

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.:

Categories of Licensure for Pesticide	
Applicators	5E-9.021
Category Certification Standards	5E-9.024
Procedures for Pesticide Applicator	
Recertification	5E-9.029

PURPOSE AND EFFECT: The purpose of the proposed action is to amend Rules 5E-9.021, 5E-9.024 and 5E-9.029 to add one new category of pesticide applicator certification and clarify the competency standards of another category. The effect is to make the rules appropriately address current pesticide use in Florida.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment adds a new category of pesticide applicator certification, at the request of users, for application of herbicides to manage undesirable vegetation in natural areas. The proposal also clarifies the competency standards of the sewer root control category.

SPECIFIC AUTHORITY: 487.0435, 487.044, 570.07(23) FS.

LAW IMPLEMENTED: 487.0435, 487.044 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: 1:00 p.m., March 3, 1999

PLACE: Department of Agriculture and Consumer Services, AES Conference Room, Lab 8, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

If requested in writing by the date of the workshop, additional workshops may be held in other locations on dates to be announced later.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT 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-9.021 Categories of Licensure for Pesticide Applicators.

- (1) Description of primary categories.

(a) through (q) No change.

(r) Category 21 – Natural Areas Weed Management. This category is applicable to individuals who use or supervise the use of restricted use herbicides to control unwanted vegetation to protect natural communities of conservation and recreation lands and natural areas. This category is valid for licensure of commercial and public applicators. Applicators acting under the authority of another license category prior to this category being established may continue activities under the alternate category until license renewal or expiration.

(2) No change.

Specific Authority 487.0435, 570.07(23) FS. Law Implemented 487.0435 FS. History—New 6-9-94, Amended 7-2-95, 9-24-98,\_\_\_\_\_.

5E-9.024 Category Certification Standards.

(1) Primary categories.

(a) through (n) No change.

(o) Category 7C – Sewer Root Control. Applicators seeking licensure in this category shall demonstrate practical knowledge of the safe handling and proper application of sewer root control chemicals, including practical knowledge of root growth and biology; equipment types and calibration procedures; proper pesticide handling, mixing and application procedures; proper use and maintenance of personal protective equipment; toxicity of root control pesticides to humans and non-target organisms via common exposure routes; proper cleaning, disposal and containment techniques; effects of root control pesticides on ground water, sewage treatment plants, septic tanks, holding tanks, lift stations, and other sewage treating, conveying, or handling equipment; environmental effect; factors that may lead to a hazardous condition; and the laws and regulations governing pesticide use.

(p) through (q) No change.

(r) Category 21 – Natural Areas Weed Management. Applicators seeking licensure in this category shall demonstrate practical knowledge of pest plants that invade natural communities in Florida, the chemical control measures that pertain to such pests, and the equipment or methodologies required to safely implement such pest control measures. This knowledge shall include special techniques and proper herbicide selection to effectively control target species and minimize adverse effects to the natural community. Knowledge of herbicide characteristics including toxicity to wildlife, behavior in plants, behavior in soil, persistence, and environmental fate, as well as methods for herbicide dilution and rate calculations will be demonstrated.

Specific Authority 487.0435, 570.07(23) FS. Law Implemented 487.0435, 487.044 FS. History—New 6-9-94, Amended 7-2-95, 9-24-98,\_\_\_\_\_.

5E-9.029 Procedures for Pesticide Applicator Recertification.

(1) No change.

(2) In all other circumstances, applicators shall have two options for recertification as follows:

(a) No change.

(b) Continuing Education Units (CEUs). An applicator may become recertified by accumulating a specified number of Continuing Education Units (CEUs) during the four (4) year licensure period. CEUs shall be earned by attending Department approved professional training meetings and seminars. The number of CEUs required for applicator recertification in each specific category is as follows:

PRIMARY CATEGORIES	CEU'S REQUIRED
Category 1A1 Agricultural Row Crop Pest Control	8
Category 1A2 Agricultural Tree Crop Pest Control	8
Category 1B Agricultural Animal Pest Control	4
Category 1C Private Applicator Agricultural Pest Control	8
Category 1D Soil and Greenhouse Fumigation	4
Category 1E Raw Agricultural Commodity Fumigation	4
Category 2 Forest Pest Control	8
Category 3 Ornamental and Turf Pest Control	12
Category 4 Seed Treatment	4
Category 5A Aquatic Pest Control	16
Category 5B Organotin Antifouling Paint Pest Control	4
Category 6 Right-of-Way Pest Control	8
Category 7A Wood Treatment	4
Category 7B Chlorine Gas Infusion	4
Category 7C Sewer Root Control	4
Category 9 Regulatory Pest Control	12
Category 20 Regulatory Inspection and Sampling	4
Category 21 Natural Areas Weed Management	16
SECONDARY CATEGORIES	CEU'S REQUIRED
Category 10 Demonstration and Research	4
Category 11 Aerial Application	8

The Ornamental and Turf Pest Control and Aquatic Pest Control categories may be renewed with 8 CEUs until January 1, 2000.

(3) through (11) No change.

Specific Authority 487.487.049, 570.07(23) FS. Law Implemented 487.049 FS. History--New 6-9-94, Amended 7-2-95, 9-24-98,\_\_\_\_\_.

If special accommodations are needed to attend this workshop because of a disability, please call: Mr. Steven J. Rutz, Florida Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Room 130, Tallahassee, Florida 32399-1650, telephone (850)488-8731, as soon as possible.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Food Safety**

RULE TITLE: Fish and Fishery Products  
 RULE NO.: 5K-4.010

PURPOSE AND EFFECT: The rule amendment updates the current fish and fishery and blue crab standards, amends the definition of "fish" and amends temperature standards for fish and fishery products.

