

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE CHAPTER TITLE: Florida Nursery Stock and Certification Fees

RULE CHAPTER NO.: 5B-2

RULE TITLES: Definitions

RULE NOS: 5B-2.001

Registering with the Division 5B-2.002

Certification and Quarantine of Nursery Stock 5B-2.0025

PURPOSE AND EFFECT: The purpose of this rule revision is to provide a definition for certified turfgrass. The effect will be, upon request, to provide certification to producers of turfgrass in order that they may comply with plant quarantine restrictions or phytosanitary requirements. Pasture or forage grasses are specifically excluded from this definition. This amendment will also specifically exempt lawn and pasture grasses not produced as certified turfgrass from nursery stock classification for registration purposes, when apparently free from injurious plant pests. In addition, this proposed rule revision will amend the list of plant pests of limited distribution in Florida to remove those plant pests that have now become widely distributed throughout the state, and to add those plant pests that have recently been introduced into the state and are of limited distribution.

SUMMARY: To provide certification, when requested, to turfgrass producers so they may comply with plant quarantine restrictions imposed by other states or countries, and to specifically exclude those lawn and pasture grasses not produced as certified from nursery stock classification when apparently free from injurious plant pests. In addition, the list of plant pests of limited distribution in Florida requiring immediate quarantine action is being amended to remove three insect pests, one plant disease and two plant parasitic nematodes that have now become widely distributed throughout the state, and to add eight insect pests, one plant disease and one plant parasitic nematode that have recently been introduced into the state and are of limited distribution.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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: 570.07(13),(23), 581.031(1) FS.

LAW IMPLEMENTED: 581.031(1),(4),(5),(6),(7), 581.083, 581.101, 581.131, 581.141 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., July 14, 2003

PLACE: Doyle Conner Building, 1911 Southwest 34th Street, Gainesville, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Connie Riherd, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, FL 32614-7100

THE FULL TEXT OF THE PROPOSED RULES IS:

5B-2.001 Definitions.

For the purpose of this chapter, the definitions in Section 581.011, F.S., and the following definitions shall apply:

(1) Balled and burlapped. A term used to describe a horticultural practice whereby plants are extracted from the soil with a portion of the roots and the growing medium intact forming the ball. The ball is wrapped with burlap or other materials appropriate for supporting the ball during handling.

(2) Bare-root. Plants with roots from which the growing medium in which it was grown has been removed.

(3) Certified turfgrass. Turfgrass produced for purposes of ornamental ground cover by an individual who has requested certification in order to comply with plant quarantine restrictions or phytosanitary requirements. Pasture or forage grasses are specifically excluded from this definition.

~~(4)(3)~~ Container nursery stock. Plants established in growing media contained in containers such as clay pots, plastic pots, cans, etc.

~~(5)(4)~~ Exposed. Subject to infestation because of proximity to or contact with a plant pest.

~~(6)(5)~~ Outlet. A nursery, stock dealer, plant broker or agent offering nursery stock for sale or distribution under the control of a parent organization, corporation, partnership, personal business, cooperative, or other legal business entity.

~~(7)(6)~~ Propagating material. Unrooted scions and cuttings in the process of developing root systems; seedlings and asexually produced plants which are being developed to a saleable size.

~~(8)(7)~~ Psorosis complex of viruses. A combination of viruses (psorosis-A, psorosis-B, and ringspot) that induce bark-scaling, internal wood staining, ringspots or irregular chlorotic patterns in the foliage, or eventual tree decline. The disease is spread primarily by propagation using infected budwood.

Specific Authority 570.07(23), 581.031(1) FS. Law Implemented 581.031 FS. History—Repromulgated 12-31-74, Amended 6-15-81, 10-28-85, Formerly 5B-2.01, Amended 6-7-95, _____.

5B-2.002 Registering with the Division.

Every nurseryman, stock dealer, plant broker, and agent shall register with the division before moving, distributing or offering nursery stock for sale. All aquatic plants offered for sale or distribution at the retail level, seeds, ~~lawn and pasture grasses~~, cut flowers, cut fern, and cut foliage (greens) not for propagation, and lawn and pasture grasses not produced as certified turfgrass are specifically exempted from nursery stock classification for registration purposes, when apparently free from injurious plant pests.

(1) NURSERY REGISTRATION REQUIREMENTS.

(a) Application for registration of nurseries shall be made upon a form, DACS-08004, revised 5/99, incorporated herein by reference, to be furnished by the division, which shall contain provisions with which the applicant must comply, and must be signed by the applicant or applicant's representative. Application form DACS-08004, revised 5/99, is supplied by the division for this purpose and is incorporated herein by reference. Copies of DACS-08004, Application For Certificate of Registration, may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, P. O. Box 147100, Gainesville, Florida 32614-7100.

(b) Nurserymen desiring to move, sell, distribute, or offer nursery stock for sale and obtain a certificate of registration shall request an inspection by the division at least thirty (30) days in advance of the date upon which they desire to move or offer nursery stock for sale. Nurserymen requesting immediate inspection may be charged an additional fee sufficient to defray the cost of inspection.

(c) The nursery stock must be inspected by an authorized representative of the division and found to be apparently free from plant pests of quarantine significance and to be reasonably free from common plant pests.

(d) The nursery must be in such condition, in regard to spacing, growth, and weed control, as to permit an efficient inspection for plant pests.

(e) The nurseryman must agree to comply with all rules of the division.

(f) Nurserymen, unless exempted under paragraph 5B-2.002(1)(g), F.A.C., must pay an annual certificate of registration fee. Such fee shall be determined by the amount of nursery stock inventoried in the nursery by an authorized representative during the first inspection after July 1; or for field-produced vegetable transplants, field-produced bulbs, and field-produced corms and tubers, the certificate of registration fee shall be based on the amount of planted acreage provided that the total fee does not exceed four hundred and sixty dollars (\$460). Upon meeting registration requirements, a certificate of registration may be issued by the division which shall expire twelve (12) months following date of issue. For fee purposes nursery stock shall be grouped into two categories, except for field-produced vegetable transplants, field-produced bulbs, and field-produced corms and tubers which shall be determined by planted acreage. The two categories for nursery stock shall

include standard stock and propagating material. Standard stock shall include all nursery stock inventoried by unit for sale or distribution; i.e., pot, balled and burlapped, or tray (for seedlings and liners). Propagating material shall include breeding stock, stock plants, rooting beds or other growing units, production beds for seeds and aquatic plants. The fee for nurseries having both standard stock and propagating material shall be determined by converting propagative material to standard stock at a ratio of 10 to 1. The figure so determined will be added to the standard stock inventory and the fee shall be determined on the combined total. Nurseries having standard stock, propagating material and field-produced vegetable transplants, field-produced bulbs, and field-produced corms or tubers shall have the planted acreage fee added to the fee determined for standard stock and propagating material. The combined fees shall not exceed four hundred and sixty dollars (\$460).

1. Schedule of fees determined by nursery stock inventory shall be as follows:

Number of Plant	Amount of Fee
1 – 1,000	\$25.00
1,001 – 2,500	35.00
2,501 – 5,000	46.00
5,001 – 10,000	69.00
10,001 – 25,000	92.00
25,001 – 50,000	115.00
50,001 – 100,000	173.00
100,001 – 150,000	219.00
150,001 – 200,000	265.00
200,001 – 250,000	311.00
250,001 – 300,000	357.00
300,001 – 350,000	403.00
350,001 – 400,000	449.00
Over 400,000	460.00

2. Schedule of fees determined by planted acreage for field-produced vegetable transplants, field-produced bulbs, and field-produced corms and tubers shall be as follows:

Number of Acres	Amount of Fee
1 – 5	\$25.00
6 – 10	35.00
11 – 15	46.00
16 – 20	69.00
21 – 25	92.00
26 – 30	115.00
31 – 35	172.00
36 – 40	218.00
41 – 45	265.00
46 – 50	311.00
51 – 60	357.00
61 – 70	403.00
71 – 80	449.00
Over 81	460.00

3. Schedule of fees determined by planted acreage for certified turfgrass shall be as follows:

<u>Number of Acres</u>	<u>Amount of Fee</u>
<u>1 – 50</u>	<u>25.00</u>
<u>51 – 100</u>	<u>35.00</u>
<u>101 – 200</u>	<u>46.00</u>
<u>201 – 300</u>	<u>69.00</u>
<u>301 – 400</u>	<u>92.00</u>
<u>401 – 500</u>	<u>115.00</u>
<u>501 – 600</u>	<u>172.00</u>
<u>601 – 700</u>	<u>218.00</u>
<u>701 – 800</u>	<u>265.00</u>
<u>801 – 900</u>	<u>311.00</u>
<u>901 – 1000</u>	<u>357.00</u>
<u>1001 – 2000</u>	<u>403.00</u>
<u>2001 – 3000</u>	<u>449.00</u>
<u>Over 3000</u>	<u>460.00</u>

(g) Governmental agency nurseries whose nursery stock is used exclusively for planting on government property are exempt from payment of a certificate of registration fee.

