

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE TITLES:	RULE NOS.:
Definitions	5E-14.102
Contractual Agreements in Public's Interest – Control and Preventive Treatment for Wood-Destroying Organisms	5E-14.105
Fumigation Requirements – Final Post-fumigation Clearance Inspection	5E-14.113
Application for Examination for Pest Control Operator's Certificate and Special Identification Card	5E-14.117
Examinations	5E-14.123
Certificate Issuance and Renewal Fees	5E-14.132
Special Identification Card Issuance, Renewal Fees, Forms, and Duties	5E-14.136
Responsibilities and Duties – Records, Reports, Advertising, Applications	5E-14.142

PURPOSE AND EFFECT: The purpose of rule 5E-14.102 is to define terms used in Chapter 5E-14, the purpose of rule 5E-14.105 is to provide for contracts for wood-destroying organisms pest control that are protective of consumers, and the purpose of rule 5E-14.142(2)(c) is to provide for a prescribed form for wood-destroying organisms inspection reports. The purpose for changes to rule(s) 5E-14.113(1), 5E-14.117(9), 5E-14.123(8),(11), 5E-14.132(1),(2),(5) and 5E-14.136(2),(3),(4) is to correct various address changes, typographical and grammatical inaccuracies that have been carried forward from previous rule versions.

SUBJECT AREA TO BE ADDRESSED: Proposed changes in 5E-14.102(8) will clarify the definition of spot treatments, proposed changes in 5E-14.105 will address the issues of start of term of contracts for preventative treatment for termites for new construction, of customer notification regarding spot treatments of structures for wood-destroying organisms, and types and timing of re-treatments for wood-destroying organisms as required by contracts. Proposed changes in 5E-14.142(2)(c) will provide for the use of an updated form for reporting wood-destroying organisms inspection. The updated form clarifies several areas and adds consumer advisory language. Proposed changes to Section(s) 5E-14.113(1), 5E-14.117(9), 5E-14.123(8),(11), 5E-14.132(1),(2),(5) and 5E-14.136(2),(3),(4) involves multiple subject areas and are being modified to correct address changes and different typographical and grammatical errors that have been carried forward from previous rule versions.

SPECIFIC AUTHORITY: 482.051 FS.

LAW IMPLEMENTED: 482.051(1), 482.226(1) FS.

IN ACCORDANCE WITH 482.051, F.S., THREE RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIME, DATE AND LOCATIONS LISTED BELOW:

TIME AND DATE: 10:00 a.m. – 4:00 p.m., January 18, 2000  
 PLACE: George Eyster Auditorium, Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399, (850)488-7447 for directions

TIME AND DATE: 10:00 a.m. – 4:00 p.m., January 19, 2000  
 PLACE: Rooms 204 A and B, Ft. Lauderdale Research and Education Center, 3205 College Avenue, Ft. Lauderdale, FL, (954)475-8990 for directions

TIME AND DATE: 9:00 a.m. – 3:00 p.m., January 20, 2000  
 PLACE: Auditorium, Seminole County Cooperative Extension Service, 240 West Country Home Road, Sanford, Florida, (407)665-5551 for directions

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mr. Steven J. Rutz, Director, Division of Agricultural Environmental Services, Department of Agriculture and Consumer Services, Room 130, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, telephone (850)488-3731

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5E-14.102 Definitions.

(8) "Spot treatment" – Treatment restricted to specific area(s) of a structure to control or prevent pests, not including soil termiticide barrier treatments that completely surround an entire structure, whole structure fumigation, or other treatment methods that encompass an entire structure.

Specific Authority 482.051 FS. Law Implemented 482.051(1) FS., Section 1, Chapter 92-203, Laws of Florida. History—New 1-1-77, Amended 6-27-79, 6-22-83, Formerly 10D-55.102, Amended 8-11-93, \_\_\_\_\_.

5E-14.105 Contractual Agreements in Public's Interest – Control and Preventive Treatment for Wood-Destroying Organisms.