SUBJECT AREA TO BE ADDRESSED: The safe and sanitary cooking, holding, processing and handling of fish and fishery products, crustacea including blue crab and blue crab food.

SPECIFIC AUTHORITY: 500.09, 500.12(1)(d), 570.07(23) FS.

LAW IMPLEMENTED: 500.03, 500.04, 500.09, 500.10, 500.11, 500.12, 500.13 FS.

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

TIME AND DATE: 9:00 a.m., February 24, 1999

PLACE: University of Florida, Animal Science Department, Building 459, Room 102, Shelly Drive, Gainesville, Florida 32611, Telephone (352)392-1991, extension 301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dr. H. Wayne Derstine, Environmental Administrator, Bureau of Food and Meat Inspection, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, Telephone (850)488-3951

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

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE TITLE: Sale of Agricultural Products, Including Poultry and Livestock  
 RULE NO.: 12A-1.048

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.048, F.A.C., is to strike the definition of livestock from the rule, as livestock is now defined in Florida Statutes Section 212.02(29), and to incorporate the 1998 law changes to Section 212.08(5)(a), F.S., regarding the exemption for the sale of flower seeds and the exemption for plants used to produce food for human consumption. The effect of these proposed rule changes extends the exemption for the sale of flower seeds to all consumers. The rule also broadens the exemption for the sale of plants that produce food for human consumption, to include plants, shrubs, and trees that may bear edible nuts, fruits, and berries.

SUBJECT AREA TO BE ADDRESSED: Statutory changes affecting the structure of the rule.

NOTICE: For purposes of this workshop, and for the ease of the intended audience to solicit comments, statutory text has been included in the proposed rule text. The final draft will not contain statutory references or cites.

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1) FS.  
 LAW IMPLEMENTED: 212.02(29), 212.07(5),(6),(7),(8), 212.08(5)(a), 212.18(2) FS.

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

TIME AND DATE: 1:00 p.m., February 24, 1999

PLACE: Farm Bureau Building, Room 239A, 5700 South West 34th Street, Gainesville, Florida 32608

Copies of the agenda for the rule development workshop may be obtained from Richard Parsons, Tax Law Specialist, Sales Tax Section II, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4838.

Pursuant to the provisions of the Americans with Disabilities Act, any persons requiring special accommodations to participate in this program are asked to advise the Department at least five (5) calendar days before the program by contacting Tracie Grantham at (850)488-2577. 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 IS: Richard Parsons, Tax Law Specialist, Sales Tax Section II, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4838

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-1.048 Sale of Agricultural Products, Including Poultry and Livestock.

(1) The sales of agricultural products, poultry, and livestock direct from the farm when made directly by the producers are exempt; provided, however, that the exemption does not apply to the sale of ornamental nursery stock. ~~For the purpose of this rule, livestock means domestic animals kept for agricultural purposes.~~ Neither does the tax apply when such agricultural products are produced by the farmer and used by him and members of his family or employees on his farm.

(2)(a) The term "ornamental nursery stock" applies to all plants, shrubs, and trees customarily sold by nurseries for landscaping purposes, excluding plants used to produce food for human consumption and includes plants, shrubs, and trees that may bear edible nuts, fruits, and berries provided, however, that such term shall not include plants, trees, or shrubs sold to a commercial farmer use on his own farm in producing a crop for sale.

(b)1. The sale of ornamental nursery stock by the producer to anyone for any purpose other than resale is subject to the tax. All sales of ornamental nursery stock will be presumed to be retail sales and subject to the tax, unless the seller shall have obtained a resale certificate from his customer in accordance with the provisions contained in ~~the Florida Department of Revenue Rules 12A-1.038 and Rule 12A-1.039, F.A.C., or, in the case of an out-of-state dealer, an and affidavit in accordance with the provisions contained in Rule 12A-1.064(2)(b)1., F.A.C.~~

2. For example: The sale by the producer of ornamental nursery stock (regardless of state of growth or maturity) to a broker, wholesaler, or retailer will be regarded as a retail sale and taxable unless the purchaser furnishes the seller with a resale certificate or affidavit as provided hereinabove.

(c) A landscape contractor who purchases ornamental nursery stock to fulfill a lump sum, cost plus, fixed fee, or guaranteed price contract for the improvement of realty is construed to be the consumer of such nursery stock and ~~he~~ is liable for the sales tax at the time of purchase. A person who fulfills a contract as above described should not collect the tax ~~as such~~ from his customers because the tax should be paid by the landscaper on all materials used in fulfilling the contract. A landscaper who produces his or her own ornamental nursery stock or who obtains stock that was ~~he~~ acquired without cost, such as by digging up wild plants in the woods, is not liable for the tax on such stock which he or she uses in fulfilling the aforesaid types of contracts.

(d) A person who agrees by contract to sell specifically described and itemized materials and supplies at an agreed price or at the regular retail price and to complete the work either for an additional agreed price or on the basis of time consumed is deemed to be selling tangible personal property (ornamental nursery stock) at an agreed retail price and shall collect sales tax from the ~~his~~ purchaser based upon the amount of the receipts from such sales, excluding installation charges if separately stated. Sales tax applies even though all or part of the ornamental nursery stock is grown or obtained from its natural habitat for no consideration by the person completing the contract.

(e) Plants, shrubs, trees, and other items of tangible personal property that a nurseryman donates in the course of ~~his~~ business to any person or organization shall be taxed at its cost. No tax is due on any items donated which the nurseryman produces or acquires from its natural habitat without cost.

(3) No change.