(h) All annual renewal documents for certificate of registration shall be returned not later than the anniversary date of the certificate being renewed, and accompanied by the appropriate fee.

(2) STOCK DEALERS, PLANT BROKERS, AND AGENTS. Stock dealers, plant brokers, and agents shall comply with the following stipulations to meet certification requirements:

(a) Those persons who desire to apply for certification and registration as a stock dealer, plant broker, or agent may make application by completing division form DACS-08004, revised 5/99. This application form should be filed with the division thirty (30) days prior to the date the stock dealer, plant broker, or agent desires to begin operation. The completed application shall be accompanied by payment of the fee as designated in paragraph 5B-2.002(2)(e), F.A.C.;

(b) All annual renewal documents for certificate of registration shall be returned not later than the anniversary date of the certificate being renewed, and accompanied by the appropriate fee;

(c) Stock dealers with more than one outlet supplied with nursery stock from a central location may register outlets by listing or attaching a list of outlets, with complete mailing address and geographical location, to the application or document for renewal form (DACS-08004, revised 5/99 or DACS-08022, revised 5/99) and remitting of the total fee payment for all outlets to be registered. Application for Renewal of Nursery Stock Dealer's Certificate of Registration form, DACS-08022, revised 5/99, is supplied by the division for this purpose and are incorporated herein by reference. Copies of DACS-08022, may be obtained from the Division of Plant Industry, Bureau of Plant & Apiary Inspection, P. O. Box 147100, Gainesville, Florida 32614-7100;

(d) Stock dealers with an independent source of nursery stock supply, regardless of their affiliation with a parent person, shall apply for a certificate of registration as a separate unit and shall remit the designated fee payment;

(e) The certificate of registration fee for stock dealer, plant broker, and agent establishments shall be \$25.00 per outlet with a \$460 maximum charge;

(f) A stock dealer, plant broker, or agent shall comply with all the provisions of Chapter 581, Florida Statutes, and the rules of the department and shall obtain nursery stock only from certified nurseries;

(g) Stock dealer, plant broker, and agent certificate of registration shall expire twelve (12) months after the date of issuance.

Specific Authority 570.07(23), 581.031(1) FS. Law Implemented 581.131, 581.141 FS. History--Amended 12-31-74, 6-24-75, 3-25-79, 6-15-81, 10-28-85, Formerly 5B-2.02, Amended 5-17-92, 6-7-95, 11-29-95, 6-12-00,

5B-2.0025 Certification and Quarantine of Nursery Stock.

(1) Foreign plant pests requiring immediate quarantine action. All nursery stock found to be infested or infected with or exposed to a plant pest not known to be established in the state will be quarantined and will not be eligible for certification until the plant pest has been eliminated.

(2) Plant pests of limited distribution in Florida requiring immediate quarantine action. All nursery stock found infested or infected with or exposed to a plant pest listed below shall be subject to immediate quarantine action and will not be eligible for certification until treated as prescribed by the department and released from quarantine.

(a) Insects_

1. Diaphorina citri (Asian citrus psyllid) ~~Ceroplastis sp. (scale insect)~~

2. Diaprepes abbreviatus (diaprepes root weevil)

3. Macronellicoccus hirsutus (pink mealybug) ~~Metamasius spp. (weevil)~~

4. Metamasius callizona (bromeliad weevil)

5. Metamasius hemipterus (palm and sugarcane weevil)

6. ~~4.~~ Morganella longispina sp. (scale insect) ~~(plumose scale)~~

7. Myllocerus undatus (weevil)

8. ~~5.~~ Opuntiaspis spp.sp. (scale insect)

9. Paratachardina lobata (lobate lac scale)

10. ~~6.~~ Parlatoria ziziphi (black parlatoria scale insect)

11. ~~7.~~ Philephedra sp. (scale insect)

12. Phoenicococcus marlatti (red date scale)

8. ~~Toxoptera citricida (brown citrus aphid)~~

13. Vinsonia stellifera (stellate scale)

(b) Diseases

1. Agrobacterium tumefaciens (crown gall)

2. Lethal yellowing of palms

3. Phomopsis gardeniae (gardenia canker)

4. Psorosis complex of viruses

5. *Puccinia pelargonii - zonalis* (geranium rust)

6. *Sphaceloma poinsettia* (poinsettia scab)

7. Tomato yellow leaf curl virus

(c) Mollusks (Snails)

1. *Otala lactea* (milk snail)

2. *Zachrysia provisoria* (Cuban land snail)

(d) Nematodes

1. ~~*Heterodera schachtii* (sugar beet nematode)~~

2. ~~*Heterodera glyeines* (soybean cyst nematode)~~

1. *Meloidogyne mayaguensis*

(3) Common Plant Pests. All nursery stock found infested or infected with a common plant pest shall be subject to immediate quarantine action when the population of the plant pest is adversely affecting the nursery stock. The nursery stock will not be eligible for certification until treated as prescribed by the department and released from quarantine.

Specific Authority 570.07(13),(23) FS. Law Implemented 581.031(4),(5),(6),(7), 581.083, 581.101 FS. History--New 6-7-95, Amended 10-8-96, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Constance C. Riherd, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, Doyle Conner Building, 1911 S. W. 34th Street, Gainesville, Florida 32614-7100, (352)372-3505

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Craig Meyer, Deputy Commissioner for Agricultural Services, Commissioner's Office Staff, Florida Department of Agriculture and Consumer Services, PL 10, The Capitol, Tallahassee, FL 32399-0810

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: MAY 30, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 28, 2003

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Plant Quarantine and Certification

Entry Requirements 5B-3

RULE TITLES: RULE NOS.:

Requirements for the Interstate Movement
of Nursery Stock and Other Plants
and Plant Products

5B-3.003

Requirements for the International Movement
of Plants and Plant Products

5B-3.0032

Restrictions on Host Fruit of Fruit Flies

5B-3.0035

Quarantine Action

5B-3.0038

PURPOSE AND EFFECT: The purpose of this rule amendment is to revise documentation requirements for plants and plant products entering Florida by road from other states or countries, and to provide a provision for suspending shippers

responsible for pests not known to occur in Florida to be introduced into the State. Additional quarantine pests are also being added to the list of pests not known to occur in Florida, and to the list of quarantine pests of limited distribution. The effect would be that in most instances, importers of foreign produce will have less documentation to present when entering the agricultural inspection stations maintained by the Office of Agricultural Law Enforcement. This revision will also make bill of lading requirements consistent with U.S. Custom rules that require such documentation of foreign products to be in the English language, or be accompanied by an English translation. In addition, this revision will have the effect of clarifying that products moved interstate in violation of Federal restrictions will also be considered in violation of Florida law. Furthermore, the ability to suspend shippers of products infested with pests not known to occur in Florida will give added protection against additional introductions into the State.

SUMMARY: Determining certification requirements for international or domestic plant products is dependant upon the ability of the Department to identify that product. Bill of lading and other documentation not in the English language may prevent proper identification, leading to the entry of product not properly certified.

The requirement for foreign origin plants and plant products to be accompanied by supporting documentation verifying inspection and clearance by the USDA has become outdated. It is difficult for many shippers to obtain the proper documentation as the USDA has moved increasingly toward a paperless entry system for product entering many U.S. ports. In addition, as imported product is brokered and redistributed in smaller lots among different entities and transported throughout the U.S., the original clearance documentation resides with the importer and is difficult to locate. In addition, there is no method available to clearly reconcile product which has been redistributed any number of times from the original importer with documentation that is provided upon entry into the State. The effect is the documentation is of little value for demonstrating inspection and clearance by USDA, and shipments are often delayed while brokers try to locate it.

Florida agriculture is at risk each time a pest not known to occur in the State enters with infested plants and plant products. By suspending shippers for a suitable period who cause new pests to be introduced, we hope to prevent repeated introductions which would add greatly to the opportunity for the new pest to become established in Florida. The assistance of agriculture officials in the shipper's state of origin will be enlisted to help mitigate the pest risk of future shipments before shipments to Florida may resume.

SPECIFIC AUTHORITY: 570.07(23), 581.031(4), 581.091, 581.101 FS.

LAW IMPLEMENTED: 581.031(7), 581.083, 581.101 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., July 11, 2003

PLACE: Doyle Conner Building, 1911 Southwest 34th Street, Gainesville, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Connie Riherd, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, FL 32614-7100

THE FULL TEXT OF THE PROPOSED RULES IS:

5B-3.003 Requirements for the Interstate Movement of Nursery Stock and Other Plants and Plant Products.

Any person, nurseryman, stock dealer, agent, or plant broker doing business outside the State of Florida who desires to ship into this state nursery stock and other plants and plant products from any state, U. S. possession, territory, or district of the United States, shall comply with the following regulations:

(1) If shipping nursery stock, the nurseryman, stock dealer, agent, or plant broker must be registered with the department of agriculture of the state where such nursery stock originated and listed in that state's directory of registered or certified nurseries, agents, stock dealers, and plant brokers.

