected by these provisions.

Additionally, acute care general hospitals and ASCs both provide outpatient surgery services. In many geographic markets, therefore, hospitals and ASCs are at times direct competitors with respect to outpatient surgery services. Under the proposed rule, if a hospital refused to enter into a written transfer agreement with an ASC, the hospital could prevent the ASC from satisfying one of its mandatory conditions for licensure. In other words, the proposed amendment effectively would give hospitals a form of "veto power" over the licensure of ASCs. That type of system could negatively affect competition and diminish access to healthcare. Even if a hospital were to enter into a contract with an ASC, the proposed rule would appear to allow the hospital to dictate highly favorable terms (e.g., requiring the ASC in advance to obtain permission from the hospital before undertaking certain procedures).

A copy of the Order may be obtained from: Zaynab Salman, Assistant General Counsel, Agency for Health Care Administration, 2727 Mahan Drive, MS #3, Tallahassee, FL 32308-5403.

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The Agency for Health Care Administration has received an application for an emergency service exemption from Capital Regional Medical Center in Tallahassee pursuant to Sections 395.1041(3), Florida Statutes and Rule 59A-3.255, Florida Administrative Code. The service category requested is Neurosurgery. Comments received within 15 days of publication will be considered by the Agency prior to making a determination of exemption status.

Additional information may be obtained by writing to: Agency for Health Care Administration, Attention: Donna Sharp, 2727 Mahan Drive, MS #31, Tallahassee, Florida 32308, by phone at (850)487-2717 or by e-mail at [sharpd@ahca.myflorida.com](mailto:sharpd@ahca.myflorida.com).

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The Agency for Health Care Administration has received an application for an emergency service exemption from Capital Regional Medical Center in Tallahassee pursuant to Sections 395.1041(3), Florida Statutes and Rule 59A-3.255, Florida Administrative Code. The service category requested is Oral/Maxillo-facial Surgery. Comments received within 15 days of publication will be considered by the Agency prior to making a determination of exemption status.

Additional information may be obtained by writing to: Agency for Health Care Administration, Attention: Donna Sharp, 2727 Mahan Drive, MS #31, Tallahassee, Florida 32308, by phone at (850)487-2717 or by e-mail at [sharpd@ahca.myflorida.com](mailto:sharpd@ahca.myflorida.com).

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#### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

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#### **NOTICE OF AVAILABILITY FLORIDA FINDING OF NO SIGNIFICANT IMPACT WALTON/OKALOOSA/SANTA ROSA REGIONAL UTILITY AUTHORITY, FLORIDA (SOUTH WALTON UTILITY COMPANY [SWUCI] WASTEWATER TREATMENT FACILITY EXPANSION)**

The Department of Environmental Protection has determined that SWUCI's proposed project for the construction of wastewater facilities improvements will not have a significant adverse affect on the environment. The total project cost is estimated at \$15,638,000. The project is expected to qualify for a State Revolving Fund loan composed of federal and state matching funds.

A full copy of the Florida Finding of No Significant Impact can be obtained by writing to: Bhupendra Vora, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400 or by calling (850)245-8380.

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#### **FLORIDA STATE CLEARINGHOUSE**

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(40), F.S. A list of projects, comments deadlines and the address for providing comments are available at: <http://appprod.dep.state.fl.us/clearinghouse/>. For information, call (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

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#### **DEPARTMENT OF HEALTH**

On July 30, 2007, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Donald Edward Beckett, D.P.M., license number PO 1530. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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**FLORIDA HOUSING FINANCE CORPORATION**

The Florida Housing Finance Corporation ("Florida Housing") announces the availability of funds for the Homeownership Pool (HOP) Program.

It is anticipated that approximately \$10,000,000 in funding will be made available to eligible homebuyers under this program. Funding will be awarded in accordance with Rule Chapter 67-57, Florida Administrative Code (F.A.C.).

The following set-asides will apply:

- |     |   |
|-----|---|
| 15% | Community Housing Organizations (CHDOs)   |
| 10% | Self-Help Housing                         |
| 50% | Non-Participating Jurisdictions (Non-PJs) |
| 25% | Participating Jurisdictions (PJs)         |

Funding will be made available under these set-asides, in the order listed above as applicable, in the form of reservations for eligible homebuyers on a first-come, first-served basis. Any unreserved funds may be reallocated as necessary.

For more information on the HOP Program, including Rule Chapter 67-57, F.A.C., please access Florida Housing's website at <http://www.floridahousing.org/Home/Developers/HomeownershipPrograms/HOP/default.htm> or contact Bridget Warring at (850)488-4197. If you are hearing or speech impaired, please contact Florida Housing using the dual Party Relay System at 1(800)955-8770 or 1(800)955-8771.

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**FINANCIAL SERVICES COMMISSION****NOTICE OF FILINGS**

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received a request by a credit union to expand its field of membership. Specific information regarding the expansion can be found at <http://www.fldfs.com/ofr/banking/cufm.asp>. Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with: Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0379. The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., August 31, 2007):

Name and Address of Applicant: Gulf States Credit Union, Post Office Box 945110, Maitland, Florida 32751

Expansion Includes: Select employee group

Received: July 25, 2007

Name and Address of Applicant: City County Employees Credit Union, 719 Missouri Avenue, Clearwater, Florida 33756-5916

Expansion Includes: Select employee group

Received: July 27, 2007

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# Section XIII

## Index to Rules Filed During Preceding Week

### RULES FILED BETWEEN July 23, 2007 and July 27, 2007

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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#### DEPARTMENT OF STATE

##### Division of Historical Resources

1A-33.005	7/24/07	8/13/07	33/22	
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#### STATE BOARD OF ADMINISTRATION

19-8.010	7/24/07	8/13/07	33/25	
19-8.030	7/24/07	8/13/07	33/25	
19-15.001	7/24/07	8/13/07	33/25	

#### AGENCY FOR HEALTH CARE ADMINISTRATION

##### Medicaid Program Office

59G-4.197	7/26/07	8/15/07	33/14	33/24
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#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

##### Division of Pari-Mutuel Wagering

61D-6.008	7/23/07	8/12/07	33/17	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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#### Florida Real Estate Appraisal Board

61J1-4.010	7/23/07	8/12/07	33/25	
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#### DEPARTMENT OF HEALTH

##### Board of Nursing

64B9-15.009	7/23/07	8/12/07	32/20	32/26
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##### Division of Environmental Health

64E-5.101	7/27/07	8/16/07	33/22	
64E-5.1508	7/27/07	8/16/07	33/22	
64E-5.204	7/27/07	8/16/07	33/22	
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