(4) A sale of such agricultural products or any part thereof, when sold by any person other than the producer as a marketable or finished product to the ultimate consumer (except in the form of general groceries, including food and food products) is taxable. For example: Marketable products such as nursery stock, etc., and finished products such as hides, bones, hooves, feathers, etc., are taxable. For the sale of ornamental nursery stock by the producer, refer to subsection Paragraph (1) of this Rule.

(5) Topsoil, peat moss, compost, and manure are exempt as agricultural products when sold by the producer but are taxable when sold by anyone other than the producer. The sale of sod and ferns is taxable as the sale of ornamental nursery stock.

(6) No change.

(7) Plants used to produce food for human consumption such as tomato, cabbage and other food plants are exempt.

(8) No change.

(9) Materials, containers, labels, sacks, or bags to be used one time only for packaging tangible personal property for shipment for sale, including burlap used to make bags for packaging plants and used cans for potting, are exempt to the commercial nurseryman.

(10) through (11) No change.

(12) Items entitled to exemption when purchased for use on a farm include cloth, plastic, and other similar materials used for shade, mulch, and protection from frost or insects.

(13) The purchase of nails and material to construct containers to be used one time only in packaging tangible personal property for sale is exempt. Nails and material purchased to build or repair sheds, greenhouses, and other structures are taxable.

(14) Topsoil, sand used for rooting purposes, moss, compost, and manure, but not fill dirt, are exempt to a nurseryman when bought for exclusive use in crop production or when sold directly by the producer. (See subsection paragraph (1) of this rule.) When sold by other than the producer or purchased for other than crop production, these items are taxable.

(15) Nursery stock, plants, shrubs, trees, etc., purchased by one nurseryman from another for stock are exempt. Nursery stock purchased for direct resale and sold at retail should be purchased with ~~on~~ a resale certificate and is taxable when sold to the ultimate consumer.

(16) No change.

(17) The sale of field and garden seeds, including flower seeds, is exempt ~~Flower seeds are taxable except when sold to commercial nurserymen or by the producer as an agricultural product.~~

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented ~~212.02(29), 212.07(5),(6),(7),(8); 212.08(5)(a), 212.18(2) FS. History—Revised 10-7-68, 6-16-72, 12-11-74, Amended 7-20-82, Formerly 12A-1.48, Amended~~.

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE TITLE: Sales of Animals

RULE NO.: 12A-1.049

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.048, F.A.C., is to include the statutory definition of “livestock” as defined in Section 212.02(29), F.S.; to strike from the rule the exemption for animals sold for breeding purposes, and to strike from the rule superfluous information that selectively describes specific transactions which are taxable. The effect of the rule change is to exclude from the exemption for the sale of livestock by the producer, animals not specifically defined in Section 212.02(29), F.S.

SUBJECT AREA TO BE ADDRESSED: Statutory changes affecting the structure of the rule.

NOTICE: For purposes of this workshop, and for the ease of the intended audience to solicit comments, statutory text has been included in the proposed rule text. The final draft will not contain statutory references or cites.

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1) FS. LAW IMPLEMENTED: 212.02(29), 212.07(5)(a),(b),(6), (7),(8), 212.08(7)(vv) FS.

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TIME AND DATE: 1:00 p.m., February 24, 1999

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Richard Parsons, Tax Law Specialist, Sales Tax Section II, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4838

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-1.049 Sales of Animals.

(1) Sales of livestock and poultry to consumers by any person other than a producer are taxable. However, gross proceeds derived from the sale in this state of livestock and poultry direct from the farm are exempt, provided that such sales are made directly by the producers. The producers shall be entitled to such exemptions although said livestock so sold in this state may have been registered with a breeders or registry association prior to such sale and although such sale takes place at a livestock show or race meeting, so long as the sale is made within this state by the original producer.

(2) Section 212.02(29), F.S., defines livestock as all animals of the equine, bovine, or swine class, including goats, sheep, mules, horses, hogs, cattle, ostriches, and other grazing animals raised for commercial purposes. The term “livestock” also includes fish raised for commercial purposes.

~~(3)(2)~~ The sale of a race horse or a racing dog by its owner is exempt if the owner is also the breeder of the animal, even though he does not reside in this state. When the owner is not the breeder, such sales are taxable and he or she should register as a dealer and collect tax thereon.

~~(4)(3)~~ The sale of race horses in the State of Florida is taxable, and the tax is also to be paid on the claiming price of any horses which are claimed at any racing meet held in Florida.

~~(5)(4)~~ Sales tax should be collected on the maximum amount for which a horse is sold at a claiming race one time only during the entire racing season, i.e., from the opening of the first track in the state in the fall through the closing of the last track in the state in the spring. To avoid duplications, officials of the various race tracks have agreed to collect tax as required on such sales and to furnish other tracks with accurate, detailed lists of the sales. The following example is intended to show how this works out in practice. A horse is sold in a claiming race for \$5,000 and later is sold in a claiming race for \$6,000. The tax would be collected on the first sale of \$5,000 and on the second sale of \$1,000, the difference only. This track would forward a detailed list showing these sales to the next track. At another track, during the same racing season, the same horse is sold for \$6,000 at a claiming race and then at still another claiming race ~~it~~ he is sold for \$7,000. No tax would be collected on the latter \$6,000 because tax had already been collected on that amount during the current season; but on the \$7,000 sale, tax would be due on the additional \$1,000.

~~(5) The sale of livestock for breeding purposes is exempt.~~

~~(6) The sale of chinchillas for breeding purposes or for the future processing of their furs is exempt. The sale of chinchillas for any other purposes is taxable.~~

~~(7)(a) The sale of pets such as dogs, cats, parakeets, canaries, monkeys, etc., is taxable.~~

~~(b) The sale or rental of guide dogs for the blind, commonly referred to as "seeing-eye dogs," is exempt. (See Rule 12A-1.001(17), F.A.C.)~~

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(29), 212.07(5)(a),(b),(6),(7),(8), 212.08(7)(vv)(h) FS. History—Revised 10-7-68, 6-16-72, Amended 9-28-78, 7-20-82, Formerly 12A-1.49, Amended \_\_\_\_\_.