(3) In contracts covering pre-construction soil treatments for the prevention of subterranean termites, it shall clearly set forth that should subterranean termite infestation occur in, on or under the structure treated during the warranty period, treatment shall be applied to the soil in the area of infestation. The warranty shall show the date of completion of treatment and shall be for a period no less than one year from date of treatment completion. The property owner at the time of each renewal, if a previous renewal was purchased, shall have the option of extending the warranty annually after the first year for no less than 4 additional years. The contract shall conform with Chapter 482.227, F.S., and 5E-14.105(2)(a),(b),(c),

(g),(i),(j), and (k). This section applies only to pre-construction soil treatment of areas which do not physically attach to or adjoin existing structures.

(4) In contracts covering spot treatments for wood-destroying organism(s), the requirements of Subsections 5E-14.105(1) and (2) shall apply. In addition to these, a statement shall be made on the front page of the contract, in conspicuous type, that the treatment is a treatment of only specific areas and is not to be considered a treatment of the entire structure. The property owner must initial this statement. The specific areas in, on or under the structure to be treated shall be listed on the front page of the written contract.

(8) Retreatments performed in accordance with the terms of a wood-destroying organisms contract warranty or guarantee shall be performed within (30) days following confirmation by the licensee of evidence of infestation of the covered pest organism.

(9) Retreatment performed in accordance with the terms of a wood-destroying organisms contract warranty or guarantee that was initially treated by method of general fumigation shall be retreated in like manner.

Specific Authority 482.051 FS. Law Implemented 482.021(15), 482.051(1), 482.161, 482.191, 482.241 FS., Section 1, Chapter 92-203, Laws of Florida. History—New 1-1-77, Joint Administrative Procedures Committee Objection Withdrawn—See FAW Vol. 3, No. 30, July 29, 1977, Amended 6-27-79, 10-25-90, Formerly 10D-55.105, Amended 8-11-93,\_\_\_\_\_.

5E-14.113 Fumigation Requirements – Final Post-fumigation Clearance Inspection.

(1) The certified operator in charge ~~or~~ of his designated special fumigation identification card holder shall personally determine by using label-recommended gas-detecting or monitoring devices or materials that the entire structure or enclosed space fumigated, and also including beds and bedding therein, has been monitored and safely ventilated sufficiently to permit safe human entry and occupancy or re-occupancy. All warning agent containers shall be removed from the structure. In no instance shall ventilation or aeration time be less than that recommended by manufacturer of fumigant on the registered label.

Specific Authority 482.051 FS. Law Implemented 482.051(1), 482.152, 482.241 FS., Section 1, Chapter 92-203, Laws of Florida. History—New 1-1-77, Formerly 10D-55.113, Amended\_\_\_\_\_.

5E-14.117 Application for Examination for Pest Control Operator’s Certificate and Special Identification Card.

(9) Applicants may be examined for certification in one or more of the following ~~four~~ categories of pest control:

- (a) Fumigation;
- (b) General household pest control, which includes rodent control;
- (c) Termite or other wood-infesting organism control; ~~and~~
- (d) Lawn and ornamental pest control.

Specific Authority 482.051 FS. Law Implemented 482.111, 482.132, 482.141(2), ~~482.151~~, 482.155, 482.156 FS., Section 1, Chapter 92-203, Laws of Florida. History—New 1-1-77, Amended 6-27-79, 6-22-83, 10-25-90, Formerly 10D-55.117, Amended 8-11-93, 7-5-95, 5-28-98,\_\_\_\_\_.

5E-14.123 Examinations.

(8) All examinations shall consist of theoretical sections, practical sections, and practical demonstrations. All applicants for examination for certification or special identification card will be examined on or required to demonstrate satisfactory knowledge of the following:

- (a) Pest Control Act, Chapter 482, Florida Statutes.
- (b) Rules of the Department, Chapter 5E-14, Pest Control Regulations, Parts No. 1 through 6.
- (c) Precautions necessary and required by law, rules and good industry practice for the safeguard of life, health and property in the conduct of pest control.
- (d) Pests, their habits, recognition of damage caused, and identification by accepted common names.
- (e) Building construction terminology.
- (f) Accepted good industry methods and practices founded upon recognized publications of the industry.