(2) For nursery stock, a valid certificate of inspection issued by the state of origin must be attached to each separate package, bundle, box, or shipment of nursery stock shipped into Florida. The certificate of inspection shall certify that the nursery stock is apparently free of plant pests and is in compliance with the rules of the department. In club orders, one tag must be attached to each individual order and another to the package containing the individual orders.

(3) All commercial shipments of nursery stock or other plants and plant products entering peninsular Florida by road are required to stop at an agricultural inspection station where they will be screened for proper certification and subject to cargo inspection by the department. Each shipment shall be accompanied with a bill of lading, or other valid documentation which contains, at least, the following information:

- (a) Name and address of shipper or consignor;
- (b) Name and physical address of receiver or consignee;
- (c) Description of Plants or plant products in shipment;
- (d) Place and state of origin;
- (e) Ultimate destination of shipment if other than receiver or consignee.

(4) The bill of lading or other valid document and all attachments shall be in the English Language, or shall have attached thereto an accurate English translation containing adequate information for examination of the product.

~~(5)~~(4) A report of Plant and Plant Material In Transit, DACS-08003, revised 1/00, will be completed on any shipment of nursery stock or other plants or plant products entering Florida that is subject to additional inspection upon reaching its destination. Report of Plant and Plant Material In Transit form, DACS-08003, revised 1/00, is supplied by the division for this purpose and is incorporated herein by reference. Copies of DACS-08003, Report of Plant and Plant Material In Transit, may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, P. O. Box 147100, Gainesville, Florida 32614-7100.

~~(6)~~(5) Non-commercial shipments of house plants which are part of a passenger's baggage or household effects may enter the state provided the plants are accompanied with a certificate of inspection. Should the plants originate from a state that does not offer an inspection and certification service for house plants, the owner must be able to furnish the department a Florida address where the plants will be located. This information will enable the department to conduct a follow-up inspection if deemed necessary. If sufficient information is given, the plants will be allowed to proceed.

~~(7)~~(6) The movement of propagative parts of sugarcane into the State of Florida is prohibited unless accompanied by a special permit issued by the department. A special permit may be requested by completing an Application for Special Permit to Import Sugarcane, DACS-08083, revised 10/99, and submitting it to the division director. Special Permit to Import Sugarcane, DACS-08083, revised 10/99, is supplied by the division for this purpose and is incorporated herein by reference. Copies of An Application for Special Permit to Import Sugarcane, may be obtained from the Division of Plant Industry, P. O. Box 147100, Gainesville, Florida 32614-7100. Sorghum seed is exempt from this requirement provided it is apparently free from plant pests.

~~(8)~~(7) It is unlawful for any person to introduce into this state from another state, territory, or foreign country any citrus plant or citrus plant product or propagation there from without a permit issued by the department, unless specifically excluded by the rules of the department. A permit may be requested by completing an Application to Introduce Citrus Plants and Citrus Plant Parts, DACS-08084, revised 1/00, and submitting it to the division director. Application to Introduce Citrus Plants and Citrus Plant Parts, DACS-08084, revised 1/00, is supplied by the division for this purpose and is incorporated herein by reference. Copies of Application to Introduce Citrus Plants and Citrus Plant Parts, may be obtained from the Division of Plant Industry, P. O. Box 147100, Gainesville, Florida 32614-7100. Any such citrus plant or citrus plant product or propagation there from introduced into the state from another state, territory, or foreign country without a permit issued by the department, or any plants propagated thereafter from such materials, are unlawful and declared to be

contraband and shall be confiscated and destroyed. No compensation shall be allowed for any plant, product, or propagation confiscated and destroyed pursuant to this section.

Specific Authority 570.07(23), 581.031(1),(4),(5) FS. Law Implemented 581.031, 581.182 FS. History--New 3-16-92, Amended 7-2-95, 4-1-97, 6-12-00,_____.

5B-3.0032 Requirements for the International Movement of Plants and Plant Products.

~~(1) All shipments of foreign origin plants and plant products shall be prohibited entry into the state of Florida unless accompanied by supporting documentation verifying inspection and clearance by the USDA.~~

~~(1)(2)~~ All shipments of foreign origin plants and plant products entering ~~peninsular~~ Florida by road are required to stop at an agricultural inspection station where they will be screened for proper certification and subject to cargo inspection by the department.

~~(2)(3)~~ All shipments of foreign origin plants and plant products shall be accompanied with a bill of lading, or other valid documentation which contains, at least, the following information:

- (a) Name and physical address of the shipper or consignor;
- (b) Name and physical address of receiver or consignee;
- (c) Description of plants or plant products in shipment;
- (d) Place and country of origin;
- (e) Ultimate destination of shipment if other than receiver or consignee.

(3) The bill of lading or other valid document and all attachments shall be in the English language, or shall have attached thereto an accurate English translation containing adequate information for examination of the product.

(4) It shall be unlawful to ship plants and plant products into Florida which are in violation of Federal law, including restricted foreign origin plants and plant products that require treatment or the distribution is limited to specified states.

Specific Authority 570.07(23), 581.031(4) FS. Law Implemented 581.031(15),(19),(20) FS. History--New 4-1-97, Amended _____.

5B-3.0035 Restrictions on Host Fruit of Fruit Flies.

All host fruit listed in (1) through (52) from an area infested with the fruit flies *Anastrepha* spp. (except *A. suspensa*), *Bactrocera* spp., *Dacus* spp., *Rhagoletis* spp., and *Ceratitis* spp. is prohibited entry into the State of Florida, unless accompanied by a certificate issued by an authorized representative of the USDA or the state of origin denoting the absence of fruit flies listed above, or having complied with a treatment established by the department or USDA to insure freedom from fruit flies. The following host list does not exclude from restriction any movement into Florida of other fruit or articles that may be infested. The purpose of the list is to provide information as to the preferred hosts of fruit flies which most commonly move in commerce.

- (1) *Actinidia chinensis* – kiwi fruit
- (2) *Annona* spp. – soursop, cherimoya, pond-apple, and sugar-apple
- (3) *Arenga pinnata* – sugar palm
- (4) *Argania spinosa* – Argan tree, Morocco ironwood
- (5) *Blighia sapida* – akee
- (6) *Capsicum* spp. – peppers
- (7) *Carica papaya* – papaya
- (8) *Carissa macrocarpa* – carissa, Natal-plum
- (9) *Casimiroa* spp. – white-sapote and other species of this genus
- (10) *Chrysophyllum* spp. – star-apple and other species of this genus
- (11) *Citrus* spp. – orange, grapefruit, tangerine, and other citrus relatives as defined in Rule 5B-46.001, F.A.C., above.
- (12) *Coffea arabica* – coffee
- (13) *Cucumis* spp. – cucumber, muskmelon, melon, and other species of this genus
- (14) *Cydonia oblonga* – common quince
- (15) *Cyphomandra betacea* – tree tomato
- (16) *Dimocarpus longana* – longan
- (17) *Diospyros* spp. – Japanese and American persimmons and other species of this genus
- (18) *Dovyalis* spp. – Ceylon-gooseberry, kei-apple
- (19) *Eriobotrya japonica* – loquat
- (20) *Eugenia* spp. – Surinam cherry and other species of this genus
- (21) *Acca sellowiana* (≡ *Feijoa sellowiana*) – feijoa, pineapple guava
- (22) *Ficus carica* – fig
- (23) *Fortunella japonica* – kumquat
- (24) *Geoffroea decorticans* – chanar, Chilean palo verde
- (25) *Juglans* spp. – walnut with husk
- (26) *Litchi chinensis* – lychee
- (27) *Lycopersicon esculentum* – tomato
- (28) *Malpighia* spp. – Barbados cherry, West Indies cherry
- (29) *Malus ~~sylvestris~~ pumila*-apple
- (30) *Mangifera indica* – mango
- (31) *Manilkara zapota* – sapodilla
- (32) *Mimusops elengi* – Spanish cherry
- (33) *Murraya paniculata* – orange jasmine
- (34) *Ochrosia elliptica* – ~~bourbon orange~~ kopsia, elliptic yellowwood
- (35) *Olea europea* – olive
- (36) *Opuntia* spp. – prickly pear
- (37) *Passiflora edulis* – passion fruit
- (38) *Persea americana* – avocado
- (39) *Phoenix dactylifera* – date palm
- (40) *Pouteria campechiana* – canistel
- (41) *Pouteria sapota* – mammee, sapote

- (42) *Prunus* spp. – peach, plum, apricot, cherry, and other stone fruit relatives
- (43) *Psidium* spp. – common guava and cattley guava
- (44) *Punica granatum* – pomegranate
- (45) *Pyrus communis* – pear
- (46) *Solanum melongena* var. *esculentum* – eggplant
- (47) *Spondias* spp. – hog plum, yellow mombin, red mombin, purple mombin, Spanish plum, jocote
- (48) *Syzygium* spp. – rose-apple, jambolan-plum, mountain apple
- (49) *Terminalia catappa* – tropical almond
- (50) *Thevetia peruviana* – yellow oleander
- (51) *Vaccinium angustifolium* (including *V. pennsylvanicum*) – lowbush blueberry
- (52) *Vaccinium corymbosum* (including *V. ashei* and *V. atrococcum*) – highbush blueberry
- (53)(54) *Vitis* spp. – wine grape or European grape
- (54)(52) Any other fruit which is known to be or found to be a host of any fruit flies listed above.