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE TITLE: Partial Exemption for Farm Equipment  
 PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.087, F.A.C., is to include the statutory amendments made to Section 212.08(3), F.S., regarding the exemption for the sale of farm equipment, and to strike from the rule exemptions for the sale of agricultural supplies specifically exempt pursuant to Section 212.08(5), F.S. The effect of the rule change extends the exemption for the sale of farm equipment to include: power-driven farm

RULE NO.: 12A-1.087

equipment; farm equipment used in a forest; farm equipment used in agricultural industries included in Section 570.02(1), F.S.; farm equipment used for fire prevention and suppression work; and the rental of farm equipment.

SUBJECT AREA TO BE ADDRESSED: Statutory changes affecting the structure of the rule.

NOTICE: For purposes of this workshop, and for the ease of the intended audience to solicit comments, statutory text has been included in the proposed rule text. The final draft will not contain statutory references or cites.

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1) FS. LAW IMPLEMENTED 212.02(14)(c),(30),(31),(32),(33), 212.05(1), 212.06(1), 212.07(5), 212.08(3),(5)(a), 570.02(1), 597.0015(1),(3), 597.004 FS.

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

TIME AND DATE: 1:00 p.m., February 24, 1999  
 PLACE: Farm Bureau Building, Room 239A, 5700 Southwest 34th Street, Gainesville, Florida 32608

Copies of the agenda for the rule development workshop may be obtained from: Richard Parsons, Tax Law Specialist, Sales Tax Section II, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4838.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, are asked to advise the Department at least five (5) calendar days before the program by contacting Tracie Grantham at (850)488-2577. 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 IS: Richard Parsons, Tax Law Specialist, Sales Tax Section II, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4838

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial Rewording of Rule 12A-1.087 follows. See Florida Administrative Code for present text.)

12A-1.087 Partial Exemption for Farm Equipment Sales to Farmers.

(1) Section 212.08(3), F.S., provides that the sale, rental, use, consumption, or storage for use in this state of self-propelled, power-drawn, or power-driven farm equipment is taxable at the rate of 3 percent. The equipment must be used exclusively on a farm or in a forest in plowing, planting, cultivating, or harvesting crops or products as produced by those agricultural industries included in s. 570.02(1), or for fire prevention and suppression work with respect to such crops or

products. Processing activities may not be construed to include harvesting and do not qualify for the exemption. This exemption is not forfeited by moving farm equipment between farms or forests.

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

(a) Agricultural industries included in Section 570.02(1), F.S., are: aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, and any and all forms of farm products and farm production.

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

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

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

(a) All-terrain vehicles (mules and gators).

(b) Combines.

(c) Forest fertilizer spreaders.

(d) Irrigation equipment (traveling "gun-type" and center pivot irrigation systems), excluding hoses and pipes that are not an integral part of the moving system.

(e) Motorized boats for use in planting, cultivating, or harvesting aquaculture products on a farm. See subsection (4) of this rule regarding specific guidelines for persons engaging in aquaculture activities.

(f) Skid steer loaders.

(g) Skidders.

(4)(a) Persons engaged in planting, cultivating, and harvesting aquaculture products qualify for the partial exemption on their purchase or lease of a motorized boat to be used exclusively for aquacultural purposes, provided they are registered with the Department of Agriculture and Consumer Services under Section 597.004, F.S., as a person engaged in aquaculture. For purposes of this rule, a farm includes submerged sites leased from the state under the authority of Section 253.68, F.S., by a person engaged in aquaculture activities.

(b) Example: A clam farmer who leases a submerged site from the state pursuant to Section 253.68, F.S., and who is certified under Section 597.004, F.S., with the Department of Agriculture and Consumer Services, would qualify for the

partial exemption on the purchase or lease of a motorized boat used exclusively for planting, cultivating, or harvesting clams on the leased site. The exemption is not forfeited by moving boats between farms.

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

(a) Bale shredders.

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

(c) Cultivators.

(d) Feed mills (portable).

(e) Field trailers, wagons, and carts.

(f) Livestock feeders.

(g) Log loaders.

(h) Planters.

(i) Plows.

(j) Scalpers.

(k) Scrapers, graders, grade boxes.

(l) Sprayers.

(m) Spreaders.

(n) Tree bedders.

(o) Wood chippers (field type).

(6) Section 212.02(32), F.S., defines power-driven farm equipment as moving or stationary equipment that is dependent upon an external power source to perform its function, including, but not limited to, conveyors, augers, feeding systems, and pumps.

(7)(a) Generators (excluding generators purchased for use on poultry farms), motors, and similar types of equipment used to supply power to power-driven farm equipment, do not qualify as power-driven farm equipment and are taxable at the 6 percent rate. Generators that are attached to and are sold as an integral part of the qualifying farm equipment would qualify for the partial exemption.

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

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

(b) Generators purchased or leased for use on a poultry farm are exempt from sales tax pursuant to Section 212.08(5)(a), F.S. The exemption will not be allowed unless the purchaser or lessee signs a certificate stating the generator is for exclusive use on a poultry farm.