(11) Any applicant who fails to pass one or more particular examination(s) shall be permitted to review such examination(s) upon making written application to the Department within fifteen (15) days from date of written notice of examination results.

Specific Authority 482.051 FS. Law Implemented 482.141(~~1~~), 482.151, FS., Section 1, Chapter 92-203, Laws of Florida. History—New 1-1-77, Formerly 10D-55.123, Amended 8-11-93, 7-5-95, 5-28-98,\_\_\_\_\_.

5E-14.132 Certificate Issuance and Renewal Fees.

(1) Each certified pest control operator shall be certified as provided by this rule. Application shall be made and the issuance fee paid to the ~~D~~department for the original certificate within 60 days from the date of written notification of passing examination. During a period of 30 calendar days following expiration of the 60-day period, an original certificate may be issued; however, a late issuance charge of \$50 shall be assessed and paid in addition to the issuance fee. No original certificate shall be issued after expiration of the 30-day period without reexamination.

(2) Each individual issued a pest control operator’s certificate shall apply to the ~~D~~department for renewal of his certificate on or before June 1 of each year on Department of Agriculture and Consumer Services Form 13638, Feb 1999 ~~1290, Dec. 92~~, entitled “Renewal Notice”, which is incorporated by reference, and mailed by the ~~D~~department. After a grace period of 30 calendar days following the anniversary date of each year, there shall be a late renewal charge of \$50 which shall be assessed and paid in addition to the renewal fee. Unless renewed as provided by this section, each certificate shall automatically expire 180 calendar days after the renewal date. Subsequent to such expiration, a

certificate may be issued only upon successful reexamination and upon payment of examination and issuance fees due as provided by this rule.

(5) On or before April 1 of each year the Department shall mail to each certified operator, at his last known address of record, a renewal form, DACS No. 130638 (Feb 1999 ~~12/92~~), incorporated by reference for use in applying for renewal of his certificate. Not less than 60 days prior to the expiration of a certificate a final renewal notice shall be mailed to each certified operator who has not renewed his certificate. Mailing of these forms shall be the only notice of renewal issued by the Department. Copies may be obtained from the Bureau of Entomology and Pest Control, 1203 Governor's Square Boulevard, Suite 300, Tallahassee, Florida 32301-2961 ~~644 Cesery Boulevard, Suite 200, Jacksonville, Florida 32211~~.

Specific Authority 482.051 FS. Law Implemented 482.051(1), 482.111(1),(3),(7),(10), 482.132(1) FS., Section 1, Chapter 92-203, Laws of Florida, History--New 1-1-77, Amended 6-27-79, 6-22-83, 1-20-87, Formerly 10D-55.132, Amended 8-11-93, 7-5-95, 5-28-98, \_\_\_\_\_.

5E-14.136 Special Identification Card Issuance, Renewal Fees, Forms, and Duties.

(2) Application shall be made and the issuance fee paid to the ~~D~~Department for the original special identification card within 60 days from the date of written notification of passing examination. During a period of 30 days following the expiration of the 60 ~~180~~ day period, an original special identification card may be issued, however, a late issuance charge of \$25 shall be assessed and paid in addition to the issuance fee. Further, no original special identification card shall be issued after expiration of the 30 day period without reexamination.

(3) Application to the Department for renewal of each special identification card shall be made on or before June 1 of each year. The issuance fee for each special identification card and for each renewal thereof shall be \$75. After a grace period of 30 calendar days following the anniversary date of each year, there shall be a late renewal charge of \$25, which shall be assessed and paid in addition to the renewal fee. Unless timely renewed, each special identification card shall automatically expire 180 ~~60~~ calendar days after the renewal date. Subsequent to such expiration, a special identification card may be issued ~~reinstated~~ only upon successful reexamination and upon payment of examination and issuance fees due, as provided by this rule.