Specific Authority 570.07(23), 581.031(1),(4),(5) FS. Law Implemented 581.031 FS. History—New 7-2-95, Amended _____.

5B-3.0038 Quarantine Action.

(1) Plant pests not known to occur in the state of Florida. Plants and plant products which do not meet Florida regulations or are found to be infested or infected with, or exposed to a plant pest not known to be established in the state shall be subject to being refused entry, returned to the owner, quarantined, treated, or destroyed as specified by the department, or destroyed or treated by an authorized representative of the department. The destruction, quarantine, treatment, or return of a shipment shall be under the direction of an authorized representative of the department and at the expense of the owner. Payment to the department for such expense shall be required before shipping can resume. Shippers shall be immediately suspended from shipping into Florida when shipments of plants and plant products are found to be infested or infected with a plant pest not known to be established in the state, and the pest is determined to be potentially damaging to Florida agriculture. This suspension shall remain in effect until the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, and the state of origin department of agriculture agree the problem has been resolved and that shipping may resume. An Agreement For Treatment, Destruction, Forfeiture, or Return of Plants and/or Plant parts, DACS-08029, revised 8/02 42/99, will be completed on all shipments requiring regulatory action. An Agreement For Treatment, Destruction, Forfeiture, or Return of Plants and/or Plant Parts form, DACS-08029, revised 8/02 42/99, is supplied by the division for this purpose and is incorporated herein by reference. Copies of DACS-08003, Report of Plant and Plant Material In Transit, and DACS-08029, Agreement For Treatment, Destruction,

Forfeiture, or Return of Plants and/or Plant Parts, may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, P. O. Box 147100, Gainesville, Florida 32614-7100. The following are examples of plant pests that would require immediate quarantine action:

(a) Insects

1. *Aceria litchii* (currently in Hawaii (Litchi mite))
2. *Anoplophora* spp. (Asian longhorned beetles)
3. *Biprorulus bibax* (spined orange bug)
4. ~~1.~~ *Bostrichidae* ~~Bostrichidae~~ (Bostrichid beetles)
5. *Brevipalpus chilensis* (Chilean false red mite)
6. *Ceratovacuna lanigera* (sugarcane woolly aphid)
7. ~~2.~~ *Diaphora eutri* (Asian citrus psyllid)
8. *Eutetranychus orinetalis* (Oriental red mite)
9. *Exophthalmus* spp. (Caribbean citrus weevils)
10. ~~3.~~ *Liriomyza huidobrensis* (pea leaf miner)
11. ~~4.~~ *Macronellicoccus hirsutus* (pink mealybug)
12. *Metamasius* spp. (Neotropical palm and bromeliad weevils)

13. *Musgraveia sulciventris* (bronze orange bug)

14. *Myloccerus* spp. (Asian weevils)

15. *Nephotettix* spp. (Green leafhoppers on rice)

16. *Nilaparvata lugens* (brown plant hopper)

17. *Oxycarenus hyalinipennis* (dusky cottonseed bug)

18. *Prymnotypes* spp. (Andean potato weevils)

19. *Russelliana solanicola* (a potato psyllid)

20. ~~5.~~ *Siphoninus pluvialleae* (Ash whitefly)

21. *Trioza anceps* (avocado psyllid)

22. *Trioza perseae* (avocado psyllid)

23. ~~6.~~ *Trioza erytrae* (African citrus psyllid)

24. *Tropilaelaps clareae* (Tropilaelaps mite)

7. *Vinsonia stellifera* (stellate scale)

(b) Diseases

1. Citrus chlorotic dwarf

2. Citrus leprosis virus

3. Citrus variegated chlorosis

4. Citrus yellow mosaic virus

5. Huanglongbing (citrus greening disease)

6. Phytophthora ramorum (sudden oak death)

7. ~~1.~~ *Puccinia horiana* (chrysanthemum white rust)

8. ~~2.~~ Sugarcane bacilliform badnavirus

9. ~~3.~~ Sugarcane yellowleaf syndrome

10. ~~4.~~ *Xanthomonas axonopodis* pv. *citri* (citrus canker)

(c) Mollusks

1. *Achatina* spp. ~~fulica~~ (giant African snail and others)

2. *Archachatina marginata* (banana rasp snail)

3. ~~2.~~ *Cryptomphalus* spp. (brown garden snail and others)

Helix aspersa

4. *Megalobulimus oblongus* (giant South American snail)

5. *Theba pisana* (white garden snail)

(d) Nematodes

1. Anguina tritici (wheat gall nematode)
- ~~2.4.~~ Bursaphelenchus cocophilus (red ring nematode)
3. Ditylenchus destructor (potato rot nematode)
4. Ditylenchus dispaci (bud and stem nematode)
- ~~5.2.~~ Globodera rostochiensis and G. Pallida (potato cyst nematode)
6. Hemicycliophora arenaria (citrus sheath nematode)
7. Heterodera carotae (carrot cyst nematode)
8. Heterodera cruciferae (cabbage cyst nematode)
9. Heterodera goettingiana (pea cyst nematode)
- ~~10.3.~~ Heterodera zeae (corn cyst nematode)
11. Hoplolaimus columbus (Columbia lance nematode)
12. Longidorus africanus (a needle nematode)
13. Longidorus belondriodes (a needle nematode)
14. Meloidogyne chitwoodi (Columbia root-knot nematode)
15. Meloidogyne citri (a citrus root-knot nematode)
- ~~16.4.~~ Meloidogyne fujianensis (citrus root-knot nematode)
17. Meloidogyne naasi (cereal root-knot nematode)
18. Nacobbus aberrans (false root-knot nematode)
19. Pratylenchus convallariae (a lesion nematode)
20. Pratylenchus crenatus (a lesion nematode)
21. Pratylenchus goodeyi (a lesion nematode)
22. Xiphinema brevicolle (a dagger nematode)
23. Xiphinema bricolensis (a dagger nematode)
24. Xiphinema californicum (a dagger nematode)
25. Xiphinema diversicaudatum (a dagger nematode)
26. Xiphinema index (California dagger nematode)
27. Xiphinema insigne (a dagger nematode)
28. Xiphinema vuittenezi (a dagger nematode)
29. Zygotylenchus spp. (a lesion nematode)

(2) Plant pests of limited distribution in the state of Florida. Plants and plant products found infested or infected with or exposed to a plant pest of limited distribution in the state shall be subject to immediate quarantine action and will not be eligible for certification until treated as prescribed by the department and released from quarantine.

An Agreement for Chemical Treatment, DACS-08081, revised 10/99, may be required for plants and plant products requiring treatment. Agreement for Chemical Treatment form, DACS-08081, revised 10/99, is supplied by the division for this purpose and is incorporated herein by reference. Copies of DACS-08081, Agreement for Chemical Treatment, may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, P. O. Box 147100, Gainesville, Florida 32614-7100. The following are examples of plant pests that would require immediate quarantine action:

(a) Insects

1. Diaphorina citri (Asian citrus psyllid) ~~Ceroplastes rusei~~ (scale insect) (fig wax scale)

2. Diaprepes abbreviatus (diaprepes root weevil)
3. Maconellicoccus hirsutus (pink mealybug)
- ~~3.~~ Metamasius spp. (weevil)
4. Metamasius callizona (bromeliad weevil)
5. Metamasius hemipterus (palm and sugarcane weevil)
- ~~6.4.~~ Morganella longispina (scale insect) (plumose scale)
7. Myloccerus undatus (weevil)
- ~~8.5.~~ Opuntiaspis spp.spp. (scale insect)
9. Paratachardina lobata (lobate lac scale)
- ~~10.6.~~ Parlatoria ziziphi (black parlatoria scale)
- ~~11.7.~~ Philephedra sp. (scale insect)
12. Phoenicococcus marlatti (red date scale)
- ~~8.~~ Toxoptera citricida (brown citrus aphid)
13. Vinsonia stellifera (stellate scale)

(b) Diseases

1. Agrobacterium tumefaciens (crown gall)
2. Lethal yellowing of palms
3. Phomopsis gardeniae (gardenia canker)
4. Puccinia pelargonii – zonalis (geranium rust)
5. Sphaceloma poinsettiae (poinsettia scab)
6. Tomato yellow leaf curl virus

(c) Mollusks (Snails)

1. Otala lactea (milk snail)
2. Zachrysia provisoria (Cuban land snail)

(d) Nematodes

1. Heterodera schachtii (sugar beet nematode)
2. Heterodera glyeines (soybean cyst nematode)
1. Meloidogyne mayaguensis

(3) Common Plant Pests. All nursery stock and other plants and plant products found infested or infected with a common plant pest shall be subject to immediate quarantine action when the population of the plant pest is adversely affecting the plant or plant product. The plant or plant product will not be eligible for certification until treated as prescribed by the department and released from quarantine. An Agreement for Chemical Treatment, DACS-08081, revised 10/99, may be required for plants and plant products requiring treatment.