(8) The partial exemption provided in subsection (1) of this rule will not be allowed unless the purchaser furnishes the seller with a written statement stating that the items qualify for the limitation under Rule 12A-1.087, F.A.C. Although the Department does not furnish the printed form to be executed by farmers when purchasing or leasing qualifying equipment, the following statement is suggested as being appropriate: "The self-propelled, power-drawn, or power-driven equipment is purchased or leased for exclusive use on a farm or in a forest in plowing, planting, cultivating, or harvesting, crops or products as produced by those agricultural industries included in Section 570.02(1), F.S., or for fire prevention and suppression work with respect to such crops or products, and such equipment is subject to tax at the rate of 3 percent under the provisions of Section 212.08(3), F.S."

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

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(14)(c), (30), (31), (32), (33), 212.05(1), 212.06(1), 212.07(5), 212.08(3), (5)(a), 570.02(1), 597.0015(1), (3), 597.004 FS. History—Revised 10-7-68, 1-7-70, 6-16-72, Amended 10-18-78, 7-20-82, 4-12-84, Formerly 12A-1.87, Amended 12-13-88, \_\_\_\_\_.

**DEPARTMENT OF CITRUS**

RULE CHAPTER TITLE: Florida Grade and Quality Standards for Fresh Fruit

RULE CHAPTER NO.: 20-35

RULE TITLE: Grapefruit – Florida Grades and Standards

RULE NO.: 20-35.005

PURPOSE AND EFFECT: Would provide that both the U.S. No. 1 and Florida grades may be shown on a carton when packing fresh grapefruit under the Florida Fancy grade classification.

SUBJECT AREA TO BE ADDRESSED: Packing of fresh Florida grapefruit carrying both the Florida grades and U.S. No. 1 grades on a carton.

SPECIFIC AUTHORITY: 601.10(1),(7), 601.11, 601.45 FS.

LAW IMPLEMENTED: 601.16, 601.45, 601.51 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joan B. Martin, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

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

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Employee Grooming, Uniform and Clothing Requirements

RULE NO.: 33-4.007

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide guidelines for the wearing of the correctional officer badge and to change the color of the badge from silver to gold for officers with the rank of lieutenant and above.

SUBJECT AREA TO BE ADDRESSED: Correctional Officer uniforms.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 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: 9:00 a.m., February 23, 1999

PLACE: Law Library, Conference Room, Room B-404, 2601 Blair Stone Road, Tallahassee, Florida

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-4.007 Employee Grooming, Uniform and Clothing Requirements.

(1) through (3) No change.

(4) The following provisions shall apply to employees in the positions of correctional officer colonel, correctional officer major, correctional officer captain, correctional officer lieutenant, correctional officer sergeant and correctional officer, with the exception of employees at community correctional centers and probation and restitution centers. For the purposes of this rule, "correctional officer" is used to refer to the individual position or the class which includes all of the above-listed positions.

(a) Class A Uniform. The correctional officer class A uniform issued by the department shall be worn while performing official duties as determined by the superintendent. The class A uniform will be mandatory for all court appearances. The class A uniform will consist of:

1. through 5. No change.

6. Correctional officer badges. Badges shall be issued to all certified correctional officers regardless of their work location. Correctional officer badges will be issued by the

department to be worn as part of the ~~class A uniform only while performing official duties off the grounds of a correctional facility such as court or other appearances.~~ The badge will be worn above the left shirt pocket affixed through the pre-sewn holes. Wearing the department issued badge carries a significant responsibility. The wearer is not only representing the Department of Corrections, but the law enforcement community and the State of Florida. The badge shall be routinely cleaned and presented in a manner so as to reflect the pride and professionalism of the Department of Corrections. Use of the issued badges as credentials for personal purposes is prohibited. Only badges issued by the department shall be used to conduct officially designated duties. The badge shall be 2-1/4" x 1-15/16" in size, silver colored metal for correctional officers and sergeants and gold color for lieutenants and above with black lettering, and pre-numbered with a wallet clip. The badges shall be issued to certified officers upon employment and will not be provided to uncertified officers until after certification is received. Correctional officers shall be responsible for reimbursing the department for any issued badge which is lost or stolen. Issued badges are considered state property and, except for retirement under specific conditions, shall be returned to the department upon the officer's termination of employment with the department or removal from a position within the correctional officer class series. Correctional officers who retire from the department under honorable conditions and are eligible to retire under the State of Florida retirement system, including retirement under medical disability, shall be authorized to retain their issued badges. Correctional officer sergeants who are promoted to lieutenant shall return their silver colored badges to the superintendent prior to being issued gold colored badges.

- 7. through 27. No change.
- (4)(b) through (13) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History--New 2-27-85, Amended 6-19-85, Formerly 33-4.07, Amended 3-6-88, 8-15-89, 2-12-91, 10-13-91, 4-19-98, 12-7-98,\_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Community Release Programs  
 RULE NO.: 33-9.023  
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the criteria which render an inmate ineligible for participation in community release programs, to provide additional instruction as to use of form DC4-840, Checklist for Transfers to Community Residential Facilities, and to provide procedures for the collection and disbursement of funds earned by inmates on community release.  
 SUBJECT AREA TO BE ADDRESSED: Community Release Programs.  
 SPECIFIC AUTHORITY: 945.091 FS.  
 LAW IMPLEMENTED: 945.091 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: 9:00 a.m., February 24, 1999  
 PLACE: Law Library, Conference Room, Room B-404, 2601 Blair Stone Road, Tallahassee, Florida  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Perri Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 33-9.023 Community Release Programs.
  - (1) through (4) No change.
  - (5) Community Release Ineligibility Criteria. The following inmates shall be ineligible to participate in community release programs:
    - (a) Any inmate convicted of sexual battery pursuant to s. 794.011 F.S.;
    - (b) Any inmate convicted of escape pursuant to s. 945.092 F.S.;
    - (c) Any inmate that has an outstanding criminal (misdemeanor or felony) warrant, until such time that it has been removed from the NCIC/FCIC data base by the issuing agency;
    - (d)(e) Absent extenuating circumstances, the following inmates shall be ineligible to participate in community release programs:
      - 1. Inmates who have been terminated from a community release program on their current commitment for a rule violation or disciplinary action. Inmates removed pursuant to 33-9.023(13)(c) shall be ineligible for return to a community release program unless they successfully complete recommended substance abuse programs or are deemed appropriate for return by the substance abuse or mental health counselor prior to successful completion of the program.
      - 2. Inmates who are serving more than their third commitment to prison, including commitments in any other state or federal correctional agency, and who have been given the opportunity to participate in a community release program during a previous commitment.
      - 3. Any inmate found guilty of a rule 33-22.012 4-1, violation for escape within the last 5 years.
    - (e)(d) No inmate can participate in community work release, center work assignment or study release if he or she has ever refused to participate in Tier II, Tier III, or Tier IV programs, unless subsequently completing a comparable treatment program.
      - (6) Eligibility Criteria.
        - (a) through (e) No change.