(4) On or before April 1 of each year the Department shall mail to each special identification cardholder at his last known address of record, a renewal form, DACS No. 130641 (Feb 1999 ~~12/92~~), incorporated by reference, for use in applying for renewal of his special identification card. Copies may be obtained from the Bureau of Entomology and Pest Control, 1203 Governor's Square Boulevard, Suite 200, Tallahassee, Florida 32301-2961 ~~644 Cesery Boulevard, Suite 200, Jacksonville, Florida 32211~~.

Specific Authority 482.051(1) FS. Law Implemented 482.151(3) FS., Section 1, Chapter 92-203, Laws of Florida, History--New 1-1-77, Formerly 10D-55.136, Amended 7-5-95, 5-28-98, \_\_\_\_\_.

5E-14.142 Responsibilities and Duties – Records, Reports, Advertising, Applications.

(2)(c) Termite or other wood-destroying organism inspection report:

Pursuant to Chapter 482.226(1),(2),(4) and (5), F.S., each licensee having a certified operator certified in the category of termite or other wood-destroying organism control and who makes and reports the findings of a wood-destroying organism inspection in writing shall provide the party requesting the inspection with the inspection findings on the Wood-Destroying Organisms Inspection Report prescribed by the Department and furnished by the licensee, Form 1145 ~~11-92~~ (DACS 13645, \_\_\_\_\_), which is incorporated by reference. The licensee shall not place any disclaimers or additional language on the Wood-Destroying Organisms Inspection Report. The licensee shall inspect for all wood-destroying organisms as defined in Chapter 482.021(27), F.S., in accordance with the following inspection standards:

1. No changes.
2. No changes.

(5) Business license application:

In accordance with Section 482.071(1), F.S., the following information shall be submitted on, attached to and made a part of the Department's pest control business license application form, DACS 13605 (10-99) (~~606~~), effective ~~July, 1992~~, incorporated by reference.

Specific Authority 482.051(1) FS. Law Implemented 482.051(1), 482.061, 482.091, 482.111(5),(9), 482.161(1)(g),(h), 482.211, 482.226(1),(6) FS., Section 1, Chapter 92-203, Laws of Florida, History--New 1-1-77, Amended 6-27-79, 6-22-83, 1-20-87, 10-25-90, Formerly 10D-55.142, Amended 8-11-93, 5-28-98, \_\_\_\_\_.

**DEPARTMENT OF EDUCATION**

**State Board of Independent Colleges and Universities**

RULE TITLES:	RULE NOS.:
Definition of Terms	6E-1.003
Licensure Required; Exemptions from Licensure	6E-1.0031
Fair Consumer Practices	6E-1.0032
Fees and Expenses	6E-1.0034
Permission to Operate	6E-1.0035
Minimum Standards for Use of the Term "College" or "University"	6E-1.0045

PURPOSE AND EFFECT: Amendments to rules are required as a result of amendments to Chapter 246, Florida Statutes, and to clarify other terms used in the rules.

SUBJECT AREA TO BE ADDRESSED: The subject areas are indicated by the rule titles above.

SPECIFIC AUTHORITY: 246.041(1)(e), 246.051(1), 246.071 FS.

LAW IMPLEMENTED: 246.021, 246.084, 246.093(1), 246.095, 246.101(1), 246.121 FS.

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

TIME AND DATE: 9:00 a.m., Friday, January 14, 2000  
PLACE: University of Phoenix, 2290 Lucien Way, Fourth Floor, Maitland Center, Maitland, FL 32751

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sandra Knight, Deputy Director, State Board of Independent Colleges and Universities, 2586 Seagate Drive, Suite 200, Tallahassee, FL 32301, Telephone (850)488-8695.