Specific Authority 570.07(23), 581.031(4), 581.101 FS. Law Implemented 581.031(7), 581.083, 581.101 FS. History—New 4-1-97, Amended 6-12-00,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Constance C. Riherd, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, Doyle Conner Building, 1911 S.W. 34th Street, Gainesville, Florida 32614-7100, (352)372-3505

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Craig Meyer, Deputy Commissioner for Agricultural Services, Commissioner's Office Staff, Florida Department of Agriculture and Consumer Services, PL 10, The Capitol, Tallahassee, FL 32399-0810

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: May 30, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: February 28, 2003

PUBLIC SERVICE COMMISSION

DOCKET NO. 030304-PU

RULE TITLE:

RULE NO.:

Accounting for Asset Retirement

Obligations Under SFAS 143

25-14.014

PURPOSE AND EFFECT: The rule provides guidance to regulated utilities regarding how to account for Asset Retirement Obligations under SFAS 143 on their books regulated by the Public Service Commission (PSC). The rule will result in more consistent accounting treatment for SFAS 143 among utilities regulated by the PSC. The rule mandates that SFAS 143 be revenue neutral so that the earnings of the utilities are not altered from what they are now under current accounting requirements.

SUMMARY: The rule addresses SFAS 143, Accounting for Asset Retirement Obligations. The rule provides guidance to regulated utilities regarding how to account for SFAS 143 for regulatory purposes. Also, it gives utilities the authority to record Regulatory Assets and Regulatory Liabilities.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Costs was not prepared for this proposed rule.

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: 350.127(2) FS.

LAW IMPLEMENTED: 364.03, 364.035(5), 366.05(1), 367.121(1)(a) FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services,

(850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Marlene Stern, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6230

THE FULL TEXT OF THE PROPOSED RULE IS:M

25-14.014 Accounting for Asset Retirement Obligations Under SFAS 143.

(1) The Financial Accounting Standards Board issued Statement No. 143, Accounting for Asset Retirement Obligations (SFAS 143) in June 2001. The statement applies to legal obligations associated with the retirement of tangible, long-lived assets that result from the acquisition, construction, development or normal operation of a long-lived asset. For utilities required to implement SFAS 143, it shall be implemented in a manner such that the assets, liabilities and expenses created by SFAS 143 and the application of SFAS 143 shall be revenue neutral in the rate making process.

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

(a) "Accretion Expense." The concurrent cost that is recorded as an operating item in the statement of income to account for the passage of time and the resulting period-to-period increase in the Asset Retirement Obligation.

(b) "Asset Retirement Cost." The amount capitalized that increases the carrying amount of the long-lived asset when a liability for an Asset Retirement Obligation is recognized.

(c) "Asset Retirement Obligation." An obligation associated with the retirement of a tangible long-lived asset.

(3) Pursuant to SFAS 143, each utility shall recognize the fair value of a liability for an Asset Retirement Obligation in the period in which it is incurred if a reasonable estimate of the fair value can be made. If a reasonable estimate of fair value cannot be made in the period the Asset Retirement Obligation is incurred, the liability shall be recognized when the reasonable estimate of fair value can be made. The fair value of the liability for an Asset Retirement Obligation is the amount at which that liability could be settled in a current transaction between willing parties, that is, other than in a forced or liquidation transaction. If quoted market prices are not available, the estimate of fair value shall be based on the best information available in the circumstances including prices for similar liabilities and the result of present value or other valuation techniques. The Asset Retirement Obligations shall be kept by function and recorded in separate subaccounts.

(4) Upon initial recognition of a liability for an Asset Retirement Obligation, the utility shall capitalize an Asset Retirement Cost by increasing the carrying amount of the long-lived assets by the same amount as the liability. The Asset

Retirement Cost shall be kept by function and recorded in a separate subaccount as intangible plant. The utility shall subsequently allocate that Asset Retirement Cost to expense over its useful life. The expense shall be recorded in a separate subaccount.

(5) Asset Retirement Costs do not qualify for Allowance for Funds Used During Construction.

(6) Pursuant to SFAS 143, in periods subsequent to the initial measurement, a utility shall recognize period-to-period changes in the liability for an Asset Retirement Obligation resulting from accretion or revisions to either the timing or the amount of the original estimate of undiscounted cash flows.

(a) A utility shall measure the accretion cost in the liability for an Asset Retirement Obligation due to passage of time by applying the interest method of allocation to the amount of the liability at the beginning of the period. This amount shall be recognized as an increase in the carrying amount of the liability.

(b) The accretion expense shall be recorded in a separate subaccount.

(c) Revisions to a previously recorded Asset Retirement Obligation will result from changes in the assumptions used to estimate the cash flows required to settle the Asset Retirement Obligation, including changes in estimated probabilities, amounts, and timing of the settlement of the Asset Retirement Obligation, as well as changes in the legal requirements of an obligation. Upward revisions to the undiscounted estimated cash flows shall be treated as a new liability and discounted at the current rate. Downward revisions will result in a reduction of the Asset Retirement Obligation. The amount of the liability to be removed shall be discounted at the rate that was used at the time the obligation was originally recorded. The concurrent debit or credit shall be made to the Asset Retirement Cost.

(7) Differences between amounts prescribed by the Commission and those used in the application of SFAS 143 shall be recorded as Regulatory Liabilities or Regulatory Assets in separate subaccounts.

(8) The Regulatory Debit and Regulatory Credit accounts shall be used to record the differences between the Commission prescribed amounts and the amounts which are reported as expense under SFAS 143.

(9) Each utility shall keep records supporting the calculation and the assumptions used in the determination of the Asset Retirement Obligation and the related Asset Retirement Cost and the related Regulatory Assets and Regulatory Liabilities established in accordance with this rule and the implementation of SFAS 143.

(10) If a utility is not required to establish an Asset Retirement Obligation for an asset or group of assets, the cost of removal shall continue to be included in the calculation of the depreciation expense and accumulated depreciation.

Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.035(5), 366.05(1), 367.121(1)(a) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Christine Romig

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 3, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: January 31, 2003

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: RULE CHAPTER NO.:
Procedural 40D-1

RULE TITLE: RULE NO.:
Permit Processing Fee 40D-1.607

PURPOSE AND EFFECT: This proposed rule amendment establishes a fee for the processing of a single application for both an Individual Environmental Resource Permit and a General Environmental Resource Permit for Incidental Site Activities.

SUMMARY: This proposed rulemaking will amend Rule 40D-1.607, Florida Administrative Code, to provide that a fee of \$3,300.00 is required for the processing of an application for both an Individual Environmental Resource Permit and a General Environmental Resource Permit for Incidental Site Activities.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rule 40D-1.607, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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: 373.044, 373.113, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.109, 373.421(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: Jack R. Pepper, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.607 Permit Processing Fee.

A permit application processing fee is required and shall be paid to the District when certain applications are filed pursuant to District rules. These fees are assessed in order to defray the cost of evaluating, processing, advertising, mailing, compliance monitoring and inspection, required in connection with consideration of such applications. Fees are non-refundable in whole or part unless the activity for which an application is filed is determined by the District to qualify for a permit with a lower fee or not require a permit ~~be incorrect~~. Failure to pay the application fees established herein is grounds for the denial of an application or revocation of a permit. The District's permit application processing fees are as follows:

(1) Environmental Resource or Management and Storage of Surface Waters Permit Applications.

(a) through 3. No change.

4. Application for Individual
Permit and General Permit for
Incidental Site Activities

\$3300.00

4. through 13. renumbered 5. through 14. No change.

(2) through (12) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.109, 373.421(2) FS. History--Readopted 10-5-74, Amended 12-31-74, 10-24-76, 7-21-77, Formerly 16J-0.111, Amended 10-1-99, 1-22-90, 12-27-90, 11-16-92, 1-11-93, 3-23-94, Formerly 40D-0.201, Amended 12-22-94, 10-19-95, 3-31-96, 7-23-96, 10-16-96, 10-26-00, 3-15-01, 9-26-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Jack R. Pepper, Senior Attorney, Office of General Counsel,
2379 Broad Street, Brooksville, FL 34604-6899,
(352)796-7211, Extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Governing Board of the Southwest
Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: November 19, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: February 28, 2003

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 03-10R

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Total Maximum Daily Loads 62-304

RULE TITLES: RULE NOS.:

Total Maximum Daily Loads in the
Central Florida District 62-304.500

Lake Apopka 62-304.510

SUMMARY: This TMDL addresses the nutrient impairment in Lake Apopka, Lake Apopka Outlet and Gourd Neck Springs, all of which were listed as impaired by nutrients in the 2002 Update to Florida's 303(d) list of impaired waters. The TMDL

is based on the Pollutant Load Reduction Goal (PLRG) for the lake established by the St. Johns River Water Management District (SJRWMD). The SJRWMD used the steady-state formulation of Vollenweider's 1969 input-output model to determine the allowable phosphorus loading for the lake that would achieve the Total Phosphorus criterion for the lake of 55 parts per billion. While this TMDL is specifically for phosphorus, the resultant limitations on algal growth will have additional benefits with respect to other parameters of concern, including dissolved oxygen and biochemical oxygen demand. This TMDL for Total Phosphorus also serves as the TMDL for Dissolved Oxygen and Biochemical Oxygen Demand for Lake Apopka Outlet.