(f) Any inmate who has a detainer filed against him or her shall be ineligible for community release unless:

1. The detaining authority has, in writing, not objected to the inmate's placement and furlough participation in the program; ~~and~~ ~~or~~

2. It can be established that the detainer would be withdrawn upon the payment of restitution, fines, or court costs and it appears likely that the inmate will earn sufficient funds in order to pay the restitution, fines or court costs within the time frame that the inmate is participating in the program.

(g) through (h) No change.

(7) Requirements and General Considerations.

(a) through (b) No change.

(c) A DC4-840 shall be completed on each inmate recommendation for community release, except that any inmate currently housed at a community correctional center or community based Tier IV facility in community work assignment or Tier IV status going to community work release status need not have a DC4-840 completed. A copy of the completed DC4-840 shall be placed in the inmate's file prior to transfer. The correctional probation officer assigned to the receiving facility shall review the form, inmate file, and all other pertinent documents immediately upon the inmate's arrival at the facility to ensure that placement of the inmate in a community residential facility is appropriate according to criteria established in this rule and form DC4-840.

(d) No change.

(8) Inmate Conduct While On Community Release.

(a) through (d) No change.

(e) As a condition of community release, each inmate shall turn over all monies received or earned while on community release, other than weekly draws, to the fiscal officer or other designated staff member at the community correctional center or contract facility immediately upon the return to the facility. The collected funds will be deposited into the facility's banking system for the purpose of disbursement of earnings-subsistence, court costs, restitution, and any other obligations as determined by the inmate's personalized program plan. Failure of the inmate to abide by this condition shall result in disciplinary action in accordance with chapter 33-22, Inmate Discipline.

(9) through (12) No change.

(13) Termination From Community Release.

(a) The approving authority shall consider and have the authority to terminate an inmate from community release if:

1. The approving authority, following placement of the inmate in a community release program, receives any information concerning the inmate which would impact adversely on the safety and security of the community;

2. The inmate engages in conduct that causes the approving authority to believe that the inmate will not honor the trust bestowed upon him or her;

3. The approving authority determines that it is not in the best interest of the safety and security of the public, the department or the inmate to continue the inmate in the program;

4. Based on actions and behavior, the inmate is not amenable to the status changes allowed in 33-9.023(12);

5. If, upon arrival at the facility, it has been determined that the inmate is not appropriate for placement at the facility based on criteria specified on form DC4-840.

(b) through (e) No change.

(14) through (22) No change.

Specific Authority 945.091 FS. Law Implemented 945.091 FS. History--New 12-7-97, Amended 4-13-98, 10-20-98,\_\_\_\_\_.

**GAME AND FRESH WATER FISH COMMISSION**

RULE TITLE: REGULATIONS GOVERNING THE PROCESSING OF ALLIGATOR MEAT AND PARTS. RULE NO.: 39-25.052

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to establish regulations for processing of alligator meat and parts.

SUBJECT AREA TO BE ADDRESSED: Requirements for processing of alligator meat and parts.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

WORKSHOPS ON THE PROPOSED RULES WILL BE HELD IN CONJUNCTION WITH THE COMMISSION'S WORKSHOPS AND PUBLIC MEETINGS AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATES: 1:30 p.m. on the following dates: March 11, 1999, May 14, 1999, July 16, 1999, September 17, 1999, and November 19, 1999.

PLACE: Location of March 11, 1999 workshop: Second Floor, Auditorium, Farris Bryant Building, 620 South Meridian Street, Tallahassee, Florida; Specific location of other workshops will be announced at a later date.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mr. James V. Antista, General Counsel

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE AND CAN BE OBTAINED FROM: James V. Antista, General Counsel, Game and Fresh Water Fish Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Hotels and Restaurants**

RULE CHAPTER TITLE: Hospitality Training Programs Grants  
RULE CHAPTER NO.: 61C-8  
RULE TITLE: Program Requirements  
RULE NO.: 61C-8.004

PURPOSE AND EFFECT: The purpose of this amendment is to clarify terminology used in section 509.302(7), Florida Statutes.

SUBJECT AREAS TO BE ADDRESSED: The area to be discussed is the definition of the term, "statewide organizations," as it applies to administration and distribution of hospitality education grants authorized by statute.

SPECIFIC AUTHORITY: 509.302(7)(b) FS.

LAW IMPLEMENTED: 509.302(7) 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., February 26, 1999

PLACE: Secretary's Conference Room, Room 259, The Johns Building, 725 South Bronough Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the hearing by contacting: Lee M. Cornman, Management Review Specialist, (850)488-9263. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lee M. Cornman, Management Review Specialist, Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Sanitation and Safety Inspections, Northwood Centre, 1940 North Monroe Street, Tallahassee, FL 32399-1012, Telephone (850)488-9263

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61C-8.004 Program Requirements.