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

**DEPARTMENT OF EDUCATION**

**State Board of Independent Colleges and Universities**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Temporary Licensure of Colleges	6E-2.001
Other Types of College Licensure	6E-2.002
Minimum Standards for Licensure	6E-2.004
Amendments to Applications	6E-2.008
Colleges Which Discontinue Operation	6E-2.009
Agents; License Required; Procedures for Licensure	6E-2.010

PURPOSE AND EFFECT: Amendments to rules are required as a result of amendments to Chapter 246, Florida Statutes, and to clarify other terms used in the rules.

SUBJECT AREA TO BE ADDRESSED: The subject areas are indicated by the rule titles above.

SPECIFIC AUTHORITY: 246.041(1)(e), 246.051(1), 246.071, 246.081(2), 246.087, 246.091 FS.

LAW IMPLEMENTED: 246.011, 246.041(2)(d), 246.051(1), 246.081, 246.087, 246.091, 246.095, 246.097(2), 246.101, 246.111, 246.121, 246.141 FS.

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

TIME AND DATE: 9:00 a.m., Friday, January 14, 2000  
PLACE: University of Phoenix, 2290 Lucien Way, Fourth Floor, Maitland Center, Maitland, FL 32751

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sandra Knight, Deputy Director, State Board of Independent Colleges and Universities, 2586 Seagate Drive, Suite 200, Tallahassee, FL 32301, Telephone (850)488-8695

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

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

RULE CHAPTER TITLE: Florida Building Commission –

RULE CHAPTER NO.: 9B-70

Building Code Training Program

PURPOSE AND EFFECT: Adoption of Building Code Training Program relating to the Florida Building Code.

SUBJECT AREA TO BE ADDRESSED: Building Code Training Program.

SPECIFIC AUTHORITY: 553.841(2) FS. (1999)

LAW IMPLEMENTED: 553.841 FS. (1999), Chapter 98-287(53), Laws of Florida.

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

TIME AND DATE: 8:00 a.m., January 10, 2000  
PLACE: Doubletree Hotel, 101 South Adams Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ila Jones, Program Administrator, Codes & Standards, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Suncom 277-1824

Any person requiring special accommodation at the workshop because of a disability or physical impairment should contact Ila Jones, Program Administrator, Codes & Standards, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Suncom 277-1824, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

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

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE TITLE: Sales of Coins, Currency, or Bullion

RULE NO.: 12A-1.0371

PURPOSE AND EFFECT: The proposed substantial rewording of Rule 12A-1.0371, FAC., implements the changes to ss. 212.05(1)(k) and 212.08(7)(ddd), F.S., made by the 1999 Legislature, regarding the sale of coins, currency, and bullion. The proposed rewording provides that: 1) the sale of U.S. legal tender is exempt regardless of selling price; 2) the sale of otherwise taxable coins or currency in a transaction in which the taxable coins or currency are sold for more than \$500 is exempt; and 3) the sale of gold, silver, or platinum bullion is exempt if the total sales price of the bullion in one transaction exceeds \$500.

**SUBJECT AREA TO BE ADDRESSED:** The subject of this workshop is the proposed substantial rewording of Rule 12A-1.0371, FAC., incorporating the changes made by the 1999 Legislature regarding the sale of coins, currency, or bullion.

**SPECIFIC AUTHORITY:** 212.17(6), 212.18(2), 213.06(1) FS.  
**LAW IMPLEMENTED:** 212.02(19), 212.05(1)(k), 212.08(7)(ddd) FS.

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

**TIME AND DATE:** 10:00 a.m., January 31, 2000

**PLACE:** Room B-12, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Copies of the agenda for the rule development workshop may be obtained by contacting the person listed below.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS:** Robert D. Heyde, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4714

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

(Substantial Rewording of Rule 12A-1.0371 follows. See Florida Administrative Code for present text.)

12A-1.0371 Sales of Coins, ~~or~~ Currency, or Bullion.

(1)(a) The sale, use, consumption, or storage for use in this state of any coin or currency, whether in circulation or not, is subject to tax unless:

1. The coin or currency is legal tender of the United States; or

2. The coin or currency is legal tender of a country other than the United States, and the coin or currency is sold at its face value.