If requested, a public hearing shall be held as follows:

TIME AND DATE: 9:00 a.m., July 14, 2003

PLACE: Department of Environmental Protection, Twin Towers Building, Room 609, 2600 Blair Stone Road, Tallahassee, Florida

SUBJECT MATTER TO BE CONSIDERED: Subject: Lake Apopka TMDL

Copies of the proposed rule may be requested from, Pat Waters, Department of Environmental Protection, 2600 Blair Stone Road, Bureau of Watershed Management, MS 3555, Tallahassee, Florida 32399-2400 or by calling (850)245-8449.

The full text of the notice is published on the Internet at the DEP homepage at <http://www.dep.state.fl.us/> under the link or button entitled "Official Notices."

DEPARTMENT OF HEALTH**Board of Dentistry**

RULE TITLE: RULE NO.:

Continuing Education Requirements 64B5-12.013

PURPOSE AND EFFECT: The Board proposes the rule amendment to set a time limit for earning continuing education credit hours allowed for participation in pro bono service programs.

SUMMARY: The proposed rule amendment specifies the per biennium requirements of providing pro bono dental and dental hygiene services for continuing education credit hours.

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

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

SPECIFIC AUTHORITY: 456.013(8), 456.031, 466.004(4), 466.0135, 466.014, 466.017(3),(4) FS.

LAW IMPLEMENTED: 456.013(8), 456.031, 466.0135, 466.014, 466.028(1)(i),(bb), 466.017(3),(5) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AT THE BOARD'S NEXT MEETING TO BE HELD ON JULY 11, 2003 IN ORLANDO, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-12.013 Continuing Education Requirements.

(1) through (2) No change.

(3) Continuing education credit shall be awarded only for educational experiences that are specifically appropriate for, and contain useful information directly pertinent to, dentistry and only if received through the following methods:

(a) through (d) No change.

(e) By participating in programs approved by the Board pursuant to Rule 64B5-12.0185, F.A.C., that provide substantial pro bono dental and dental hygiene services to the indigent, to dentally underserved populations or to persons who reside in areas of critical need within Florida. Dentists and dental hygienists may obtain a maximum of 5 hours per biennium of required continuing education credit for participating in such programs. Continuing education credit shall be calculated at a ratio of 1 continuing education credit for each 3 hours of patient services provided to approved programs.

(4) through (6) No change.

Specific Authority 456.013(8), 456.031, 466.004(4), 466.0135, 466.014, 466.017(3), (4) FS. Law Implemented 456.013(8), 456.031, 466.0135, 466.014, 466.028(1)(i), (bb), 466.017(3), (5) FS. History—New 4-2-86, Amended 12-31-86, 4-26-87, 7-20-87, 9-16-87, 11-18-89, 7-9-90, Formerly 21G-12.013, Amended 5-19-94, 7-18-94, Formerly 61F5-12.013, Amended 11-15-95, 4-8-96, Formerly 59Q-12.013, Amended 2-17-98, 2-15-99, 3-11-99, 11-9-00, 5-20-01, _____.

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: May 16, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: May 2, 2003

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE:

Courses Required of Licensees for

Renewal and Reactivation

RULE NO.:

64B5-12.020

PURPOSE AND EFFECT: The Board proposes rule amendments to update continuing education requirements for life-saving techniques.

SUMMARY: The proposed rule amendments address new developments in life-saving procedures for inclusion in continuing education requirements.

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

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

SPECIFIC AUTHORITY: 466.004 FS.

LAW IMPLEMENTED: 456.013(6),(7),(8), 466.0135, 466.014 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AT THE BOARD'S NEXT MEETING TO BE HELD ON JULY 11, 2003 IN ORLANDO, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-12.020 Courses Required of Licensees for Renewal and Reactivation.

Licensed dentists and dental hygienists are required to complete the following continuing education during each license renewal biennium.

(1) Training in cardiopulmonary resuscitation (CPR) at the basic support level, including one-rescuer and two-rescuer CPR for adults, children, and infants; the relief of foreign body airway obstructions for adults, children, and infants; the use of an automatic external defibrillator (AED); and the use of ambu-bags resulting in including one-person, two-person and child techniques, which results in certification or recertification ~~in CPR~~ by the American Heart Association, the American Red Cross or an entity with equivalent requirements.

(2) through (3) No change.

Specific Authority 466.004 FS. Law Implemented 456.013(6),(7),(8), 466.0135, 466.014 FS. History—New 4-11-94, Amended 7-18-94, Formerly 61F5-12.020, 59Q-12.020, Amended 1-23-01, 6-7-01, 9-27-01, 12-23-02, _____.

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: May 16, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: May 2, 2003

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: RULE NO.:

Disciplinary Guidelines 64B5-13.005

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the amount of the administrative fine for practice violations.

SUMMARY: The proposed rule amendment increases the administrative fine from \$3,000 to \$10,000 per offense.

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

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

SPECIFIC AUTHORITY: 456.079(1) FS.

LAW IMPLEMENTED: 456.072(2)(d), 456.079(1), 466.028 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AT THE BOARD'S NEXT MEETING TO BE HELD ON JULY 11, 2003 IN ORLANDO, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-13.005 Disciplinary Guidelines.

(1) Unless relevant mitigating factors are demonstrated the Board shall always impose a reprimand and an administrative fine of ~~\$10,000.00~~ ~~\$3,000.00~~ per count or offense when disciplining a licensee for any of the disciplinary grounds listed in subsections (2) or (3) of this rule. The reprimand and administrative fine is in addition to the penalties specified in subsections (2) and (3) for each disciplinary ground.

(2) through (7) No change.

Specific Authority 456.079(1) FS. Law Implemented 456.072(2)(d), 456.079(1), 466.028 FS. History--New 12-31-86, Amended 2-21-88, 1-18-89, 12-24-91, Formerly 21G-13.005, 61F5-13.005, 59Q-13.005, Amended 4-2-02.

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: May 16, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 25, 2003

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: RULE NO.:

Unlicensed Practice of Dentistry 64B5-17.010

PURPOSE AND EFFECT: The Board proposes the rule amendments to specify requirements for verification of patient shade-selection outside the dentist's direct supervision.

SUMMARY: The proposed rule amendments address shade selection verification for fixed partial prosthesis performed outside the dentist's direct supervision.

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

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

SPECIFIC AUTHORITY: 466.004(4) FS.

LAW IMPLEMENTED: 466.026(1)(a), 466.028(1)(g),(bb) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AT THE BOARD'S NEXT MEETING TO BE HELD ON JULY 11, 2003 IN ORLANDO, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-17.010 Unlicensed Practice of Dentistry.

For the purposes of interpreting Sections 466.003(3), 466.026(1)(a), and 466.028(1)(g)(bb), F.S., the Board shall not consider it to be the unlicensed practice of dentistry for an unlicensed person to furnish, supply, construct or reproduce an appliance to be worn in the human mouth or to verify the patient's shade-selection outside the dentist's direct supervision for fixed partial prosthesis if:

(1) through (2) No change.

(3) The appliance does not adjust or otherwise affect the natural features of the face or mouth or affect any appliance placed in the mouth by a licensed dentist; ~~and~~

(4) No change.

(5) The request for the shade verification is accompanied by a prescription form or work order written by a licensed dentist to meet the requirements of Section 466.021, Florida Statutes;

(6) The dentist has previously completed the initial shade selection;

(7) The shade verification site is approved by the dentist and meets all requirements of Sections 466.028(1)(u), 466.031(1) and 466.032(1), Florida Statutes;

(8) During shade verification, no appliances or prosthetic devices are to be placed, removed or sealed in the oral cavity at the site except by a licensed dentist on a patient of record in accordance with the requirements of Sections 466.024(5) and 466.028(1)(m), Florida Statutes;

(9) During shade verification, contact to the patient is limited to visual contact only;

(10) During shade verification, soft or hard tissue shall not be manipulated;

(11) During shade verification, the patient shall be instructed on how to retract his or her own lip, and the shade tab shall only be held in proximity, but without physical contact to the patient's dentition; and,

(12) During shade verification, photography shall be limited to the patient's visible dentition during smile and the patient's dentition with the patient retracting their lips.