(1)(a) through (1)(f) No change.

(g) "Statewide organizations" as used in s. 509.302(7), F.S., and this rule, means organizations providing services or programs throughout this state to residents of this state or licensees of the division. State agencies, state universities and colleges, and recognized associations that represent licensees of the division shall be deemed to be statewide organizations. Other applicants shall be considered statewide organizations

upon a determination that their membership and the proposed program are available throughout the state to residents of the state or to licensees of the division.

(g) renumbered (h) No change.

(2) through (4) No change.

Specific Authority 509.302(7)(b) FS. Law Implemented 509.302(7) FS. History--New 2-27-92, Amended 8-11-92, Formerly 7C-8.004, Amended 3-31-94, 9-25-96, 1-18-98, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE TITLE: Certification of Pollutant Storage System  
Specialty Contractors  
RULE NO.: 61G4-15.016

PURPOSE AND EFFECT: Under the authority of the Board, the proposed rule is being promulgated in order to develop standards for the Certification of Pollutant Storage System Specialty Contractors.

SUBJECT AREA TO BE ADDRESSED: Certification of Pollutant Storage System Specialty Contractors.

SPECIFIC AUTHORITY: 489.108, 489.113(3),(7), 489.129(3), 489.133 FS.

LAW IMPLEMENTED: 489.113(3),(7),(8), 489.115(4), 489.133 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., February 22, 1999

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rodney Hurst, Executive Director, Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, Florida 32211-7467

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE TITLE: Pre-licensing Education for Broker and Salesperson Applicants  
RULE NO.: 61J2-3.008

PURPOSE AND EFFECT: The purpose and effect is for the Florida Real Estate Commission to review the pre-license education rule to determine what changes are needed in light of

a new broker's course syllabus (Course II). The Commission will also determine if other changes are necessary to keep the rule up to date.

**SUBJECT AREA TO BE ADDRESSED:** The Commission's broker's course syllabus (Course II) has been updated and revised. The Commission will review this rule to determine what changes are necessary and to generally update the rule.

**SPECIFIC AUTHORITY:** 475.05 FS.

**LAW IMPLEMENTED:** 475.04, 475.17, 475.182, 475.183, 475.451 FS.

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

**TIME AND DATE:** 8:30 a.m., March 17, 1999

**PLACE:** Office of Florida Real Estate Commission, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** James D. Kimbler, Acting Director, Division of Real Estate, Suite 308, North Tower, 400 West Robinson Street, Orlando, Florida 32801

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**DOCKET NO.:** 98-77R

**RULE CHAPTER TITLE:** Operation Permits for Major Sources  
**RULE CHAPTER NO.:**

of Air Pollution 62-213

**RULE TITLE:** Permit Applications **RULE NO.:** 62-213.420

**PURPOSE AND EFFECT:** The Department is developing amendments to Chapter 62-213, F.A.C., to incorporate the principles described in the Environmental Protection Agency's (EPA's) Periodic Monitoring Guidance. The proposed periodic monitoring rule will be used in evaluating whether sufficient monitoring is contained in each facility's Title V air operating permit to assure compliance with regulations developed to meet Clean Air Act requirements. A Notice of Rule Development for 62-213.440 F.A.C. for the same project was published in the Florida Administrative Weekly, Page 6386, Vol. 24, No. 47, on November 20, 1998.

**SUBJECT AREA TO BE ADDRESSED:** The proposed amendments would update the Title V Operating Permit Program with respect to EPA's Periodic Monitoring Guidance.

**SPECIFIC AUTHORITY:** 403.061, 403.087 FS.

**LAW IMPLEMENTED:** 403.087, 403.0872 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:** 1:00 p.m. – 5:00 p.m., February 18, 1999

**PLACE:** Room 609, Twins Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IS:** Ms. Sandy Ladner, Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Mail Station 5500, Tallahassee, Florida 32399-2400, (850)921-9590

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

**PLEASE SUBMIT COMMENTS, OBJECTIONS AND ANY REQUESTS FOR WORKSHOP WITHIN 21 DAYS TO:** Michael Hewett, Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Mail Station 5500, Tallahassee, Florida 32399-2400.

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel, (850)487-1855 or 1(800)955-8771 (TDD), at least seven days before the meeting.

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance**

**RULE TITLE:** Standardized Credentialing for Health **RULE NO.:**

Care Practitioners 64B-5.001

**PURPOSE AND EFFECT:** To Develop rules for establishing the verification procedures and quality assessment programs for the standardized credentialing for health care practitioners program.

**SUBJECT AREA TO BE ADDRESSED:** The subject area to be addressed at the public workshop will be the verification and quality assessment programs for the standardized credentialing for health care practitioners program.

**SPECIFIC AUTHORITY:** 455.557 FS.

**LAW IMPLEMENTED:** 455.557 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., March 5, 1999

**PLACE:** Radisson Hotel Orlando Airport, 5555 Hazeltine National Drive, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Regina Davis, OMC Manager, Bureau of Operations, 2020 Capital Circle, Southeast, BIN #C-10, Tallahassee, Florida 32399-3260

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance**

RULE TITLE: Standardized Credentialing for Health Care Practitioners

RULE NO.: 64B-5.001

PURPOSE AND EFFECT: To Develop rules for establishing the verification procedures and quality assessment programs for the standardized credentialing for health care practitioners program.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed at the public workshop will be the verification and quality assessment programs for the standardized credentialing for health care practitioners program.

SPECIFIC AUTHORITY: 455.557 FS.