(b) For purposes of this rule, "legal tender" means coins or currency that, at the time of the sale transaction, a creditor would be required to accept in payment of a debt.

(c) Examples:

1. United States Olympic Coin Sets and United States Double Eagles are legal tender of the United States, and their sale is not taxable.

2. Ancient Roman coins, medieval English coins, and Confederate money are no longer legal tender in any country, and their sale is taxable.

3. A coin dealer sells a 1983 British pound, composed of nickel and brass, for a price in U.S. currency that exceeds the current exchange rate. The sale is taxable.

4. A retail sale of a gold Krugerrand is taxable, even though it may be legal tender in the Republic of South Africa, because it has no face value and is sold based upon its precious metal content.

(2) The sale, use, consumption, or storage for use in this state of bullion is subject to tax. For purposes of this rule, "bullion" means gold, silver, or platinum in the form of bars, ingots, or plates, normally sold by weight. Finished goods, such as coins and jewelry, are not bullion. Sales of commodity contracts of bullion are not subject to tax unless delivery of the commodity is taken in Florida.

(3)(a)1. The sale of coins or currency, in a single transaction, is exempt when the sales price charged for coins or currency that are not legal tender of the United States or legal tender of another country sold at its face value exceeds \$500.

2. Example: In one transaction, an investor purchases one United States \$40 coin, called a gold double eagle, for \$295, one Krugerrand for \$295, and one one-ounce gold ingot for \$295. Because the gold double eagle is United States legal tender, its sale is not subject to tax. The sale of the gold ingot is not a taxable sale of coins or currency, but is a taxable sale of bullion. The sale of the Krugerrand is a taxable sale of coins or currency. Because the portion of the sales price charged for taxable coins or currency is \$295, the transaction does not qualify for exemption and the sale of the Krugerrand and the ingot is taxable.

(b)1. The sale of gold, silver, or platinum bullion, or any combination thereof, in a single transaction, is exempt when the total sales price of such bullion exceeds \$500.

2. Example: An investor purchases two one-ounce gold ingots and one one-ounce platinum ingot in one transaction for \$1020. The sale is exempt, because the sales price of the bullion exceeds \$500.

(c) For purposes of this rule, a "single transaction" has the same meaning as the term "single sale," described in Rule 12A-1.003, F.A.C.

(4) Jewelry or other objects made or fabricated by incorporating or using coins, currency, or bullion are subject to tax. Tax is due on the total sales price of the jewelry or other objects, without deduction or credit for the price or value of the coins, currency, or bullion.

(5) When coins or currency that are in circulation in, and the legal tender of, a nation are exchanged for coins or currency in circulation in, and legal tender of, another nation, no tax is due when the coins or currency are exchanged solely for use as legal tender and the rate of the exchange is based on the value of each nation's coins or currency as a medium of exchange.

(6) The dealer must maintain proper documentation to exempt, in whole or in part, the sale of coins, currency, or bullion until tax imposed by Chapter 212, F.S., may no longer be determined and assessed under s. 95.091(3), F.S. Failure to maintain and preserve proper documentation will subject the entire transaction to tax. Proper documentation, in the case of a transaction involving coins or currency, will describe the country, issue, grade, denomination, face value, and sales price of each item of coin or currency and additional information to clearly identify each coin or currency. In the case of a transaction involving bullion, proper documentation will describe the metal, quantity, form (such as bars or ingots), and sales price of each item of bullion.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(19), 212.05(1)(k)(4), ~~212.054(2)(a)~~, 212.08(7)(ddd) FS. History--New 3-17-93, Amended 10-17-94.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Payment Methodology for Nursing Home Services  
RULE NO.: 59G-6.010

PURPOSE AND EFFECT: The primary purpose of the proposed amendment is to incorporate changes to the long-term care reimbursement plan payment methodology to increase patient care reimbursement as required by Section 30 of House Bill 1971, as incorporated into the General Laws of Florida, Chapter 99-394. The limitations in the patient care component are to be adjusted to allow additional funding for the April 1, 2000 rate semester. The additional patient care reimbursement is to be used by nursing facilities to recruit and retain qualified staff and to provide appropriate care.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the reimbursement payment methodology that will be used to increase the patient care component of the long-term care reimbursement plan effective April 1, 2000.