Specific Authority 466.004(4) FS. Law Implemented 466.026(1)(a), 466.028(1)(g),(bb) FS. History--New 9-5-91, Formerly 21G-17.010, 61F5-17.010, Amended 5-9-95, 59Q-17.010, Amended _____.

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: May 16, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: May 2, 2003

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE TITLE: Criteria for Approved Continuing Education RULE NO.: 64B10-15.002

PURPOSE AND EFFECT: To update the rule text regarding electronic-type courses.

SUMMARY: The Board proposes to update the language in this rule by clarifying internet courses are acceptable for continuing education credit.

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

Any person who wishes to provide information regarding the statement of estimated 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: 468.1685(1), 468.1715(3) FS.

LAW IMPLEMENTED: 456.013, 468.1715, 468.1725 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: Joe Baker, Jr., Interim Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-15.002 Criteria for Approved Continuing Education.

(1) through (5) No change.

(6) A maximum of 10 hours credit in any biennium for correspondence courses, home study courses, tape and/or video cassette courses, internet courses, or teleconferencing courses in the domains of practice will be accepted provided the course requires passing a test to be graded by the provider and the passing score is verified by the provider of the course. Video cassette courses shall not exceed 5 hours per subject and must be in one of the domains of practice listed in paragraphs 64B10-15.002(1)(a) through (f), F.A.C. A validation form shall be signed by the vendor and the licensee verifying the specific domains of practice covered in the video cassette course and total viewing time. Such verification/validation shall clearly indicate the course is a "correspondence course," "home study course," "tape or video cassette course," or "teleconferencing course," "internet course" and that the licensee passed the course, in order to be accepted as proof of attendance.

(7) through (10) No change.

Specific Authority 468.1685(1), 468.1715(3) FS. Law Implemented 456.013, 468.1715, 468.1725 FS. History--New 12-11-80, Amended 2-20-83, Formerly 21Z-15.02, Amended 6-22-87, 2-26-89, 12-6-89, 11-11-92, Formerly 21Z-15.002, 61G12-15.002, 59T-15.002, Amended 10-12-97, 12-2-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing Home Administrators

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Nursing Home Administrators

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: May 9, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: May 30, 2003

FLORIDA HOUSING FINANCE CORPORATION

RULE CHAPTER TITLE: Procurement of Commodities RULE CHAPTER NO.: 67-49

or Contractual Services 67-49
RULE TITLES: Definitions 67-49.001

Procurement of Commodities or Contractual Services 67-49.002

Withdrawal of Invitation to Bid, Invitation to Negotiate, Request for Proposals 67-49.003

or Request for Qualifications 67-49.003
Emergency Purchases 67-49.0031

Modification of Terms of Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications	67-49.004
Responsibility of Bidders and Offerors	67-49.005
Evaluation of Responses	67-49.007
Identical (Tie) Responses	67-49.008
Right to Waive Minor Irregularities	67-49.009
Nonresponsive Bids	67-49.011
Contract Administrator	67-49.012

PURPOSE AND EFFECT: The purpose of this Rule Chapter is to establish the guidelines for the procurement of materials and services for use by the Corporation.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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: 420.507 FS.

LAW IMPLEMENTED: Chapter 420, Part V FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m., Friday, July 11, 2003

PLACE: Florida Housing Finance Corporation, Rick Seltzer Conference Room, 227 North Bronough Street, Suite 6000, Tallahassee, Florida 32301-1329

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Robin Grantham, Contract Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

THE FULL TEXT OF THE PROPOSED RULES IS:

67-49.001 Definitions.

(1) "Act" means the Florida Housing Finance Corporation Act, Sections 420.501 through 420.517, Florida Statutes, as amended.

(2) "Bidder" or "Offeror" means a person who has the capability in all respects to perform fully the requirements contained in the Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications.

(3) "Commodity" means any supplies, materials, goods, merchandise, food, equipment, and other personal property contracted for by the Corporation, unless purchased exclusively for resale.

(4) "Competitive Sealed Bids" or "Competitive Sealed Proposals" refers to the receipt of two or more sealed bids or proposals submitted by responsive Bidders or Offerors.

(5) "Contractor" means a person or entity who enters into a written contract to sell commodities or provide contractual services to the Corporation.

(6) "Contractual Service" means the rendering by a contractor of its time, skill and effort rather than the furnishing of specific commodities. The term applies only to those services rendered by individuals and firms who are independent contractors, and such services may include, ~~but are not limited to~~, evaluations; consultations; maintenance; accounting; security; management systems; management consulting; educational training programs; research and development studies or reports on the findings of consultants engaged there under; and professional, technical, and social services.

(7) "Corporation" means the Florida Housing Finance Corporation ~~as created by the Act~~.

(8) "Corporation Mailing Date" means the date on which the Corporation mails the Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications to prospective Bidders and Offerors as referenced in paragraph 67-49.002(3), F.A.C., hereof.

(9) "Days" means calendar days unless otherwise specified.

(10) "FAW" means the Florida Administrative Weekly.

(11) "Good Purchasing Practices" means obtaining at least two (2) written quotations or making a written record of at least two quotes obtained verbally for Contractual Services or Commodities that exceed \$3,000 and are not available through a vendor under a contract negotiated by the Florida Department of Management Services. If an employee of the Corporation receives verbal quotations, they will include the name and address of the company and amount quoted in the required written record. If the Corporation does not obtain at least two (2) quotations, the Corporation shall document as to why they were not obtained.

(12) "Invitation to Bid" means a written solicitation, which includes a solicitation published or transmitted by electronic means, requesting competitive sealed bids specifically defining the commodity, service, group of commodities or group of services for which bids are sought. It includes instructions prescribing all conditions for bidding and shall be available to all prospective Bidders simultaneously. A written solicitation includes a solicitation published or transmitted by electronic means.

(13) "Invitation to Negotiate" means a written solicitation, which includes a solicitation published or transmitted by electronic means, requesting competitive sealed responses to select one or more persons or business entities with which to commence negotiations for the procurement of commodities or contractual services.

(14) "Minority Business Enterprise" has the same definition as in Section 288.703, F.S.

(15) "Minor Irregularity" means a variation in a mandatory term or condition of an Invitation to Bid, Invitation to Negotiate, Request for Proposal or Request for Qualifications that does not materially affect the price of the commodity or service, or give the Bidder or Offeror an advantage or benefit not enjoyed by other Bidders or Offerors, and does not adversely impact the interests of the Corporation or the public.

(16) "Publication Date" means the date on which the Corporation publishes the notice of the availability of the Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications in the FAW or by such other means designated by Florida statute or by rule of the Florida Department of State or Florida Department of Management Services as an acceptable alternative means of publication. All references to the FAW in this rule chapter shall also be read to include any other written or electronic publication or information delivery system designated by Florida statute or by rule of the Florida Department of State or Florida Department of Management Services as an acceptable alternative means of publication.

(17) "Request for Proposals" means a written solicitation, which includes a solicitation published or transmitted by electronic means, requesting competitive sealed proposals. The Request for Proposals is used when the Corporation is incapable of specifically defining the scope of work for which the commodity, group of commodities or contractual service is required and when the corporation is requesting that a qualified Offeror propose a commodity, group of commodities or contractual service to meet the specifications of the solicitation document. The Request for Proposals includes general information, applicable laws and rules, functional or general specifications, statement of work, proposal instructions and evaluation criteria.

(18) "Request for Qualifications" means a written solicitation, which includes a solicitation published or transmitted by electronic means, requesting competitive sealed qualifications. The Request for Qualifications is utilized when the Corporation does not have a specific immediate need for a particular service, but desires to have qualified individuals or firms under contract which can be assigned duties as the need arises over a period of time. The Request for Qualifications includes general information, applicable laws and rules, functional or general specifications, statement of work, instructions and evaluation criteria.

(19) "Response" means the written submission by a Bidder or Offeror to an Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications.

(20) "Valid Emergency" means a circumstance caused by an unexpected turn of events beyond the control of the Corporation involving the security, integrity or the financial status of the Corporation; or involving public health, welfare, safety, injury or loss.

(21) "Website" means the Florida Housing Finance Corporation website, the Universal Resource Locator (URL) home address of which is www.floridahousing.org.

Specific Authority 420.507(12) FS. Law Implemented 420.507(13),(27) FS. History—New 1-31-99, Amended 3-12-02,_____.

67-49.002 Procurement of Commodities or Contractual Services.

(1)(a) When the purchase price of a commodity or contractual service does not exceed twenty-five thousand dollars (\$25,000) in any fiscal year, including all delivery costs and administrative costs, then the Corporation may proceed with the procurement of commodities or contractual services without a competitive bid or proposal, but the Corporation must use Good Purchasing Practices.

(b) When the purchase price of commodities or contractual services exceeds or is estimated to exceed twenty-five thousand dollars (\$25,000), in any twelve (12) month period, purchases of these commodities or contractual services, except as otherwise provided in subsection 67-49.002(4),(5) and (6), F.A.C., must be made pursuant to an Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications.