LAW IMPLEMENTED: 455.557 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., March 9, 1999

PLACE: 1313 Winewood Boulevard, Building 6, Room 103, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Regina Davis, OMC Manager, Bureau of Operations, 2020 Capital Circle, Southeast, BIN #C-10, Tallahassee, Florida 32399-3260

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance**

RULE TITLE: Standardized Credentialing for Health Care Practitioners

RULE NO.: 64B-5.001

PURPOSE AND EFFECT: To Develop rules for establishing the fee(s) for the standardized credentialing for health care practitioners program.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed at the public workshop will be the fee(s) for the standardized credentialing for health care practitioners program.

SPECIFIC AUTHORITY: 455.557 FS.

LAW IMPLEMENTED: 455.557 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., March 16, 1999

PLACE: Medical Quality Assurance, Northwood Centre, Secretary's Conference Room, 1940 North Monroe Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Regina Davis, OMC Manager, Bureau of Operations, 2020 Capital Circle, Southeast, BIN #C-10, Tallahassee, Florida 32399-3260

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance**

RULE TITLE: Standardized Credentialing for Health Care Practitioners

RULE NO.: 64B-5.001

PURPOSE AND EFFECT: To Develop rules for establishing the form(s) for the standardized credentialing for health care practitioners program.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed at the public workshop will be the form(s) for the standardized credentialing for health care practitioners program.

SPECIFIC AUTHORITY: 455.557 FS.

LAW IMPLEMENTED: 455.557 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., March 19, 1999

PLACE: Radisson Hotel Orlando Airport, 5555 Hazeltine National Drive, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Regina Davis, OMC Manager, Bureau of Operations, 2020 Capital Circle, Southeast, BIN #C-10, Tallahassee, Florida 32399-3260

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance**

RULE TITLE: Standardized Credentialing for Health Care Practitioners

RULE NO.: 64B-5.001

PURPOSE AND EFFECT: To Develop rules for establishing the form(s) for the standardized credentialing for health care practitioners program.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed at the public workshop will be the form(s) for the standardized credentialing for health care practitioners program.

SPECIFIC AUTHORITY: 455.557 FS.

LAW IMPLEMENTED: 455.557 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., March 23, 1999  
 PLACE: 1313 Winewood Boulevard, Building 6, Room 103, Tallahassee, Florida  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Regina Davis, OMC Manager, Bureau of Operations, 2020 Capital Circle, Southeast, BIN #C-10, Tallahassee, Florida 32399-3260

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance**

RULE TITLE: Standardized Credentialing for Health Care Practitioners

RULE NO.: 64B-5.001

PURPOSE AND EFFECT: To Develop rules for establishing the fee(s) for the standardized credentialing for health care practitioners program.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed at the public workshop will be the fee(s) for the standardized credentialing for health care practitioners program.

SPECIFIC AUTHORITY: 455.557 FS.

LAW IMPLEMENTED: 455.557 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., March 26, 1999  
 PLACE: Radisson Hotel Orlando Airport, 5555 Hazeltine National Drive, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Regina Davis, OMC Manager, Bureau of Operations, 2020 Capital Circle, Southeast, BIN #C-10, Tallahassee, Florida 32399-3260

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE TITLE: Endorsements

RULE NO.: 64B7-25.004

PURPOSE AND EFFECT: The purpose of the amendment is to eliminate the requirement of a laws and rules exam, for which the Board no longer has authority. The Board used to have authority in Chapter 480, but the legislature amended the statute in 1997 to delete the exam requirement.

SUBJECT AREA TO BE ADDRESSED: Endorsements.

SPECIFIC AUTHORITY: 455.564(2), 480.035(7), 480.041(5) FS.

LAW IMPLEMENTED: 455.564(2), 480.041(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bill Buckhalt, Executive Director, Board of Massage Therapy, 2020 Capital Circle, S. E., Bin #C09, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B7-25.004 Endorsements.

(1) The Department shall issue a license by endorsement to a person who:

(a) through (d) No change.

(e) Has successfully completed ten hours of Florida Statutes/Rules and History of Massage and 3-hour HIV/AIDS course at Board-approved massage school ~~demonstrated knowledge of statutory requirements related to the practice of massage therapy by achieving a passing score on the Statutes & Rules Examination, as set forth in Rule 64B7-25.001(1)(e), F.A.C.~~

(2) No change.

Specific Authority 455.564(2), 480.035(7), 480.041(5) FS. Law Implemented 455.564(2), 480.041(5) FS. History–New 11-27-79, Amended 7-9-80, 8-29-83, 10-9-85, Formerly 21L-25.04, Amended 6-12-88, 8-15-89, 2-11-93, Formerly 21L-25.004, Amended 9-15-94, 1-9-95, 8-18-96, 1-29-97, Formerly 61G11-25.004, Amended \_\_\_\_\_.

**Section II  
 Proposed Rules**

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

RULE CHAPTER TITLE: Florida Small Cities Community Development

RULE CHAPTER NO.: 9B-43

Block Grant Program

RULE TITLES: Definitions 9B-43.003

Eligible Applicants 9B-43.004

Application Procedures for All Categories 9B-43.006

Scoring System 9B-43.007

Program Requirements for Housing 9B-43.009

General Grant Administration for All Categories 9B-43.014

PURPOSE AND EFFECT: This amendment revises the rule in order to improve the program administration of the Small Cities Community Development Block Grant. The effect of these amendments will be to clarify definitions, improve administrative efficiency and streamline and simplify the application requirements.

SUMMARY: The proposed amendments to this rule incorporate the following changes: definitions were added for “authorized signature,” “engineer,” in the definition under additional engineering services for “redesigns,” and the