SPECIFIC AUTHORITY: 409.909 FS.

LAW IMPLEMENTED: 409.908 FS.

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

TIME AND DATE: 10:00 a.m., January 10, 2000  
PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Carol Shotwell, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2106C, Tallahassee, Florida 32308, (850)414-2759

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE TITLE: Family-Related Medicaid Eligibility Determination Process  
RULE NO.: 65A-1.704

PURPOSE AND EFFECT: These rule amendments will revise verification requirements.

SUBJECT AREA TO BE ADDRESSED: The department is adopting revised procedures for processing transitional Medicaid eligibility. The client's statement will be accepted as proof of current income and child care expenses.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.903, 409.904, 409.919 FS.

IF REQUESTED AND DEEMED NECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 11:00 a.m., January 7, 2000  
PLACE: 1317 Winewood Boulevard, Building 3, Room 414, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Linda Ginn, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 408L, Tallahassee, Florida 32399-0700, Telephone (850)921-5581

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Freshwater Fish and Wildlife**

RULE TITLE: General Provisions for Taking and Sale of Reptiles  
RULE NO.: 68A-25.002

PURPOSE AND EFFECT: The purpose of this rule development is to prohibit the importation of African turtles of the genus *Geochelone* so as to help minimize the introduction of ticks bearing Heartwater Disease (*Cowdria ruminatum*), a disease fatal to many ruminants, including cattle and deer.

SUBJECT AREA TO BE ADDRESSED: Prohibition on importation of a certain genus of African turtles.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const., 372.6672, 372.6673, 372.86, 372.921, 372.922 FS.

TIME, DATE AND PLACE: To be announced at a later date.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: The preliminary text of the proposed rule development will be available and can be obtained from James V. Antista, General Counsel, 620 South Meridian Street, Tallahassee, FL 32399-1600

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Marine Fisheries**

RULE CHAPTER TITLE: Mullet

RULE TITLE: Bag Limit  
 RULE NO.: 68B-39.004

PURPOSE AND EFFECT: The recreational daily bag and vessel possession limit for mullet (50 fish) was based on the need to reduce the level of harvest of the species and to limit the ability of commercial harvesters to take mullet under recreational limits on weekends and later sell the catch, particularly during the fall roe harvest season. The purpose of this rule development is to allow two or more recreational harvesters aboard a vessel to keep and possess double the daily bag limit during the portion of the year when commercial pressure on the species is at its lightest. The effect should be to increase the amount of recreationally harvested mullet in proportion to the improved health and future viability of the species.

SUBJECT AREA TO BE ADDRESSED: Recreational daily bag and vessel possession limits for mullet.

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

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

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in any workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-39.004 Bag Limit.

Except as provided in Rules 68B-39.0045-68B-39.008:

(1) No person shall harvest, within or without the waters of the state, more than 50 mullet per day; provided, however, that two or more harvesters aboard a single vessel in or on the waters of the state shall be subject to the vessel possession limit specified in subsection (2).

(2)(a) During the period beginning September 1 each year and continuing through January 31 of the following year, the possession of more than 50 mullet aboard a vessel in or on the waters of the state at any time is prohibited.