(2) Public notice of any Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications shall be given in advance of the due date of the Responses as provided herein to permit Offerors to prepare and submit Responses in a timely fashion. Notice shall include, at a minimum, publication in the FAW.

(3) The Corporation shall post any Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications on its Website on or prior to the publication of the FAW notice. There will be a minimum of fourteen (14) days between the publication date of the notice in FAW and the due date of the responses. The Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications shall describe the commodities or services and require prices to be stated and include the contract period(s).

(a) For those contracts that are subject to renewal, the contract award shall include an evaluation of bids for the entire contract period, including the renewal(s).

(4) Commodities or contractual services which exceed or are estimated to exceed twenty-five thousand dollars (\$25,000), in any twelve (12) month period, are exempt from competitive solicitation upon a written determination by the Executive Director of the Corporation that such commodities or services are most readily available from a single source or that the best interests of the Corporation or the public are served by obtaining such commodities or services from a single source. The purchase of commodities or contractual services are exempt from competitive solicitation if the Corporation purchases such services or commodities from a vendor under a contract negotiated and executed by the Florida Department of Management Services.

(6) The following contractual services and commodities are not subject to the competitive sealed bid requirements of paragraph (1)(b):

(a) Artistic services.

(b) Lectures by individuals.

(c) Auditing services, except for annual audit of the Corporation's financial statements.

(d) Legal services, including attorney, paralegal, expert witness, appraisal, or mediation services.

(e) Services or commodities provided by governmental agencies, including, but not limited to, Florida State Universities and Community Colleges.

Specific Authority 420.507(12) FS. Law Implemented 420.507(13),(27) FS. History—New 1-31-99, Amended 3-12-02, _____.

67-49.003 Withdrawal of Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications.

(1) The Corporation may withdraw an Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications at any time prior to the due date of the Responses when the withdrawal is determined by the Executive Director to be in the best interest of the Corporation or the public. Notice of such determination shall be posted on the Corporation's Website and published in the next available FAW.

(2) Any Bidder or Offeror may request to withdraw its Response in writing, at any time prior to a vote by the Corporation's Board of Directors regarding any Responses received.

Specific Authority 420.507(12) FS. Law Implemented 420.507(13),(27) FS. History—New 1-31-99, Amended 3-12-02, _____.

67-49.0031 Emergency Purchases.

The Corporation's Executive Director may waive any requirement of this rule and permit emergency purchases of commodities and contractual services where a Valid Emergency exists and is documented in writing.

Specific Authority 420.507(12) FS. Law Implemented 420.507(13),(27) FS. History—New 1-31-99, Amended 3-12-02, Repromulgated _____.

67-49.004 Modification of Terms of Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications.

(1) The Corporation may modify the terms of the Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications at any point prior to the due date of the Responses. A notice of modification will be posted on the Corporation's Website and sent to all Bidders and Offerors by facsimile or email. Any Bidder or Offeror shall have at least seven (7) days from the date of the posting of the notice of the modification to submit or modify its Response.

(2) Any Bidder or Offeror may modify its Response at any time prior to the Response deadline.

Specific Authority 420.507(12) FS. Law Implemented 420.507(13),(27) FS. History—New 1-31-99, Amended 3-12-02, _____.

67-49.005 Responsibility of Bidders and Offerors.

The failure of a Bidder or Offeror to supply required information in connection with an Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications shall be grounds for a determination of nonresponsiveness with respect to its Response. If a determination of nonresponsiveness is made by the Corporation, the Response will not be considered.

Specific Authority 420.507(12) FS. Law Implemented 420.507(13),(27) FS. History—New 1-31-99, Amended 3-12-02, Repromulgated _____.

67-49.007 Evaluation of Responses.

The Corporation shall establish a review committee composed only of employees of the Corporation to evaluate responses to Invitations to Bid, Invitations to Negotiate, Requests for Proposals or Requests for Qualifications, which committee shall provide findings, recommendations, or both to the Board of Directors of the Corporation.

Specific Authority 420.507(12) FS. Law Implemented 420.507(13),(27) FS. History—New 1-31-99, Amended 3-12-02, Repromulgated _____.

67-49.008 Identical (Tie) Responses.

In the event of a tie, the Corporation shall give preference in the award process to the Response certifying a drug-free workplace has been implemented in accordance with Section 287.087, Florida Statutes. If a tie continues to exist, Florida Housing shall give preference to minority business enterprises as defined in Section 288.703, Florida Statutes.

Specific Authority 420.507(12) FS. Law Implemented 420.507(13),(27) FS. History—New 1-31-99, Amended 3-12-02, Repromulgated _____.

67-49.009 Right to Waive Minor Irregularities.

The Corporation may waive Minor Irregularities in a Response when it is in the Corporation's or the public's best interest to do so.

Specific Authority 420.507(12) FS. Law Implemented 420.507(13),(27) FS. History—New 1-31-99, Amended 3-12-02, Repromulgated _____.

67-49.011 Nonresponsive Bids.

If not more than one responsive Bid, Proposal, or response to Invitation to Negotiate, and Request for Qualifications is received, the Corporation shall negotiate for the commodities or services sought, on the best terms and conditions. The Corporation shall document the reasons that such action is in the best interest of the state in lieu of resoliciting Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications.

Specific Authority 420.507(12) FS. Law Implemented 420.507(13),(27) FS. History—New _____.

67-49.012 Contract Administrator.

For each contract, the Corporation shall designate an employee to function as contract administrator who shall be responsible for maintaining a file containing all financial information concerning the contract, enforcing performance of the contract terms and conditions, and serve as liaison with the contractor.

Specific Authority 420.507(12) FS. Law Implemented 420.507(13).(27) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Robin Grantham, Contract Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Wellington Meffert, General Counsel, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 2, 2003

DATE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 29, No. 21, May 23, 2003

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

RULE NO.:	RULE TITLE:
4-154.525	Standard and Basic Health Benefit Plans

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. 29, No. 16, April 18, 2003, of the Florida Administrative Weekly. These changes are being made to address concerns expressed at the public hearing. The rule has been changed to read:

CHAPTER 4-154

HEALTH INSURANCE POLICIES

PART VI SMALL GROUP HEALTH INSURANCE POLICIES

4-154.525 Standard and Basic Health Benefit Plans.

(1)(a) The standard and basic health benefit plans as designated herein are those plans referred to in Sections. 627.6675(11), 627.6699(12) and 641.3922(10), F.S., as approved effective April 1, 2003 by the Department of Financial Services and incorporated herein by reference. The plans are available through the Department's web site at http://www.fldfs.com/companies/lh_fr/is_lhfr_FAC.htm.

(b) The approved plans incorporated by reference are as follows:

1. [Basic] [Standard] [Pure Indemnity] [Preferred Provider Organization (PPO)] Plan, effective 4/1/03.

2. Standard Indemnity Plan Schedule of Benefits, effective 4/1/03.

3. Basic Indemnity Plan Schedule of Benefits, effective 4/1/03.

4. Standard PPO Plan Schedule of Benefits, effective 4/1/03.

5. Basic PPO Plan Schedule of Benefits, effective 4/1/03.

6. [Standard] [Basic] HMO Plan, effective 4/1/03.

7. Standard HMO Plan Schedule of Benefits, effective 4/1/03.

8. Basic HMO Plan Schedule of Benefits, effective 4/1/03.

9. Standard HMO Coinsurance Plan Schedule of Benefits, effective 4/1/03.

10. Basic HMO Coinsurance Plan Schedule of Benefits, effective 4/1/03.

(2) Each carrier shall file standard and basic health benefit plan forms and rates for approval, pursuant to Section 627.410, F.S. and Rule Chapter 4-149, F.A.C., for one or more of the following four categories. Any carrier offering a small employer any health benefit plan in any one of the categories must also offer the standard and basic plans for that category.

(a) PPO

(b) Indemnity

(c) HMO – copay design

(d) HMO – coinsurance design

(3) The mandatory offer of the standard and basic plans as specified in Sections 627.6699(12)(b) and 627.6699(5)(c)3., F.S., shall comply with the following:

(a) The standard plan offering shall include the offering of both \$3,000/\$6,000 and \$5,000/\$10,000 single/family out-of-pocket maximum expense limits. Notwithstanding the above, for the HMO coinsurance plan, the 20 percent allowance may be used in lieu of the indicated copay.

(b) The basic plan offering shall include the offering of at least two risk-sharing options:

1. The \$2,500/\$7,500 single/family deductible, \$7,500/\$15,000 single/family out-of-pocket and 60 percent allowance paid by the carrier. Notwithstanding the above, for the HMO coinsurance plan, the 40 percent allowance may be used in lieu of the indicated copay.

2. Any other risk-sharing option provided by the approved plans referenced in subsection (1).

(4) The standard and basic plans offered to a small employer shall be at least two standard and two basic plans as identified in subsection (3) for each category of coverage available in the small group market as identified in subsection (2). This results in a multiple offering of plans in each category of coverage. For example, this means that an HMO offering both copay and coinsurance health benefit plans must offer each of these designs in the standard and basic plan offering.