(b) During the period beginning February 1 and continuing through August 31 each year, the possession of more than 100 mullet aboard a vessel in or on the waters of the state at any time is prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 10-19-89, Amended 9-1-91, 10-5-92, Formerly 46-39.004, Amended.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Marine Fisheries**

RULE CHAPTER TITLE: Horseshoe Crabs

RULE TITLES: Definitions  
 RULE NOS.: 68B-46.001

Horseshoe Crabs Harvest Restrictions: License

Requirements, Gear Specifications, Area

Restrictions, Daily Bag and Possession Limit 68B-46.002

PURPOSE AND EFFECT: Horseshoe crabs belong to an archaic group and are considered to be living fossils that have survived several mass extinction events. A long-standing commercial fishery exists for horseshoe crabs along the states of the mid-Atlantic region of the U.S., to supply the animal as bait to the eel and knobbed whelk fisheries. Until recently, Florida has not been a major contributor to reported landings of the species and the state has not implemented a management plan to safeguard its long-term abundance. In the spring of 1999, however, harvest restrictions implemented in the mid-Atlantic states caused an effort shift into the northern Gulf of Mexico coast in Florida, to supply eel and knobbed whelk harvesters. The reported landings for Florida in 1999 represented a dramatic increase over any previously reported year. The purpose of this rule development effort is to arrive at appropriate restrictions on harvest of horseshoe crabs so that the fishery in Florida is sustainable over the long term. The restrictions are in accord with a management plan for the species being coordinated on an interstate basis by the Atlantic States Marine Fisheries Commission, of which Florida is a member. The effect of this effort should be to assure that this ancient animal maintains its place as part of Florida's coastal ecosystem.

SUBJECT AREA TO BE ADDRESSED: Horseshoe crab harvest restrictions.

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

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.  
 IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE LATER ANNOUNCED IN THIS PUBLICATION.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in any workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-46.001 Definitions.

As used in this rule chapter:

(1) “Harvest” means the catching or taking of a horseshoe crab, by any means whatsoever, followed by a reduction of such crab to possession. Horseshoe crabs that are caught but immediately returned to the water free, alive, and unharmed are not harvested.

(2) “Horseshoe crab” means any arthropod of the species *Limulus polyphemus*, or any part thereof.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New

68B-46.002 Horseshoe Crabs Harvest Restrictions: License Requirements, Gear Specifications, Area Restrictions, Daily Bag and Possession Limit.

(1) No person shall harvest, possess, or sell any horseshoe crab unless that person possesses a valid saltwater products license.

(2) The harvest or attempted harvest of any horseshoe crab by or with the use of any means or gear other than by hand or gig is prohibited.

(3) Horseshoe crabs shall be harvested only from the water and not from any adjacent beach or shore.

(4) No person shall harvest in any day, within or without the waters of the state, land, or possess while in or on the waters of the state more than 25 horseshoe crabs. The possession of more than 25 horseshoe crabs aboard any vessel in or on the waters of the state at any time is prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New

Section II  
 Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE CHAPTER TITLE: Permitting and Inspection Requirements  
 RULE CHAPTER NO.: 5F-8  
 for Amusement Rides

RULE TITLE: Fees  
 RULE NO.: 5F-8.012

PURPOSE AND EFFECT: Applicable law, Section 616.242(8), Florida Statutes, requires that the fees charged for inspection and permitting of amusement rides must cover the costs of the program that are not covered by general revenues appropriated by the legislature. The purpose of this rule revision is to implement a decrease in the fees charged for inspection and permitting of amusement rides because the legislature appropriated general revenues covering part of the operating costs for operation of the amusement ride inspection program during FY 99-00.

SUMMARY: Rule 5F-8.012, Florida Administrative Code, the department rule establishing the fees for inspecting and permitting amusement rides.

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

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

SPECIFIC AUTHORITY: 616.241, 616.242 FS.

LAWS IMPLEMENTED: 616.241, 616.242 FS.

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

TIME AND DATE: 10:00 a.m., Wednesday, February 2, 2000  
 PLACE: Division of Standards Conference Room, 131 Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Isadore Rommes, Bureau Chief, Bureau of Fair Rides Inspection, 3125 Conner Boulevard, Suite N, Tallahassee, Florida 32399-1650, Phone (850)488-9790, Fax (850)488-9023

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-8.012 Fees.

(1) The following fees are adopted: