

- 1. through 4. No change.
- (9) through (11) No change.
- (12) Facility Standards for Facilities Licensed Prior to July 14, 1993 February 1986.
- (a) through (c) No change.
- (13) through (30) No change.

Specific Authority 394.879(1),(2) FS. Law Implemented 20.19, 95.11, 381.0035, 386.041, 394.455, 394.457, 394.457, 394.459, 394.463, 394.465, 394.66, 394.77, 394.875, 394.907, 415.103 FS. History--New 2-27-86, Amended 7-14-92, Formerly 10E-12.106, Amended 9-1-98.

Section II Proposed Rules

DEPARTMENT OF INSURANCE

RULE TITLE: RULE NO.:

Workers' Compensation: Application and 4-189.003
Audit Procedures

PURPOSE AND EFFECT: To incorporate amendments that address recommendations in the Report on Workers' Compensation Fraud issued by the Fourteenth Statewide Grand Jury, Office of Statewide Prosecution regarding information in applications.

SUMMARY: The rule amendments update the standard application used by an employer for insurance coverage required by Section 440.38, Florida Statutes, adding requirements for additional information in workers compensation applications.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 440.381 FS.

LAW IMPLEMENTED: 440.381, 624.307, 624.308(1) FS.

IF REQUESTED IN WRITING 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: 9:00 a.m., April 27, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jim Watford, Actuary, Insurer Services, P&C Forms & Rates, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0330, (850)413-5370

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Yvonne White, (850)413-4214.

THE FULL TEXT OF THE PROPOSED RULE IS:

4-189.003 Workers' Compensation: Application and Audit Procedures.

(1)(a) Each employer applying to a carrier in the voluntary market for workers' compensation coverage required by Section 440.38, Florida Statutes, shall use Form ACORD 130-FL (rev. 2000/01 3/96) ~~or Form ACORD 130-FL (rev. 6/94)~~, "Florida Workers' Compensation Application," which is hereby adopted and incorporated by reference. Carriers are authorized to continue to use Form ACORD 130-FL (rev. 3/96), "Florida Workers' Compensation Application," which was previously adopted until the current supply of forms is exhausted. The form shall be completed and submitted to the carrier with which the employer wishes to contract for coverage.

(b) A carrier wishing to use its own application form shall submit the form to the Bureau of Property and Casualty Forms and Rates, Division of Insurer Services, Department of Insurance, Larson Building, Tallahassee, FL 32399-0330, for approval prior to its use. At a minimum the form shall require the employer to provide the following information: name, address, and legal status of the employer; federal employer identification number; type of business and contractor licensing number if the employer is a contractor; rating information including past and prospective payroll; estimated revenue; locations; list of officers, sole proprietors and partners including their social security number; list of all employee names, employee's social security number and classifications; ~~and~~ previous workers' compensation experience; former business names and predecessor companies; former and current owners; all names under which the corporation operates; and any other information necessary to enable the carrier to accurately underwrite the employer. The application shall contain a statement that the filing of an application containing false, misleading, or incomplete information with the purpose of avoiding or reducing the amount of premiums for workers' compensation coverage is a felony of the third degree. The application shall contain a sworn statement by the employer attesting to the accuracy of the information submitted.

(c) Each employer applying for workers' compensation coverage in the Florida Workers' Compensation Joint Underwriting Association (FWCJUA) ~~may be required by their carrier to~~ shall use ACORD Form 130-FL (rev. 2000/01 3/96) unless the FWCJUA files and receives approval by the Department of Insurance to use a different application form in accordance with paragraph (1)(b). The FWCJUA shall use

ACORD Form 133-FL (rev. 4/96 1/96), "Florida Workers' Compensation Joint Underwriting Association, Inc., Addendum to ACORD 130-FL" (rev. 3/96) and ACORD Form 134-FL (rev. 9/98), "Florida Workers' Compensation Joint Underwriting Association, Inc., Instructions for Completing ACORD 130 FL & ACORD 133 FL," which are hereby adopted and incorporated by reference. The completed instruction forms shall be submitted to the FWCJUA at the address on the form.

(d) The forms adopted in this subsection (1) may be obtained from ACORD, Number 1 Blue Hill Plaza, 15th Floor, Post Office Box 1529, Pearl River, New York 10965-8529.

(2)(a) An application complying with this rule is required for all policies having covered Florida exposure. For new business effective after the implementation of this rule, a carrier shall use an application which complies with this rule. When this new business policy is renewed, the carrier is not required to obtain another application. ~~For existing business on a carrier's books as of 90 days after the effective date of this rule, the carrier is required to obtain an application complying with this rule at the first renewal of this existing business. On subsequent renewals of this existing business, the carrier is not required to obtain another application.~~ These requirements also apply to policies written in other states where there is covered Florida exposure other than incidental Florida exposure.

(b) The applicant's signature on the application form shall be notarized. The carrier is authorized to require ~~It is not necessary for the producer's signature to be notarized.~~

(3) Each employer in the voluntary market or the FWCJUA may be required by their carrier to submit Form ACORD 175-FL (rev. 3/97), "Florida Workers' Compensation Monthly Change Sheet," which is hereby adopted and incorporated by reference. Carriers may use their own monthly change sheet containing the same information shown on the adopted form. This form is used to reflect any change in the required application. The monthly change sheet is applicable to new and renewal policies which have been issued with an application that complies with this rule. It is not necessary for an employer to submit a monthly change sheet if there are no changes to report.

Specific Authority 440.381 FS. Law Implemented 440.381, 624.307, 624.308(1) FS. History--New 8-1-91, Formerly 4-28.007, Amended 10-3-95, 10-10-96, 1-15-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: James Watford, Actuary, P & C Forms & Rates, Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Belinda Miller, Division Director, Insurer Services, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 16, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 13, 1999

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: Registering with the Division 5B-2.002
Certificates of Inspection (Tags) 5B-2.004
Special Inspection and Certification Fees 5B-2.010

PURPOSE AND EFFECT: The purpose of this rule revision is to meet the requirements of Sections 120.52(15) and 120.55(1)(a)4., F.S., which provides in part that a rule includes any form which imposes any requirement or solicits any information not specifically required by statute or by an existing rule, the form incorporated by reference in the rule, and an explanation of how the form may be obtained.

SUMMARY: These rules are amended to incorporate by reference Division forms which impose a requirement or solicit information not specifically required by statute.

SPECIFIC AUTHORITY: 570.07(23), 581.031(1),(3),(8) FS.

LAW IMPLEMENTED: 581.031(8),(14),(21),(23), 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., April 24, 2000

PLACE: Division of Plant Industry, Doyle Conner Building, 1911 S.W. 34th Street, Gainesville, FL 32608

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: 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 32608, Phone (352)372-3505

THE FULL TEXT OF THE PROPOSED RULES IS:

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 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 PI-4, revised 5/99 8/94, 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 & Apiary Inspection, P. O. Box 147100, Gainesville, Florida 32614-7100.

(b) through (h) No change.

(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 PI-4. 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 5B-2.002(2)(e);

(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 PI-4 or DACS-08022, revised 5/99 PI-22 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) through (g) No change.

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,_____.

5B-2.004 Certificates of Inspection (Tags).

Any person properly registered with the division as a nursery, stock dealer, plant broker, agent, or any person obtaining inspection services from the division may apply for authorization to print, or have printed, certificates of inspection (tags). Application form DACS-08086 PI-86, revised 1/00 7/94, is supplied by the division for this purpose and is incorporated herein by reference. Copies of DACS-08086 PI-86, Request For Authorization To Print Certificates (Tags) of Inspection, may be obtained from the Division of Plant Industry, Bureau of Plant Inspection, P. O. Box 147100, Gainesville, Florida 32614-7100. Upon review of the

application, the division may authorize reproduction of designated quantities of certificates by the applicant. These certificates may be imprinted on waybills, bills of lading, separately, or as rubber stamps. The cost of reproduction is solely that of the registrant and shall in no way be considered the responsibility of the division. The division may revoke or suspend certificates for cause, whereupon at the request of the division all certificates, tags and rubber stamps previously approved by the division shall be relinquished to the division. Special Inspection Certificate Receipt, DACS-08222, revised 12/99, shall be completed on all certificates, tags and rubber stamps that are relinquished to the division. Copies of DACS-08222 may be obtained from the Division of Plant Industry, Bureau of Plant & Apiary Inspection, P. O. Box 147100, Gainesville, Florida 32614-7100.

(1) GENERAL NURSERY STOCK INSPECTION TAG CERTIFICATES OF INSPECTION (TAGS) FOR NURSERY STOCK SHALL BE REQUIRED:

(a) On each movement or shipment of nursery stock intended for resale within the state.

(b) On all nursery stock moving out of state.

(c) On every separate package, bundle, box, container, or individual shipment of nursery stock shipped by mail, express, common carrier, etc., whether in-state or out-of-state.

(d) For citrus nursery stock sold or distributed directly to Florida consumers for use as ornamental or dooryard plantings. General Nursery Stock Inspection Tag, DACS-08011, revised 11/99, is supplied by the division for this purpose and is incorporated herein by reference. Copies of DACS-08011, General Nursery Stock Inspection Tags, may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, P. O. Box 147100, Gainesville, Florida 32614-7100.

(2) USE OF CERTIFICATES OF INSPECTION (TAGS) FOR NURSERY STOCK:

(a) Applicants shall not use or permit to be used any certificate of inspection (tag or rubber stamp) for movement of nursery stock other than that certified by the division.

(b) Applicant may use his certificate of inspection (tag or rubber stamp) on nursery stock obtained from other sources which are registered or certified by the department except for nematode certificates.

(c) All certificates issued or authorized by the division shall remain the property of the division until used or expired.

(d) Alteration or reuse of any certificate issued by or authorized by the division is prohibited.

(e) Printing or duplication of any certificate issued by the division is prohibited without prior written permission by the division for each printing or duplication.

(f) Certificates of inspection (tags) must be dated for validation.

(3) USE OF NEMATODE CERTIFICATES FOR SHIPMENTS TO OTHER STATES:

(a) Use of nematode certificates (DACS-08048 PI-48, revised 2/00 4/94, DACS-08049 PI-49, Revised 7/99 4/94, and DACS-08130 PI-130, Revised 2/00 4/94), incorporated herein by reference, for movement of plants, plant parts, or other regulated articles, not approved for use by the certified source is prohibited. Copies of DACS-08048 PI-48, DACS-08049 PI-49, and DACS-08130 PI-130 may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, P. O. Box 147100, Gainesville, Florida 32614-7100.

(b) Nematode certificates (DACS-08048 PI-48, DACS-08049 PI-49, and DACS-08130 PI-130) shall not be issued to stock dealers, plant brokers or agents, except individual shipments may be certified when the shipments meet the requirements of the nematode certificate.

~~(c) All citrus nursery stock meeting the requirements of Rule Chapter 5B-44, Florida Administrative Code, that is being moved into or within 100 feet of a commercial citrus grove, commercial citrus nursery, or commercial citrus nursery site, shall be accompanied by a citrus nursery stock inspection certificate (tag) (PI-38, Revised 3/93), incorporated herein by reference. A copy of this citrus nursery stock inspection certificate (tag) shall be retained by the seller for a period of three (3) years and made available to the department on demand. Copies of PI-38 may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, P. O. Box 147100, Gainesville, FL 32614-7100.~~

~~(c)(d)~~ Plants from a nematode certified nursery shall not be moved under the nematode certification of another nursery. Shipments of nematode certified nursery stock shall be accompanied by the producing nursery's nematode certificate.

(d) A California Nematode Certification Checkoff List, DACS-08220, revised 7/99, shall be completed by an authorized representative of the department to document the nursery's compliance with California's nematode regulations. California Nematode Certification Checkoff List, DACS-08220, revised 7/99, is supplied by the division for this purpose and is incorporated herein by reference. Copies of DACS-08220, California Nematode Certification Checkoff List, may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, P. O. Box 147100, Gainesville, Florida 32614-7100.

Specific Authority 570.07(23), 581.031(1),(3),(8) FS. Law Implemented 581.031(21), 581.131 FS. History—Amended 6-26-55, Repromulgated 12-31-74, Amended 6-15-81, 10-28-85, Formerly 5B-2.04, Amended 7-28-86, 5-17-92, 6-7-95, Amended 10-8-96,_____.

5B-2.010 Special Inspection and Certification Fees.

Special inspection and certification services that may be provided by the division, when requested by farmers, growers or other interested parties may include special treatments, special pest identifications, special plant identifications, special investigations, and special regulatory activities not otherwise specifically provided for by Chapter 581, Florida Statutes. Governmental agencies requesting special inspections or permits for research purposes shall be exempt from fees. The prescribed fees for these special inspections and certifications shall be as follows:

Type of Certification	Charge	Form
Inspection and State of Origin Certificate, Phytosanitary Export certificate, Phytosanitary Reexport, and	Mileage ¹ and \$35 minimum per inspection or, Mileage and \$25 minimum per certificate issued based on other support documents (fruit and vegetable manifest, etc)	<p><u>DACS-08014³, Phytosanitary Export Certificate, revised 10/99.</u></p> <p><u>DACS-08050³ Inspection and State of Origin Certificate, revised 7/99.</u></p> <p><u>DACS-08166³, Attachment For State Phytosanitary Export Certificate, revised 6/99.</u></p>
Other special inspections. ²	Mileage ¹ and \$35 minimum per inspection or, Mileage and \$25 minimum per certificate issued based on other support documents (fruit and vegetable manifest, etc)	<p><u>DACS-08211³, Blueberry Certificate, revised 8/99.</u></p> <p><u>DACS-08212³, Apple Maggot Certificate, revised 8/99.</u></p> <p><u>DACS-08046³, Mamey Stamp, revised 5/99.</u></p> <p><u>DACS-08213³, Caribfly Fumigation Certificate, revised 10/99.</u></p> <p><u>DACS-08240³, Cold Treatment-California Caribbean Fruit Fly Quarantine, revised 12/99.</u></p> <p><u>DACS-08221³, California Hydrilla Quarantine, revised 12/99.</u></p> <p><u>DACS-08260, Noxious Weed Certification, revised 9/99.</u></p>
Phytosanitary Export Certificate noncommercial (homeowner plants or homeowner plant products), and Temporary Certificate of Inspection.	Mileage ¹ and \$15 minimum per inspection.	<p><u>DACS-08014³, Phytosanitary Export Certificate, revised 10/99.</u></p> <p><u>DACS-08010³, Temporary Certificate of Inspection, revised 7/99.</u></p>
Cut flower, cut fern.	\$5 per acre per crop inspection plus mileage, \$15 minimum, \$460 maximum.	<u>DACS-08289³, Certificate for Cut Foliage, Flowers & Aquatic Plants, revised 8/99.</u>
Import inspection for commercial shipments of plants or plant products	Mileage ¹ and \$35 per hour per inspector from time of arrival to departure, \$35 minimum.	<u>DACS-08001³, Nursery, Stockdealer & Special Inspection Report, revised 12/99.</u>
Growing season field inspection of bulbs, seed, vegetable and tobacco transplants.	\$5 per acre per crop inspection plus mileage, \$15 minimum, \$460 maximum.	<p><u>DACS-08159³, Growing Season Inspection Report, revised 11/99.</u></p> <p><u>DACS-08237³, Vegetable Inspection Report, revised 10/99.-</u></p>
Witnessing budwood or graftwood cutting.	Mileage ¹ and \$5 per 1000 budeyes cut, \$10 minimum, \$25 maximum.	<p><u>DACS-08172³, Source Tree Bud Cutting Report, revised 10/99.</u></p> <p><u>DACS-08111, Certification to Witness Registered Budwood, revised 7/99.</u></p>
Vegetable transplants, aquatic and annual (bedding) plants (greenhouse, hotbeds, or other growing units).	Mileage ¹ and \$15 minimum for first 10,000 square feet of growing unit space or less and \$2 per 1,000 square feet of additional growing space per inspection.	<p><u>DACS-08237³, Vegetable Inspection Report, revised 10/99.</u></p> <p><u>DACS 08289³, Certificate for Cut Foliage, Flowers & Aquatic Plants, revised 8/99.</u></p> <p><u>DACS-08290³, Tomato/Tobacco Plant Certificate, revised 8/99.</u></p>

Nematode Certification.	Mileage ¹ and \$20 per sample	<u>DACS-08038³, Citrus Nursery Stock Inspection Tag, revised 7/99.</u> <u>DACS-08048³, Burrowing Nematode Certificate, revised 2/00.</u> <u>DACS-08049³, Nematode Certificate of Inspection for Shipping Nursery Stock to California, revised 7/99.</u> <u>DACS-08130³, Reniform Nematode Certificate, revised 2/00.</u> <u>DACS-082543³, Nematode Certificate of Inspection For Shipping Nursery Stock to California From Stockdealers, revised 02/00.</u> <u>DACS-08270³, Consolidation Declaration For Florida, revised 12/99.</u>
Fumigation services.	\$150 per fumigation of loads 40 cu. ft. or less, \$240 per fumigation of loads exceeding 40 cu.ft.	<u>DACS-08207³, Request for Fumigation, revised 1/99.</u> <u>DACS-08099³, Certificate of Treatment, revised 1/00.</u>
Irradiation treatment.	\$200 minimum, \$500 per hour.	
Special diagnostic fees Entomology	\$40 per sample	<u>DACS-08074³, Entomolgy Specimen Identification, revised 11/99.</u>
Plant Pathology Disease specimens	\$40 per sample.	<u>DACS-08079³, Plant Pathology Specimen Report, revised 1/00.</u>
Lettuce mosaic samples	\$80 per sample (\$160 if found positive.	
Nematology Roots and soil	\$20 per sample	<u>DACS-08077³, Nematology Specimen Report, revised 9/99.</u>
Caribbean fruit fly protocol participation	\$3.50 per acre per month	<u>DACS-08161³, Application for Participation, revised 12/99.</u> <u>DACS-08233³, Caribfly Certification Program-Establishment of McPhail Traps, revised 12/99.</u>
Grades and Standards regrading inspections 1 - 50 plants 51 - 100 plants 101 - 200 plants 201 - 300 plants 301 - 400 plants 401 - 500 plants 501 - 1000 plants Over 1000 plants	Mileage ¹ and \$25 Mileage ¹ and \$50 Mileage ¹ and \$75 Mileage ¹ and \$100 Mileage ¹ and \$125 Mileage ¹ and \$150 Mileage ¹ and \$200 Mileage ¹ and \$250	<u>DACS-08228³, Grades & Standards -Regrading Inspection Report, revised 10/99.</u>
Permits for importing regulated organisms.	\$10 per species not to exceed \$50 per permit.	<u>DACS-08208³, Application and Permit to Move Regulated Organisms, revised 01/00.</u>

¹ Mileage shall be based on the prevailing state mileage rate.

² There shall be a \$5 charge for each additional phytosanitary export, phytosanitary reexport, inspection and state of origin, and other applicable special inspection certificate written at the same location provided no inspection was made.

³ All DACS forms referenced above are supplied by the division and are incorporated herein by reference. Copies of any of these forms may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, P. O. Box 147100, Gainesville, Florida 32614-7100.

Specific Authority 570.07(23), 581.031(1),(3) FS. Law Implemented 581.031(8),(14),(23) FS. History--New 6-15-81, Amended 10-28-85, Formerly 5B-2.10, Amended 7-27-86, 5-6-87, 11-19-89, 5-17-92, 11-29-95, 4-9-96, 10-8-96,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Constance C. Riherd, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, Florida 32614-7100

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Gaskalla, Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, Florida 32614-7100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 17, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 4, 2000

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE CHAPTER TITLE: Plant Quarantine and Certification
Entry Requirements

RULE CHAPTER NO.:

RULE TITLES: Requirements for the Interstate Movement of Nursery Stock and Other Plant Products
Quarantine Action

RULE NOS.:

5B-3.003

5B-3.0038

PURPOSE AND EFFECT: The purpose of this rule revision is to meet the requirements of Sections 120.52(15) and 120.55(1)(a)4., F.S., which provides in part that a rule includes any form which imposes any requirement or solicits any information not specifically required by statute or by an existing rule, the form incorporated by reference in the rule, and an explanation of how the form may be obtained.

SUMMARY: Forms DACS-08003, Report of Plant and Plant Material In Transit; DACS-08083, Application and Special Permit To Import Sugarcane; DACS-08084, Application to Introduce Citrus Plants and Citrus Plant Parts; DACS-08029,

Agreement For Destruction, Forfeiture, or Return of Plants and/or Plant Parts; and DACS-08081, Agreement For Chemical Treatment, are filed by reference in these rules.

SPECIFIC AUTHORITY: 570.07(23), 581.031(1),(4),(5) FS.

LAW IMPLEMENTED: 581.031(7), 581.083, 581.101, 581.182 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., April 24, 2000

PLACE: Division of Plant Industry, Doyle Conner Building, 1911 S. W. 34th Street, Gainesville, FL 32608

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: 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 32608, Phone (352)372-3505

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) through (3) No change.

(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.

(5) No change.

(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.

(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 therefrom 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 therefrom 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, _____.

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. An Agreement For Treatment, Destruction, Forfeiture, or Return of Plants and/or Plant Parts, DACS-08029, revised 12/99, 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 12/99, 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) through (d)4. No change.

(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 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) through (d)2. No change.

(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 _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Constance C. Riherd, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, Florida 32614-7100

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Gaskalla, Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, Florida 32614-7100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 17, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 4, 2000

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE CHAPTER TITLE: Oak Wilt Disease
 RULE CHAPTER NO.: 5B-26

RULE TITLE: Interstate Movement
 RULE NO.: 5B-26.007

PURPOSE AND EFFECT: The purpose is to bring this rule in compliance with Section 120.55(1)(a)4., F.S., by adopting by reference the Master Permit Form, DACS-08047, Revised 11/99, and supplying an address where the form can be obtained.

SUMMARY: Amends Rule 5B-26.007 by adopting by reference the Master Permit, DACS-08047, Revised 11/99, which is required for host plants of oak wilt disease to enter the state.

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

LAW IMPLEMENTED: 581.031(4), (15), (20), 581.083 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., April 24, 2000

PLACE: Doyle Conner Building, 1911 S. W. 34th Street, Gainesville, FL 32608

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: 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 32608, Phone (352)372-3505

THE FULL TEXT OF THE PROPOSED RULE IS:

5B-26.007 Interstate Movement.

(1) The movement of oak wilt disease or host plants into the state from an infested or regulated area is prohibited except by master permit (DACS-08047, Revised 11/99) (~~PI-204~~) issued by the director. Master Permit (DACS-08047, Revised 11/99) (~~PI-204~~), effective 10-18-90, is attached hereto and is incorporated in this rule by reference. Copies of the form may be obtained from the Division of Plant Industry, P. O. Box ~~147100 4269~~, Gainesville, Florida ~~32614-7100 32602~~. Oak wilt disease or any host plant or part thereof may enter the state of Florida for research purposes provided prior written permission from the director is obtained.

(2) through (4) No change.

Specific Authority 570.07(23), 581.031(4) FS. Law Implemented 581.031(4),(15),(20), 581.083 FS. History--New 10-18-90, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Constance C. Riherd, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, Florida 32614-7100

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Gaskalla, Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, Florida 32614-7100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 17, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 4, 2000

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE CHAPTER TITLE: Saint Augustine Decline
 RULE CHAPTER NO.: 5B-36

RULE TITLE: Interstate Movement
 RULE NO.: 5B-36.005

PURPOSE AND EFFECT: The purpose is to bring this rule in compliance with Section 120.55(1)(a)4., F.S., by adopting by reference the Master Permit Form, DACS-08047, Revised 11/99, and supplying an address where the form can be obtained.

SUMMARY: Amends Rule 5B-36.005 by adopting by reference the Master Permit, DACS-08047, Revised 11/99, which is required for host plants of Saint Augustine Decline to enter the state.

SPECIFIC AUTHORITY: 570.07(13),(23) FS.

LAW IMPLEMENTED: 581.031(4),(5),(15),(20) 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., April 24, 2000

PLACE: Doyle Conner Building, 1911 S. W. 34th Street, Gainesville, FL 32608

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: 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 32608, Phone (352)372-3505

THE FULL TEXT OF THE PROPOSED RULE IS:

5B-36.005 Interstate Movement.

(1) The movement of Saint Augustine Decline disease, strains or isolates of Saint Augustine Decline virus or centipede grass mosaic virus, or any host plant or part thereof, including regulated articles, into the state from an infested or regulated area is prohibited unless such shipments are made in accordance with the provisions of this rule chapter.

(a) Saint Augustine Decline disease may not enter the state for research purposes unless prior written permission is obtained from the director of the Division of Plant Industry. In evaluating each such request, the department shall consider the possible risks and benefits of the proposed research project.

(b) Host plants from an infested or regulated area may enter Florida under one of the following conditions:

1. Issuance of a master permit, DACS-08047 PI-230, Revised 11/99, effective 12/92, incorporated herein by reference, by the director. Copies of DACS-08047 PI-230 may be obtained from the Division of Plant Industry, P. O. Box 147100, Gainesville, Florida 32614-7100. Master Permit applicants shall be required to agree to each condition set forth in the permit form. If granted, the master permit shall permit the department of agriculture in the state of origin to authorize shipment of regulated articles into Florida subject to the requirements and conditions of the master permit.

2. Issuance of a certificate accompanying each shipment and bearing the signature of an inspector of the state of origin certifying and stating that the host plants were produced in an area free of Saint Augustine Decline disease, and have been inspected during a period of active growth and found to be free of Saint Augustine Decline disease.

(2) through (3) No change.

Specific Authority 570.07(13),(23) FS. Law Implemented 581.031(4),(5),(15),(20) FS. History-New 12-24-71, Repromulgated 12-31-74, Formerly 5B-36.05, Amended 5-13-93,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Constance C. Riherd, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, Florida 32614-7100

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Gaskalla, Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, Florida 32614-7100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 17, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 4, 2000

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Lettuce Mosaic 5B-38

RULE TITLE: RULE NO.:

Certification Requirements 5B-38.006

PURPOSE AND EFFECT: The purpose of this rule revision is to meet the requirements of Sections 120.52(15), F.S., which provides in part that a rule includes any form which imposes any requirement or solicits any information not specifically required by statute or by an existing rule.

SUMMARY: Form DACS-08043, Application For Exemption From Certified Lettuce Seed, Revised 10/99 is filed by reference in this rule.

SPECIFIC AUTHORITY: 570.07(13),(23) FS.

LAW IMPLEMENTED: 581.031(4),(5),(23),(26) 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., April 24, 2000

PLACE: Division of Plant Industry, Doyle Conner Building, 1911 S. W. 34th Street, Gainesville, FL 32608

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: 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 32608, Phone (352)372-3505

THE FULL TEXT OF THE PROPOSED RULE IS:

5B-38.006 Certification Requirements.

(1) through (2) No change.

(3) EXCEPTIONS: Any person desiring to plant lettuce plants or seed that do not meet the requirements of (1) or (2) above may apply for a special permit DACS-08043, Revised 10/99, (PI-43) to plant such seeds or plants. A written request on Section A of Form DACS-08043, PI-43, revised 10/99 11/92, and incorporated into this rule by reference, shall be made to the department. In evaluating each request, the department shall consider the possible risks and benefits of the applicant's proposed growing project. Compliance agreements, DACS-08031, revised 5/99, and incorporated into this rule by reference, may also be entered into which shall state any special conditions under which the exception is made. Copies of DACS-08043, Application For Exemption From Certified Lettuce Seed, revised 10/99, and DACS-08031, revised 5/99, Form PI-43 may be obtained from the Division of Plant Industry, P. O. Box 147100, Gainesville, Florida 32614-7100.

Specific Authority 570.07(13),(23) FS. Law Implemented 581.031(4),(5),(23),(26) FS. History-New 5-1-73, Repromulgated 12-31-74, Formerly 5B-38.06, Amended 5-25-93,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Constance C. Riherd, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, Florida 32614-7100

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Gaskalla, Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, Florida 32614-7100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 17, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 4, 2000

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE CHAPTER TITLE: Nematodes of Citrus
 RULE CHAPTER NO.: 5B-44

RULE TITLE: Movement of Regulated Articles
 RULE NO.: 5B-44.008

PURPOSE AND EFFECT: The purpose of this rule revision is to meet the requirements of Section 120.52(15), F.S., which provides in part that a rule includes any form which imposes any requirement or solicits any information not specifically required by statute or by an existing rule.

SUMMARY: Forms DACS-08048, Burrowing Nematode Certificate, DACS-08086, Request For Authorization To Print Certificates (Tags) of Inspection, and DACS-08038, Citrus Nursery Stock Inspection Certificate Tag, are filed by reference in 5B-44.008.

SPECIFIC AUTHORITY: 570.07(23), 581.031(1),(5) FS.

LAW IMPLEMENTED: 581.031(7),(9),(23) 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., April 24, 2000

PLACE: Doyle Conner Building, 1911 S. W. 34th Street, Gainesville, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Constance C. Riherd, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, Florida 32614-7100, Phone (352)372-3505

THE FULL TEXT OF THE PROPOSED RULE IS:

5B-44.008 Movement of Regulated Articles.

Movement of regulated articles into or within the state, including but not limited to, host plants and parts thereof; soil, including peat, muck and other soil types; limerock; sod; debris; used equipment; or any other regulated article associated with nematodes of citrus listed under 5B-44.003(1) is prohibited unless accompanied by a Burrowing Nematode (BN) Certificate (BN), DACS-08048, revised 2/00. Movement of regulated articles associated with nematodes of citrus as listed under 5B-44.003(2), including but not limited to, host plants including dooryard citrus and any parts thereof; soil, including peat, muck, and other soil types; limerock; sod; debris; used equipment; or any other article designated by the department as a regulated article into or within a minimum distance of 100 feet of any approved citrus nursery site, approved citrus nursery, approved soil pit, commercial citrus grove, or a commercial citrus grove site is prohibited unless

accompanied by a Burrowing Nematode (BN) Certificate (BN). Where necessary, a greater distance may be required by the department. Burrowing Nematode Certificate, DACS-08048, revised 2/00, is supplied by the division for this purpose and is incorporated herein by reference. Copies of DACS-08048, Burrowing Nematode Certificate and DACS-08086, Revised 1/00, Request For Authorization To Print Certificates (Tags) of Inspection, may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, P. O. Box 147100, Gainesville, Florida 32614-7100. All citrus nursery stock meeting the requirements of this rule chapter, that is being moved into a commercial citrus grove, shall be accompanied by a Citrus Nursery Stock Inspection Tag, DACS-08038, revised 7/99, incorporated herein by reference. A copy of this Citrus Nursery Stock Inspection Certificate Tag, DACS-08038, shall be retained by the seller for a period of three (3) years and made available to the department on demand. Copies of DACS-08038 may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, P. O. Box 147100, Gainesville, FL 32614-7100.

Specific Authority 570.07(23), 581.031(1),(5) FS. Law Implemented 581.031(7),(9),(23) FS. History—New 6-15-81, Formerly 5B-44.08, Amended 6-15-87, 6-4-95.

NAME OF PERSON ORIGINATING PROPOSED RULE: Constance C. Riherd, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, Florida 32614-7100

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Gaskalla, Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, Florida 32614-7100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 17, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 4, 2000

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE CHAPTER TITLE: Boll Weevil Eradication
 RULE CHAPTER NO.: 5B-52

RULE TITLES: Definitions
 RULE NOS: 5B-52.001

Planting Cotton in the Eradication Zone and Required Participation 5B-52.007

Treatment of Cotton in the Eradication Zone 5B-52.008

Submission of Reporting Forms, Assessments and Penalties for Late Payment, and Cotton Destruction 5B-52.009

Cotton Stalk Destruction 5B-52.010
 Movement of Regulated Articles 5B-52.011
 Issuance of Boll Weevil Certificates and Compliance Agreements 5B-52.012

PURPOSE AND EFFECT: The purpose of this rule revision is to identify the Southeastern Boll Weevil Eradication Foundation, Inc. as the organization responsible for conducting the treatment of cotton in the eradication zone. The United States Department of Agriculture is no longer directly involved with boll weevil eradication in the Southeastern United States; to bring this rule into compliance with Section 120.55(1)(a)4, FS, by filing by reference pertinent forms used by the program; and finally, to change the name of the federal Agricultural Stabilization and Conservation Service (ASCS) to the federal Farm Service Agency (FSA).

SUMMARY: Southeastern Boll Weevil Eradication Foundation, Inc. is defined under 5B-52.001; Forms DACS-08193, Cotton Acreage Reporting Form, DACS-08239, Letter of Transmittal, DACS-08164, Cotton Destruction Verification Form, DACS-08162, Boll Weevil Certificate, and DACS-08031, Compliance Agreement, are filed by reference in these rules.

SPECIFIC AUTHORITY: 570.07(23), 593.103(2), 593.109 FS.

LAW IMPLEMENTED: 593.103(2),(4),(6),(10),(13), 593.105, 593.109, 593.114, 593.116 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., April 24, 2000
 PLACE: Doyle Conner Building, 1911 S. W. 34th Street, Gainesville, FL 32608

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: 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 32608, Phone (352)372-3505

THE FULL TEXT OF THE PROPOSED RULES IS:

5B-52.001 Definitions.
 (1) through (21) No change.

(22) Southeastern Boll Weevil Eradication Foundation, Inc. A nonprofit organization comprised of cotton growers and state plant regulatory officials representing all cotton growing states in the Southeastern United States. The Southeastern Boll Weevil Eradication Foundation, Inc. was established to provide guidance to the state foundations and conduct the eradication of the boll weevil throughout the cotton growing areas of the Southeastern United States.

~~(23)~~(22) Suppressive area. An area where an attempt is being made to contain and control the population of boll weevil.

Specific Authority 570.07(23) FS., Section 3(2), Chapter 87-55, Laws of Florida. Law Implemented Chapter 87-55, Laws of Florida. History--New 12-21-87, Amended.

5B-52.007 Planting Cotton in the Eradication Zone and Required Participation.

- (1) No change.
- (2) Noncommercial cotton. Noncommercial cotton shall not be produced in the eradication zone except by written authorization under special permit issued by the division director for research purposes.
- (3) through (4) No change.

Specific Authority 570.07(23) FS., Section 3(2), Chapter 87-55, Laws of Florida. Law Implemented Chapter 87-55, Laws of Florida. History--New 12-21-87, Amended.

5B-52.008 Treatment of Cotton in the Eradication Zone.
 The treatment of cotton in the eradication zone shall be the responsibility of the Southeastern Boll Weevil Eradication Foundation, Inc. USDA and shall be accomplished under their authority and direction.

Specific Authority 570.07(23) FS., Section 3(2), Chapter 87-55, Laws of Florida. Law Implemented Chapter 87-55, Laws of Florida. History--New 12-21-87, Amended.

5B-52.009 Submission of Reporting Forms, Assessments and Penalties for Late Payment, and Cotton Destruction.

(1) Each commercial cotton grower shall submit a completed Cotton Acreage Reporting Form (DACs-08193, Revised 10/99) and incorporated herein by reference, to the federal Farm Service Agency (FSA) Intended Cotton Acreage Reporting Form (PI-163) to the federal Agricultural Stabilization and Conservation Service (ASCS) office servicing the county where the cotton is grown. A copy of the Cotton Acreage Reporting Form may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100. Form PI-163 The Cotton Acreage Reporting Form shall be submitted between March 1 and April 30 ~~29~~ of each year the program remains in effect.

(2) The per acre annual assessment for each acre is \$5.00 for 1987, \$17.50 for 1988, \$25 for 1989, and \$27 for 1990, \$14 for 1991, \$18 for 1992, \$10 for 1993, and \$6.50 for 1994. Thereafter, as long as a containment program is necessary, containment costs shall not exceed \$10 per acre. The cotton growers' share of the total assessment shall be due by June 15 each year the program is in effect. Assessments that were unpaid as of September 1 of 1987-1993 are subject to a penalty fee of \$4 per acre. Commencing with 1994 and thereafter, payments not received by July 15 shall be subject to a penalty fee of 20 percent of the unpaid assessment. Penalty fees shall

not exceed \$25 per acre. Assessment payments and penalty fees shall be paid at the local Farm Service Agency ASCS office.

(3) All assessments and penalty fees collected by the federal Farm Service Agency ASCS shall be remitted to the department and accompanied by a completed Letter of Transmittal Form (DACS-08239, revised 10/99) and incorporated herein by reference, as prescribed in a cooperative agreement between the department and the state federal Farm Service Agency ASCS office and shall be deposited in the State Treasury to the credit of the Plant Industry Fund. A copy of the Letter of Transmittal form may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100.

(4) Penalty fees shall be waived by the division director only upon recommendation of the Foundation.

Specific Authority 570.07(23), 593.103(2) FS. Law Implemented 593.103(4),(10), 593.105, 593.109 FS. History—New 12-21-87, Amended 4-2-89, 12-24-90, 6-26-94,_____.

5B-52.010 Cotton Stalk Destruction.

Each commercial cotton grower, when requested by the Department shall destroy all cotton stalks. All cotton stalks shall be destroyed by February 1 each year the program is in effect. Verification of cotton stalk destruction shall be reported on a Cotton Destruction Verification Form (DACS-08164, revised 10/99) and incorporated herein by reference. A copy of the Cotton Destruction Verification Form may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100. Cotton stalks not destroyed by such date shall be deemed a public nuisance and subject to a penalty fee of \$10.00 per acre. The department may apply to any court of competent jurisdiction, and the court is authorized, in its discretion, to issue judgment and order condemnation and destruction of the nuisance. The grower is liable for all court costs, fees, and other expenses incurred in such action.

Specific Authority 570.07(23), 593.103(2) FS. Law Implemented 593.103(13), 593.109, 593.116 FS. History—New 12-21-87, Amended 4-2-89,_____.

5B-52.011 Movement of Regulated Articles.

(1) through (2) No change.

(3) Intrastate movement.

(a) Regulated articles originating in a suppressive area shall be authorized to move to an area described as a regulated area by the department when accompanied by an authenticated boll weevil certificate, (DACS-08162, revised 11/99) and incorporated herein by reference. A copy of the Boll Weevil Certificate may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100.

(b) through (d) No change.

Specific Authority 570.07(23) FS. Law Implemented 593.103(2),(5),(7) FS. History—New 12-21-87, Amended 7-5-95,_____.

5B-52.012 Issuance of Boll Weevil Certificates and Compliance Agreements, Cancellations, and Attachments.

(1) Issuance of boll weevil certificates and compliance agreements.

(a) Boll weevil certificates. Boll weevil certificates (DACS-08162, revised 11/99) shall be issued for the movement of regulated articles. ~~under any of the following conditions~~ Conditions requiring a certificate for the movement of regulated articles are as follows:

1. When, in the judgment of an authorized representative, regulated articles have not been exposed to infestation.

2. When regulated articles have been examined by an authorized representative and found to be free of infestation.

3. When regulated articles have been treated as prescribed by the USDA or the department under the supervision of an authorized representative.

(b) Compliance agreement. As a condition to receiving a boll weevil certificate (DACS-08162, revised 11/99) for the movement of regulated articles, any person engaged in producing, purchasing, exchanging, processing, utilizing, treating, or moving regulated articles from a regulated area shall be required by the department to sign a compliance agreement (DACS-08031, Revised 5/99) and incorporated herein by reference, stipulating that he will carry out all conditions, treatments, precautions, and sanitary measures deemed necessary by the department to prevent dissemination of boll weevil, including segregation and maintenance of identity of such articles, under supervision of an authorized representative. Any violation of such compliance agreement shall result in its cancellation. A copy of the compliance agreement form (DACS-08031) may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100.

(2) Cancellation. Boll weevil certificates (DACS-08162) issued for the movement of regulated articles shall be withdrawn or canceled and further issuance of boll weevil certificates for the movement of such articles shall be refused by the department when it is determined that further use of such certificates could result in the spread of boll weevil.

(3) Attachment. When offered for movement, the container of regulated articles or, if there is no container, the article itself shall be required to have an authenticated boll weevil certificate (DACS-08162) securely attached.

Specific Authority 570.07(23) FS. Law Implemented 593.103(2) FS. History—New 12-21-87, Amended 7-5-95,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Constance C. Riherd, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, Florida 32614-7100

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Gaskalla, Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, Florida 32614-7100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 17, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 4, 2000

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE CHAPTER TITLE: Pests of Honeybees And Unwanted Races of Honeybees

RULE CHAPTER NO.: 5B-54

RULE TITLES: Definitions

RULE NOS.: 5B-54.001

Movement of Regulated Articles

5B-54.006

Registration with the Department

5B-54.010

Apiary Inspection Procedures

5B-54.011

Issuance of Compliance Agreements and Certificates

5B-54.014

Special Inspection to Meet Requirements of Other States and For Export to Foreign Countries

5B-54.015

Interim Detention of Honeybees and Equipment Destruction or Treatment of Infested or Infected Hive

5B-54.016

Compensation for Infested or Infected Colonies

5B-54.018

Procedures for Abandoned Apiaries Forms

5B-54.019
5B-54.020

PURPOSE AND EFFECT: The purpose of this rule revision is to bring this rule into compliance with Sections 120.52(15) and 120.55(1)(a)(4), F.S., which provides in part that a rule includes any form which imposes any requirement or solicits any information not specifically required by statute or by an existing rule, the form incorporated by reference in the rule, and an explanation of how the form may be obtained. Also, to make this Rule Chapter consistent with Chapter 586.11, the requirement for a permit to bring honeybees into Florida is removed since Florida now accepts certification from the state of origin. When certification is not available, a compliance agreement is entered into.

SUMMARY: These rules are amended to incorporate by reference Division forms which impose a requirement or solicit information not specifically required by statute. Further, the requirement for a permit to bring honeybees into Florida is removed since certification from the state of origin is accepted. If certification is not available, a compliance agreement is issued.

SPECIFIC AUTHORITY: 586.10(2) FS.

LAW IMPLEMENTED: 586.025, 586.03(3), 586.035(1), 586.045, 586.09, 586.10(1),(2),(4),(6),(7),(9),(11),(12), 586.11, 586.115, 586.13(1), 586.14, 586.15 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., April 24, 2000

PLACE: Doyle Conner Building, 1911 S. W. 34th Street, Gainesville, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: 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 32608, Phone (352)372-3505

THE FULL TEXT OF THE PROPOSED RULES IS:

5B-54.001 Definitions.

For the purpose of this chapter, the definitions in Section 586.02, Florida Statutes, and the following definitions shall apply:

(1) through (4) No change.

~~(5) Permit. An official document issued by the department to out-of-state beekeepers for the entrance of honeybees and other regulated articles as stipulated by this chapter.~~

~~(5)(6)~~ USDA. United States Department of Agriculture, Animal and Plant Health Inspection Services, Plant Protection and Quarantine.

Specific Authority 586.10(2) FS. Law Implemented 586.09, 586.10(2), 586.11 FS. History—New 11-22-88, Amended.

5B-54.006 Movement of Regulated Articles.

(1) International movement. Regulated articles as listed under 5B-54.005 are prohibited entry into the state unless accompanied by an official letter ~~or permit~~ issued by the Division Director authorizing entry under special conditions.

(2) through (3) No change.

Specific Authority 586.10(2) FS. Law Implemented 586.025, 586.035(1), 586.10(1),(6), 586.11, 586.13(1) FS. History—New 11-22-88, Amended 11-4-92, .

5B-54.010 Registration with the Department.

Each beekeeper having honeybee colonies within the state must register with the department utilizing the following procedures:

(1) Application for registration of beekeeping operations shall be made upon a form furnished by the department. The form shall contain provisions with which the applicant must comply and must be signed by the applicant or applicant's representative. Form DACS-08176, PI-176, Application for Beekeeping Registration, revised 7/99 ~~May 1992~~, is hereby incorporated in this rule by reference. A copy of DACS-08176

may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100.

(2) Applicant's honeybees shall have been inspected by an authorized representative of the department within a 12-month period preceding the date of application and found to be apparently free from honeybee pests listed under 5B-54.003 and unwanted races of honeybees listed under 5B-54.004 and to be reasonably free from common honeybee pests.

(3) By signing the application the beekeeper agrees to comply with appropriate rules of the department. Each application for registration (DACS-08176) or renewal of registration (~~PI-176~~) must be accompanied by the proper registration fee based on the total number of colonies operated by the registrant as follows:

<u>Number of Colonies</u>	<u>Fee</u>
1 - 5	\$ 5
6 - 40	10
41 - 200	20
201 - 500	35
501 - 2000	50
2001 - 5000	75
Over 5000	100

(4) Upon approval of the application, the department will issue to the beekeeper a Certificate of Beekeeping Registration. Form DACS-08177, ~~PI-177~~, Certificate of Beekeeping Registration, revised 4/99 ~~9-94~~, is hereby incorporated in this rule by reference. A copy of DACS-08177 may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100.

(5) Application for annual renewal of the certificate must be made not later than the anniversary date of the certificate and must be accompanied by the appropriate registration fee.

(6) An application received after the anniversary date shall be accompanied by a \$10 late filing fee.

(7) Failure to register is a violation of Section 586.045, Florida Statutes, and is subject to the penalties set forth in Section 586.15, Florida Statutes.

Specific Authority 586.10(2) FS. Law Implemented 586.045, 586.10(9), 586.10(12), 586.15 FS. History--New 11-22-88, Amended 11-4-92,_____.

5B-54.011 Apiary Inspection Procedures.

(1) Each Florida apiary shall be inspected and a report issued by an authorized representative of the department at such intervals as the department deems best for the detection of honeybee pests listed under 5B-54.003 and unwanted races of honeybees under 5B-54.004. Form Apiary Inspection Report, DACS-08206, Revised 6/99, is hereby incorporated in this rule by reference. A copy of DACS-08206 may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100.

(2) Routine inspection of an apiary shall include actual visual inspection of not less than five (5) percent of the hives included in the apiary. One hundred (100) percent of the hives may be inspected if determined appropriate by the department. A minimum of ten (10) hives shall be inspected in the apiary with all hives inspected in any apiary consisting of less than ten (10) hives.

Specific Authority 586.10(2) FS. Law Implemented 586.10(4),(9) FS. History--New 11-22-88, Amended 11-4-92,_____.

5B-54.014 Issuance of Compliance Agreements Permits and Certificates.

(1) ~~Compliance Agreements Permits~~. The department may issue a compliance agreement permit for the movement of regulated articles, as listed under 5B-54.005, from another state for entrance into Florida under any of the following conditions:

~~(a) When regulated articles have been inspected by an authorized representative of the state of origin or the department and found to be apparently free of infection or infestation by a honeybee pest or unwanted race of honeybees as listed under 5B-54.003 and 5B-54.004 or when in compliance with 5B-54.017;~~

~~(b) When regulated articles have been treated under the supervision of an authorized representative of the state of origin, the department, or the USDA with a treatment method approved by the department;~~

~~(a)(e)~~ When movement of non-certified regulated articles to specified destinations for limited handling, utilization, or processing is requested.

~~(b)(d)~~ Each permit compliance agreement will prescribe the conditions under which the regulated articles are allowed to move. Form Compliance Agreement, DACS-08031, Revised 5/99, is hereby incorporated in this rule by reference. A copy of DACS-08031 may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100.

(2) Certificates of Inspection.

(a) A certificate is required on each sale or movement of honeybees and other regulated articles within the state unless such regulated articles are identified as specified in 5B-54.013. Forms DACS-08061, revised 8/99 ~~PI-57, revised 6-92~~, Certificate of Inspection for Out of State Shipments and Re-entry Into Florida, and incorporated herein by reference, or a Queen Certificate, DACS-08057, revised 10/99, and incorporated herein by reference, or a Varroa Mite Certificate, DACS-08165, revised 10/99, and incorporated herein by reference, may be used for this purpose. A copy of forms DACS-08061, DACS-08057 and DACS-08165 may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100.

(b) A certificate, DACS-08061 or DACS-08057, is required on shipments of honeybees or other regulated articles going from the state showing that certification requirements have been met. ~~Forms PI-57 and PI-61, revised 5/92, to be used for this purpose, are hereby incorporated in this rule by reference.~~

Specific Authority 586.10(2) FS. Law Implemented 586.10(7), 586.09, 586.11 FS. History—New 11-22-88, Amended 11-4-92, 7-9-95, _____.

5B-54.015 Special Inspection to Meet Requirements of Other States and For Export to Foreign Countries.

Any person may request the department to provide inspection, sampling, and laboratory examination of honeybees and beekeeping equipment for the purpose of determining eligibility to meet special requirements for shipment to other states and for export, under the following procedures:

(1) File a request for inspection on a form provided by the department. Form DACS-08179 PI-179, Request for Special Inspection, revised 10/99, 5-21-92, is hereby incorporated in this rule by reference. A copy of form DACS-08179, may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100.

(2) Provide authorized representatives with directions to the apiary, and, if requested, assistance in handling the colonies and equipment for examination.

Specific Authority 586.10(2) FS. Law Implemented 586.02(12), 586.03(3) FS. History—New 11-22-88, Amended 11-4-92, _____.

5B-54.016 Interim Detention of Honeybees and Equipment.

Any honeybees and used beekeeping equipment, whether certified or not, may be detained for inspection by the department. If such bees or used beekeeping equipment are found to have been moved or transported into the state or within the state in violation of the rules of the department, or if found infested or infected with any regulated honeybee pests or unwanted races of honeybees, such honeybees or used beekeeping equipment shall be deported, destroyed or treated by the department within 48 hours upon the order of the department. Daily Apiary Movement Reporting Form, DACS-08201, Revised 10/99, to be used for this purpose is incorporated into this rule by reference. A copy of DACS-08201, may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100.

Specific Authority 586.10(2) FS. Law Implemented 586.10(4), 586.115, 586.13 FS. History—New 11-22-88, Amended _____.

5B-54.017 Destruction or Treatment of Infested or Infected Hives.

(1) American foulbrood. All hives found infected or infested with American foulbrood shall be destroyed by burning or shall be decontaminated by other methods prescribed or approved by the department. This action must be

accomplished within 30 ~~40~~ days of diagnosis and honeybee colonies and related equipment must be stored or maintained in such a manner that exposure to other honeybees is prevented. All colonies found in the same apiary where American foulbrood is detected shall be quarantined for a minimum of 30 days by issuing a Notice of Quarantine For American Foulbrood to determine apparent freedom from American foulbrood disease. Notice of Quarantine For American Foulbrood, DACS-08063, Revised 12/99, is hereby incorporated in this rule by reference. A copy of DACS-08063, may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100.

(2) Other honeybee pests and unwanted races of honeybees. Discovery of other honeybee pests or unwanted races of honeybees in the state shall initiate the quarantine of all colonies located within a distance prescribed by the department of the infested apiary. All honeybees within the quarantine area shall be inspected. A recommended eradication or control method shall be determined and prescribed by the department.

(3) Varroa mite. All hives found infested with Varroa mite shall be treated prior to movement with an acaricide approved by the Department and will not have more than two (2) Varroa mites in an ether roll of 200 bees in the post treatment survey. ~~in accordance with Compliance Agreement PI-167, revised 10-92, incorporated in this rule by reference~~ A Varroa Mite Certificate, DACS-08165, Revised 10/99, is to be issued following an acceptable survey. A copy of DACS-08165, may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100.

Specific Authority 586.10(2) FS. Law Implemented 586.10(4), 586.115, 586.13 FS. History—New 11-22-88, Amended 11-4-92, 7-9-95, _____.

5B-54.018 Compensation for Infested or Infected Colonies.

(1) Florida resident owners of colonies and regulated articles destroyed due to infection or infestation with American foulbrood shall be compensated at the rate of ½ the estimated value of the honeybees and equipment, provided funding is available for this purpose; however, compensation shall not exceed \$30.00. The condition of the equipment to be destroyed shall be rated by the inspector and the beekeeper as good, fair, or poor. Any disagreement over the condition or value of equipment to be destroyed shall be arbitrated by the Chief of Apiary Inspection, the Cooperative Extension Service Apiary Specialist, and the Chairman of the Honeybee Technical Council. A Compensation Agreement, including the owner's Social Security number, must be signed by the owner. The Compensation Agreement form, DACS-08062, Revised 7/99, is hereby incorporated in this rule by reference. A copy of

DACS-08062, may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100.

(2) No change.

Specific Authority 586.10(2) FS. Law Implemented 586.13, 586.14 FS. History—New 11-22-88, Amended 11-4-92, _____.

5B-54.019 Procedures for Abandoned Apiaries.

Any apiary found without proper identification or registration information is considered abandoned after which the following will apply:

(1) An inventory of the apiary will be conducted and each hive and piece of equipment tagged with an official department tag indicating the department's label of abandonment. Notice of Abandonment, Form DACS-08180, PI-180, revised 10/99, 5/92, to be used for this purpose, is hereby incorporated in this rule by reference. A local law enforcement agency and the landowner will be informed by written notice of the geographic location of such apiary. A copy of DACS-08180, Notice of Abandonment, may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100.

(2) through (8) No change.

Specific Authority 586.10(2) FS. Law Implemented 586.10(11),(12) FS. History—New 11-22-88, Amended 11-4-92, _____.

5B-54.020 Forms.

~~All forms required under this rule chapter may be obtained from the Division of Plant Industry, P. O. Box 147100, Gainesville, Florida 32614-7100.~~

Specific Authority 586.10(2) FS. Law Implemented 586.10(2) FS. History—New 11-22-88, Amended 11-4-92, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Constance C. Riherd, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, Florida 32614-7100

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Gaskalla, Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, Florida 32614-7100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 17, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 4, 2000

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE CHAPTER TITLE: Dogwood Anthracnose
RULE TITLE: Interstate Movement
RULE CHAPTER NO.: 5B-55
RULE NO.: 5B-55.006

PURPOSE AND EFFECT: The purpose is to bring this rule in compliance with Section 120.55(1)(a)4., F.S., by adopting by reference the Master Permit Form, DACS-08047, Revised 11/99, and supplying an address where the form can be obtained.

SUMMARY: Amends Rule 5B-55.006 by adopting by reference the Master Permit, DACS-08047, Revised 11/99, which is required for host plants of dogwood anthracnose to enter the state.

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

LAW IMPLEMENTED: 581.031(4),(15),(20), 581.083 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., April 24, 2000

PLACE: Doyle Conner Building, 1911 S. W. 34th Street, Gainesville, FL 32608

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: 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 32608, Phone (352)372-3505

THE FULL TEXT OF THE PROPOSED RULE IS:

5B-55.006 Interstate Movement.

(1) The movement of dogwood anthracnose or a host plant into the state from an infested or regulated area is prohibited except by master permit issued by the director. (Form DACS-08047 PI-196, revised 11/99 5/96, is incorporated by reference. Copies may be obtained from Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100). Dogwood anthracnose or any host plant may enter the state of Florida for research purposes with prior written permission from the director.

(2) through (3) No change.

Specific Authority 570.07(23), 581.031(4) FS. Law Implemented 581.031(4),(15),(20), 581.083 FS. History—New 9-18-89, Amended 8-19-96, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Constance C. Riherd, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, Florida 32614-7100

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Gaskalla, Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, Florida 32614-7100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 17, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: February 4, 2000

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Introduction or Release of Plant Pests,
 Noxious Weeds, Arthropods, and
 Biological Control Agents 5B-57

RULE TITLES: RULE NOS.:

Possession or Movement of Plant Pests and
 Noxious Weeds Regulated by the
 Department and the USDA 5B-57.003

Possession or Movement of Arthropods, Plant
 Pests, or Noxious Weeds Regulated by the
 Department 5B-57.004

PURPOSE AND EFFECT: The purpose of this rule revision is to meet the requirements of Sections 120.52(15) and 120.55(1)(a)4., F.S., which provides in part that a rule includes any form which imposes any requirement or solicits any information not specifically required by statute or by an existing rule, the form incorporated by reference in the rule, and an explanation of how the form may be obtained.

SUMMARY: Forms DACS-080208, Application and Permit to Move Organisms Regulated By the State of Florida, and DACS-08214, Pathogen Introduction Form are filed by reference in these rules.

SPECIFIC AUTHORITY: 570.07(13),(23) FS.

LAW IMPLEMENTED: 581.031(4),(5),(6),(7),(26), 581.083 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., April 24, 2000

PLACE: Division of Plant Industry, Doyle Conner Building, 1911 S. W. 34th Street, Gainesville, FL 32608

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: 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 32608, Phone (352)372-3505

THE FULL TEXT OF THE PROPOSED RULES IS:

5B-57.003 Possession or Movement of Plant Pests and Noxious Weeds Regulated by the Department and the USDA.

(1) It is unlawful to introduce, possess, move, or release any plant pest or noxious weed regulated by the department and the USDA except under permit issued by the department or the USDA. No permit shall be issued unless the department has determined that procedures exist to adequately contain the

plant pest or noxious weed or that it will not pose a threat to the agricultural industry or the environment. The department's evaluation of permit applications may rely on findings of the Department of Natural Resources, The Florida Game and Fresh Water Fish Commission, the United States Department of Agriculture, or any other agency with expertise in the area. The application procedures for a permit are as follows:

(2) Complete USDA/APHIS PPQ Form 526, Application For Permit to Move Live Plant Pests and Noxious Weeds. PPQ Form 526, effective October 1988, is incorporated into this rule chapter by reference. Copies of the form may be obtained from the Division of Plant Industry, P. O. Box 147100, Gainesville, Florida 32614-7100 or the USDA, APHIS-PPQ, Biological Assessment and Taxonomic Support, Hyattsville, Maryland 20782. A department Pathogen Informational Form is also required for plant pathogens. Pathogen Informational Form DACS-08214 Revised 01/00, (PI-214), effective May 1993, is incorporated into this rule chapter by reference. Copies may be obtained from the Division of Plant Industry, P. O. Box 147100, Gainesville, Florida 32614-7100.

(3) through (4) No change.

Specific Authority 570.07(13),(23) FS. Law Implemented 581.031(4),(5),(6),(7),(26), 581.083 FS. History—New 7-27-93, Amended

5B-57.004 Possession or Movement of Arthropods, Plant Pests, or Noxious Weeds Regulated by the Department.

(1) It is unlawful to introduce, possess, move, or release any arthropod or noxious weed regulated by the department except under permit issued by the department. No permit shall be issued unless the department has determined that the arthropod or noxious weed can be contained to prevent escape into the environment or that it will not pose a threat to agriculture, beneficial organisms, or the environment or become a public nuisance. In making such determinations the department may rely on the findings of other agencies and groups as listed in 5B-57.003. The application procedures for permits are as follows:

(2) Application for permit shall be made on form DACS-08208, PI-208: Application and Permit to Move Organisms Regulated By The State of Florida, DACS-08208, Revised 01/00, (PI-208), effective May 1993, is incorporated into this rule chapter by reference. Copies may be obtained from the Division of Plant Industry, P. O. Box 147100, Gainesville, Florida 32614-7100.

(3) through (5) No change.

Specific Authority 570.07(13),(23) FS. Law Implemented 581.031(6),(7), 581.083, 581.091 FS. History—New 7-27-93, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Constance C. Riherd, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, Florida 32614-7100

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Gaskalla, Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, Florida 32614-7100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 17, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 4, 2000

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE CHAPTER TITLE: Citrus Budwood Protection Program

RULE CHAPTER NO.: 5B-60

RULE TITLES: Citrus Budwood Protection Procedure Manual, Citrus Budwood Testing Manual, and Graft-transmissible Diseases of Citrus: Handbook for detection and diagnosis

RULE NOS.: 5B-60.004

Citrus Nursery Stock Propagation and Planting Parent Trees 5B-60.006
 Scion Trees 5B-60.007
 Validated Tree 5B-60.011
 Fees 5B-60.015
 Exemptions 5B-60.016

PURPOSE AND EFFECT: The purpose of this rule revision is to meet the requirements of Sections 120.52(15) and 120.55(1)(a)4., F.S., which provides in part that a rule includes any form which imposes any requirement or solicits any information not specifically required by statute or by an existing rule, the form incorporated by reference in the rule, and an explanation of how the form may be obtained. Two fee changes, which were inadvertently left out of the rule amendment effective February 1, 2000, are included. These are 1) shoot-tip grafting fee is increased to \$500, and 2) changed to actual cost for shipping and handling for budwood and seed in Florida in order not to have a rule change every time postal fees increase.

SUMMARY: Various forms are incorporated by reference in these rules, change to actual cost for shipping and handling for budwood and seed in Florida, and the fee for shoot-tip grafting is increased to \$500.

SPECIFIC AUTHORITY: 570.07(23), 581.031(1),(3),(8) FS.

LAW IMPLEMENTED: 570.07(2),(13),(23), 570.0705, 581.031(1),(14),(17),(23) 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., April 24, 2000

PLACE: Division of Plant Industry, Doyle Conner Building, 1911 S. W. 34th Street, Gainesville, FL 32608

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: 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 32608, Phone (352)372-3505

THE FULL TEXT OF THE PROPOSED RULES IS:

5B-60.004 Citrus Budwood Protection Procedure Manual, Citrus Budwood Testing Manual, and Graft-transmissible Diseases of Citrus: Handbook for Detection and Diagnosis. The regulations, definitions, and standards in Citrus Budwood Protection Procedure Manual, Revised 1/21/00 ~~9/15/99~~, Citrus Budwood Testing Manual, Revised September 16, 1999, and C. N. Rostacher, Graft-transmissible Diseases of Citrus: Handbook for detection and diagnosis. (Food and Agricultural Organization of the United Nations, Rome, 1991) are hereby adopted as regulations and rules under the Division of Plant Industry, pursuant to Chapter 581, F.S. Copies may be obtained by contacting the Secretary of State's Office, Tallahassee, Florida. Copies are available for examination at the Florida Department of Agriculture and Consumer Services, Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, Florida 33881, and the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Plant Pathology Section, 1911 S.W. 34th Street, Gainesville, Florida 32608-1201.

Specific Authority 570.07(23), 581.031(1),(3),(8) FS. Law Implemented 570.07(23), 570.0705, 581.031(1),(14),(17),(23) FS. History--New 9-30-96, Amended 11-4-98, 2-1-00, _____.

5B-60.006 Citrus Nursery Stock Propagation and Planting.

(1) No change.

(2) Prior to propagating all dooryard, own-use and commercial citrus nursery stock, unless exempted in 5B-60.016, nurserymen and growers shall make application to produce citrus nursery stock on Form DACS-08066. Form DACS-08066, Revised 9/99 ~~6/99~~, is hereby adopted and incorporated by reference herein. The form may be obtained by writing or visiting the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, FL 33881-1438. Applicants must agree to comply with all the conditions which apply to the Citrus Budwood Protection Program as specified in this rule chapter.

(3) Commercial citrus nursery stock shall be propagated according to the following provisions unless exempted in 5B-60.016.

(a) Propagative material including budwood, air-layers, and cuttings shall be from parent trees, foundation trees, scion trees, increase or validated trees for which a Certificate of Source Tree Registration (DACs-08072) has been issued as specified in 5B-60.012. Form DACs-08072, Revised 1/00 ~~10/99~~, is hereby adopted and incorporated by reference herein.

The form may be obtained by writing or visiting the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, Florida 33881-1438.

(b) Budwood shall be taken under the direct supervision of a witness authorized by the department. Budwood from each source tree shall be wrapped separately. Each bundle shall be labeled showing variety, the tree identification number, and the number of buds counted or estimated.

(c) All propagative material data shall be recorded on a Source Tree Bud Cutting Report ~~registered budcutting report~~ (DACS-08172) and submitted to the Bureau of Citrus Budwood Registration at the time of collection. Form DACS-08172, Revised 10/99, is hereby adopted and incorporated by reference herein. Persons authorized to fill out a Source Tree Bud Cutting Report (DACS-08172), shall sign a Certification To Witness Registered Budwood form, DACS-08111, Revised 12/99, and incorporated in this rule by reference. These forms ~~The form~~ may be obtained by writing or visiting the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, Florida 33881-1438.

(d) through (i) No change.

(j) Laboratories that submit citrus tristeza virus test results to the Citrus Budwood Protection Program shall sign a Citrus Tristeza Virus Testing Laboratory Certification Compliance Agreement DACS-08031, revised 5/99, incorporated in this rule by reference. Form DACS-08031 may be obtained from the Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, FL 33881-1438.

(4) No change.

(5) Dooryard sources are initially recorded on a Record of Validated/Dooryard Source Trees Form DACS-08255, Revised 12/99, which is adopted and incorporated herein by reference. The form may be obtained by writing or visiting the Department of Agriculture and Consumer Services, Division of Plant Industry, Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, FL 33881-1438.

Specific Authority 570.07(23), 581.031(1),(3),(8) FS. Law Implemented 570.07(2),(13), 570.0705, 581.031(1),(14),(17),(23) FS. History--New 9-30-96, Amended 11-4-98, 2-1-00, _____.

5B-60.007 Parent Trees.

Parent trees are selected mature source trees belonging to a nurseryman or grower, or on property that the owner has given written permission to a nurseryman and the department for access for observation, testing, and budcutting. At the time of entry into the Citrus Budwood Protection Program the owner shall sign a Parent Tree Candidate Entry Form DACS-08298 effective 3/99. Form DACS-08298 may be obtained from the Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, FL 33881-1438.

(1) through (4) No change.

Specific Authority 570.07(23), 581.031(1),(3),(8) FS. Law Implemented 570.07(2),(13), 570.0705, 581.031(1),(14),(17),(23) FS. History--New 9-30-96, Amended 11-4-98, 2-1-00, _____.

5B-60.009 Scion Trees.

Scion trees shall be propagated from selected parent or foundation trees, be registered on a Certificate of Source Tree Registration (DACS-08072) as specified in 5B-60.012, and must meet the following requirements:

(1) The layout, design and planting of the scion grove shall meet the requirements specified in the Citrus Budwood Protection Procedure Manual and shall be done under the supervision of the department; Scion tree planting is witnessed by the department on Growers Record of Registered Scion Tree Movement Form DACS-08071, Revised 12/99, which is adopted and incorporated herein by reference. The form may be obtained by writing or visiting the Department of Agriculture and Consumer Services, Division of Plant Industry, Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, FL 33881-1438.

(2) through (4) No change.

(5) The nurseryman shall furnish the Bureau of Citrus Budwood Registration within 30 days following date of budding, a nursery plat on Form DACS-08073, revised 10/99 ~~9/99~~, which is adopted and incorporated herein by reference. The form may be obtained by writing or visiting the Department of Agriculture and Consumer Services, Division of Plant Industry, Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, FL 33881-1438. The nursery plat shall identify the location of each progeny tree, indicating the variety, rootstock, and the source tree registration number of the source;

(6) through (11) No change.

Specific Authority 570.07(23), 581.031(1),(3),(8) FS. Law Implemented 570.07(2),(13), 570.0705, 581.031(1),(14),(17),(23) FS. History--New 9-30-96, Amended 11-4-98, 2-1-00, _____.

5B-60.011 Validated Tree.

Validated source trees shall be validated on a Certificate of Source Tree Registration (DACS-08072), and must meet the following requirements:

(1) through (5) No change.

(6) Validated sources are initially recorded on a Record of Validated/Dooryard Source Trees Form DACS-08255, Revised 12/99, which is adopted and incorporated herein by reference. The form may be obtained by writing or visiting the Department of Agriculture and Consumer Services, Division of Plant Industry, Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, FL 33881-1438.

Specific Authority 570.07(23), 581.031(1),(3),(8) FS. Law Implemented 570.07(2),(13), 570.0705, 581.031(1),(14),(17),(23) FS. History--New 9-30-96, Amended 11-4-98, 2-1-00, _____.

5B-60.015 Fees.

An annual source tree registration fee shall be paid as follows:

Parent tree	\$5.00 per tree per year
Scion tree	\$2.00 per tree per year
Dooryard source tree	\$1.00 per tree per year
Validated source tree	\$1.00 per tree per year
Seed source tree	\$1.00 per tree per year
Additional fee: Reinstate a tree	\$5.00 plus the back annual registration fee
Miscellaneous fees for division services:	
Witnessing budwood cutting	Mileage ¹ and \$5.00 per 1000 budeyes cut, \$10 minimum,\$25 maximum
Citrus viroid or psorosis testing	\$60 per test
Parent tree indexing	\$175 per tree
Shoot-tip grafting	\$500 \$300
Budwood ² Cut from Citrus Budwood Foundation Groves, Screenhouses and/or Florida Citrus Arboretum	25 cents/eye, \$5.00 minimum
Tip Cuttings (6 inches)	50 cents each
Tip cuttings (6 inches) (Out-of-State)	\$1.50 cents each
New Division of Plant Industry releases	\$1.00/eye (first two years)
Budwood shipment (Out-of-State/Foreign)	75 cents/eye, \$50.00 minimum
Shipping and handling fee for budwood and seed in Florida.	Actual cost \$3.00 per shipment, or actual cost for large orders.

¹ Mileage shall be based on the prevailing State mileage rate.

² Requests for budwood are submitted on a Budwood Order Form DACS-08218, Revised 12/99, which is adopted and incorporated herein by reference. The form may be obtained by writing or visiting the Department of Agriculture and Consumer Services, Division of Plant Industry, Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, FL 33881-1438.

(1) through (3) No change.

Specific Authority 570.07(23), 581.031(1),(3),(8) FS. Law Implemented 570.07(2),(13), 570.0705, 581.031(1),(14),(17),(23) FS. History—New 9-30-96, Amended 11-4-98, 2-1-00,_____.

5B-60.016 Exemptions.

(1) No change.

(2) Citrus trees produced for research purposes in field plantings shall not be exempt from the program requirements contained in this rule chapter. Research facilities shall sign a

Citrus Budwood Protection Program Research Facility Compliance Agreement, DACS-08031, Revised 5/99, incorporated in this rule by reference. Form DACS-08031 may be obtained from the Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, FL 33881-1438. Requests to plant pathogen infected material for research projects shall be made on an Application and Permit To Plant Citrus Pathogen Infected Stock, DACS-08274, Revised ~~1/00~~ ~~10/99~~, and incorporated in this rule by reference. Form DACS-08274 may be obtained from the Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, FL 33881-1438.

(3) through (4) No change.

Specific Authority 570.07(23), 581.031(1),(3),(8) FS. Law Implemented 570.07(2),(13), 570.0705, 581.031(1),(14),(17),(23) FS. History—New 9-30-96, Amended 11-4-98, 2-1-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Constance C. Riherd, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, Florida 32614-7100
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Gaskalla, Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, Florida 32614-7100
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 17, 1999
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 4, 2000

DEPARTMENT OF EDUCATION

RULE TITLE: Responsibilities of Boards for Student Transportation
 RULE NO.: 6-3.017

PURPOSE AND EFFECT: The purpose of this rule revision is to adopt revised school bus inspection procedures and out-of-service criteria in the State of Florida School Bus Safety Inspection Manual. These revisions will ensure that the inspection of district school buses will incorporate the latest changes in the 2000 Revised Florida School Bus Specifications, Federal Motor Vehicle Safety Standards, and improvements in industry standards. The effect is to improve the quality of the inspection and the safety of district school buses through incorporation of the proposed changes. Implementation of the requirements that school bus inspections be conducted by technicians certified as school bus inspectors will ensure that only quality technicians and inspectors that meet the requirements for experience, training, and testing are inspecting school buses.

SUMMARY: These amendments incorporate in rule updated inspection procedures and out-of-service criteria in the State of Florida School Bus Safety Inspection Manual. Additionally, requirements are added that inspection of school buses shall be conducted by technicians certified as school bus inspectors.

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 the notice.

SPECIFIC AUTHORITY: 234.02(13) FS.

LAW IMPLEMENTED: 234.02 FS.

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

TIME AND DATE: 9:00 a.m., May 4, 2000

PLACE: Room 1702, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Wayne v. Pierson, Deputy Commissioner for Planning, Budgeting and Management, Department of Education, 400 South Monroe Street, Room 1702, Tallahassee, Florida 32399-0400, (850)488-6539

THE FULL TEXT OF THE PROPOSED RULE IS:

6-3.017 Responsibilities of School Districts for Student Transportation.

Each school district shall exercise specific powers and responsibilities, as follows:

- (1) through (7) No change.
- (8) Inspection and maintenance of school buses.

(a) To provide, after considering recommendations of the superintendent, adequate storage, maintenance and inspection procedures for all buses owned by the school board, and to assure that all contract buses in use in the district are properly inspected and maintained in accordance with law and rules of the State Board.

(b) The inspection shall be conducted in accordance with procedures and include all items listed in the State of Florida School Bus Safety Inspection Manual, 2000 1996 Edition which is hereby incorporated by reference and made a part of this rule. This document may be obtained from the Bureau of Career Development, Department of Education, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399, at a cost not to exceed actual production and distribution cost.

(c) Inspection of buses shall be scheduled and required every twenty (20) school days. Any bus that is removed from service or deadlined so as to disrupt the safety inspection schedule shall be inspected prior to being returned to service. All deficiencies discovered during the safety inspection shall be noted on the inspection form. Follow-up repairs of all safety related items shall be made before the bus is returned to service and shall be documented.

(d) School bus inspections shall be conducted by technicians certified as school bus inspectors in accordance with the State of Florida School Bus Safety Inspection Manual, 2000 Edition. The requirement that inspections be performed by a certified school bus inspector may be waived for a period not to exceed six (6) months when an emergency condition exists, upon written notification to the Commissioner by the district superintendent. This paragraph shall become effective January 1, 2001.

~~(e)~~ No person shall knowingly render inoperative or reduce compliance of any school bus equipment required to meet Federal Motor Vehicle Safety Standards applicable at the time of manufacture.

- (9) through (11) No change.

Specific Authority ~~229.053(1)~~, 232.25, 234.01, 234.02, 234.051, 234.061, 235.26 FS. Law Implemented 230.23(8), 230.33(10), 234.01, 234.02, 234.021, 234.051, 234.061, 316.183(3), 316.189 FS. History—Amended 9-4-64, 3-25-66, 1-17-72, Revised 7-20-74, Repromulgated 12-5-74, Amended 11-24-76, 10-1-81, Formerly 6A-3.17, Amended 9-30-87, 6-26-89, 11-15-94, 8-28-95, 4-19-96, Formerly 6A-3.017, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Wayne V. Pierson, Deputy Commissioner for Planning,
Budgeting and Management, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Tom Gallagher, Commissioner of
Education

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: March 20, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: February 18, 2000

DEPARTMENT OF EDUCATION

RULE TITLE:

Specifications for New School Buses

RULE NO.:

6-3.029

PURPOSE AND EFFECT: The purpose of this rule amendment is to adopt revised specifications which ensure that new Florida school buses incorporate the latest safety and reliability-related technological improvements available from all manufacturers. The effect is to improve the safety, efficiency, and reliability of new school buses, through incorporation of the proposed changes, including: revision of warranty requirements; upgraded alternator requirements to handle the increased electrical loads on current school buses; added specifications for 71 and 77 capacity Type C buses; revised wheel mounting hardware requirements to reduce costs; revised air conditioning requirements to provide more durable and easier to maintain A/C systems; and revised passenger seat spacing requirements in order to accommodate pre-kindergarten students.

SUMMARY: These amendments incorporate in rule updated specifications for new school buses.

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 the notice.

SPECIFIC AUTHORITY: 234.051 FS.

LAW IMPLEMENTED: 234.02, 234.051 FS.

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

TIME AND DATE: 9:00 a.m., May 4, 2000

PLACE: Room 1702, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULE IS: Wayne v. Pierson, Deputy
Commissioner for Planning, Budgeting and Management,
Department of Education, 400 South Monroe Street, Room
1702, Tallahassee, Florida 32399-0400, (850)488-6539

THE FULL TEXT OF THE PROPOSED RULE IS:

6-3.029 Specifications for New School Buses.

(1) School buses purchased each year shall conform to current National Standards for School Buses of the National Conference on School Transportation, current Federal Motor Vehicle Safety Standards and to specifications prescribed by the State Board for body, chassis and special equipment as provided in Section 234.051, Florida Statutes. Each school bus as defined by Section 234.051(1), Florida Statutes, shall meet the requirements of the Florida School Bus Specifications applicable for the year the bus was manufactured or the previous year if specifications were not revised and approved for a given year. Specifications shall incorporate the specific standards as approved by the State Board prior to and including the following years: 1965, 1966, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1992, 1993, ~~and 1995, and 2000~~ revised. Copies of the above specifications are on file and available from the School Transportation Management Section, Florida Department of Education, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399. Specifications may vary for different sizes and types of buses to meet specific needs and conditions. Bid forms prepared under the direction of the Commissioner shall incorporate basic specifications and equipment.

(2) Any school district may, at its option, upgrade any school bus or buses with equipment meeting specifications which are current at the time of the upgrade.

(3) The Deputy Commissioner for Planning, Budgeting and Management Educational Programs may approve special equipment differing from or not prescribed in Florida School Bus Specifications for the specific purpose of limited pilot testing to determine if such equipment provides substantive improvements in safety or cost effectiveness. Pilot testing of equipment shall not be approved until the Deputy Commissioner for Planning, Budgeting and Management Educational Programs has determined to the extent practical that the equipment will not compromise safety.

Specific Authority ~~229.053(1)~~, 234.051 FS. Law Implemented 234.02, 234.051 FS. History—Amended 9-17-72, 7-20-74, Repromulgated 12-5-74, Amended 11-10-83, 3-28-84, 10-8-84, 10-8-85, Formerly 6A-3.29, Amended 8-19-86, 9-30-87, 10-4-88, 12-11-89, 12-18-90, 11-10-92, 9-5-93, 11-15-94, 10-18-95, Formerly 6A-3.029, Amended. c.f. Florida School Bus Specifications Revised, January 1965; Florida School Bus Specifications Revised, Chassis – 1966; Body – 1966; Florida School Bus Specifications Revised, January 1966; Florida School Bus Specifications Revised, 1968; Florida School Bus Specifications Revised, 1969; Florida School Bus Specifications Revised, 1970; Florida School Bus Specifications Revised, 1971; Florida School Bus Specifications Revised, 1972; Florida School Bus Specifications Revised, 1973; Florida School Bus Specifications Revised, November 1974; Florida School Bus Specifications Revised, January 1975; Florida School Bus Specifications Revised, Chassis – October 1976; Body – October, 1976, No Type A; No Exceptional Child; Florida School Bus Specifications Revised, Body, Chassis, Type A, and Exceptional Child, March 1977; Florida School Bus Specifications Revised, 1978; Florida School Bus Specifications Revised, Amended, 1979; Florida School Bus Specifications Revised, November 1980; Florida School Bus Specifications Revised, 1982; Florida School Bus Specifications Revised, 1983; Florida School Bus

Specifications Revised, January 1984; Florida School Bus Specifications Revised, September 1984; Florida School Bus Specifications Revised, September 1985; Florida School Bus Specifications July 1986; Florida School Bus Specifications Revised, October 1987; Florida School Bus Specifications Revised, 1988; Florida School Bus Specifications Revised, 1989; Florida School Bus Specifications Revised, 1990; Florida School Bus Specifications Revised, 1992; Florida School Bus Specifications Revised, 1993; Florida School Bus Specifications Revised, 1995; Florida School Bus Specifications Revised, 2000

NAME OF PERSON ORIGINATING PROPOSED RULE: Wayne V. Pierson, Deputy Commissioner for Planning, Budgeting and Management, Department of Education
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Gallagher, Commissioner of Education
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 20, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 25, 2000

**DEPARTMENT OF EDUCATION
Florida School for the Deaf and the Blind**

RULE TITLE: Adoption and Amendment of Rules
PURPOSE AND EFFECT: Repeals rule which is no longer necessary as substance is in statute.
SUMMARY: Repeals unnecessary rule.
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: 242.331(3) FS.
LAW IMPLEMENTED: 120.53(1)(b), 242.331(4) FS.
A PUBLIC HEARING WILL BE HELD AT THE TIME, DATE AND PLACE LISTED BELOW:
TIME AND DATE: 9:00 a.m., April 29, 2000
PLACE: Wilson Music Building Auditorium, FSDB Campus, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

THE FULL TEXT OF THE PROPOSED RULE IS:

6D-1.006 Adoption and Amendment of Rules.

Specific Authority 242.331(3) FS. Law Implemented 120.53(1)(b), 242.331(4) FS. History—New 12-19-74, Amended 9-8-85, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Elmer Dillingham, Jr., President, Florida School for the Deaf and the Blind

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Trustees of the Florida School for the Deaf and the Blind
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 11, 2000

**DEPARTMENT OF EDUCATION
Florida School for the Deaf and the Blind**

RULE TITLE: Conflict of Interest Policy
PURPOSE AND EFFECT: Repeals rule, that is no longer required as substance is in statute.
SUMMARY: Repeals unnecessary rule.
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: 242.331(3) FS.
LAW IMPLEMENTED: 242.331(4), 112.313(2), 112.313(6), 112.313(7)(a) FS.

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

TIME AND DATE: 9:00 a.m., April 29, 2000
PLACE: Wilson Music Building, Auditorium, FSDB Campus, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

THE FULL TEXT OF THE PROPOSED RULE IS:

6D-1.007 Conflict of Interest Policy.

Specific Authority 242.331(3) FS. Law Implemented 242.331(4), 112.313(2), 112.313(6), 112.313(7)(a) FS. History—New 12-19-74, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Elmer Dillingham, Jr., President, Florida School for the Deaf and the Blind

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Trustees of the Florida School for the Deaf and the Blind

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 11, 2000

**DEPARTMENT OF EDUCATION
Florida School for the Deaf and the Blind**

RULE TITLE: Declaratory Statements
PURPOSE AND EFFECT: Repeals obsolete rule that is no longer authorized by statute.

SUMMARY: Repeals obsolete rule.
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: 242.331(3) FS.
LAW IMPLEMENTED: 120.53(1)(b), 120.565, 242.331(4) FS.

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

TIME AND DATE: 9:00 a.m., April 29, 2000
PLACE: Wilson Music Building Auditorium, FSDB Campus, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

THE FULL TEXT OF THE PROPOSED RULE IS:

6D-1.009 Declaratory Statements.

Specific Authority 242.331(3) FS. Law Implemented 120.53(1)(b), 120.565, 242.331(4) FS. History—New 9-8-85, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Elmer Dillingham, Jr., President, Florida School for the Deaf and the Blind

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Trustees of the Florida School for the Deaf and the Blind

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 11, 2000

**DEPARTMENT OF EDUCATION
Florida School for the Deaf and the Blind**

RULE TITLE: Decisions Determining Substantial Interests
RULE NO.: 6D-1.010

PURPOSE AND EFFECT: Repeals obsolete rule that is no longer authorized by statute.

SUMMARY: Repeals obsolete rule.
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: 242.331(3) FS.
LAW IMPLEMENTED: 120.53(1)(c), 120.57, 242.331(4) FS.

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

TIME AND DATE: 9:00 a.m., April 29, 2000

PLACE: Wilson Music Building Auditorium, FSDB Campus, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

THE FULL TEXT OF THE PROPOSED RULE IS:

6D-1.010 Decisions Determining Substantial Interests

Specific Authority 242.331(3) FS. Law Implemented 120.53(1)(c), 120.57, 242.331(4) FS. History—New 9-8-85, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Elmer Dillingham, Jr., President, Florida School for the Deaf and the Blind

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Trustees of the Florida School for the Deaf and the Blind

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 11, 2000

**DEPARTMENT OF EDUCATION
Florida School for the Deaf and the Blind**

RULE TITLE: Philosophy
RULE NO.: 6D-2.002

PURPOSE AND EFFECT: Repeals rule no longer needed as substance is statutory.

SUMMARY: Repeals rule. Substance is in statute.
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: 242.331(3) FS.
LAW IMPLEMENTED: 242.331(4), 120.53(1)(a) FS.

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

TIME AND DATE: 9:00 a.m., April 29, 2000
PLACE: Wilson Music Building Auditorium, FSDB Campus, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

THE FULL TEXT OF THE PROPOSED RULE IS:

6D-2.002 Philosophy.

Specific Authority 242.331(3) FS. Law Implemented 242.331(4), 120.53(1)(a) FS. History—New 12-19-74, Amended 8-26-86, 4-8-92, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Elmer Dillingham, Jr., President, Florida School for the Deaf and the Blind
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Trustees of the Florida School for the Deaf and the Blind
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 11, 2000

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE TITLE: Objectives
PURPOSE AND EFFECT: Repeals rule no longer needed as substance is covered in statute.

RULE NO.: 6D-2.003

SUMMARY: Repeals unnecessary rule. Information in statute.
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: 242.331(3) FS.
LAW IMPLEMENTED: 242.331(4), 120.53(1)(a) FS.
A PUBLIC HEARING WILL BE HELD AT THE TIME, DATE AND PLACE LISTED BELOW:
TIME AND DATE: 9:00 a.m., April 29, 2000
PLACE: Wilson Music Building Auditorium, FSDB Campus, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

THE FULL TEXT OF THE PROPOSED RULE IS:

6D-2.003 Objectives.

Specific Authority 242.331(3) FS. Law Implemented 242.331(4), 120.53(1)(a) FS. History–New 12-19-74, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Elmer Dillingham, Jr., President, Florida School for the Deaf and the Blind
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Trustees of the Florida School for the Deaf and the Blind
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 11, 2000

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE TITLE: The Florida Herald
RULE NO.: 6D-6.019

PURPOSE AND EFFECT: Repeals obsolete rule.
SUMMARY: Repeals rule no longer authorized in statute.
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: 242.331(3) FS.
LAW IMPLEMENTED: 242.331(4) FS.

A PUBLIC HEARING WILL BE HELD AT THE TIME, DATE AND PLACE LISTED BELOW:
TIME AND DATE: 9:00 a.m., April 29, 2000
PLACE: Wilson Music Building Auditorium, FSDB Campus, St. Augustine, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

THE FULL TEXT OF THE PROPOSED RULE IS:

6D-6.019 The Florida Herald.

Specific Authority 242.331(3) FS. Law Implemented 242.331(4) FS. History–New 12-19-74, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Elmer Dillingham, Jr., President, Florida School for the Deaf and the Blind
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Trustees of the Florida School for the Deaf and the Blind
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 11, 2000

AGENCY FOR HEALTH CARE ADMINISTRATION

Cost Management and Control

RULE TITLES:	RULE NOS.:
Reporting Instructions	59B-13.001
Definitions	59B-13.002
Uniform Data Specifications	59B-13.003
Certification	59B-13.004
Penalties for Report Deficiencies	59B-13.005
Uniform Publication Format	59B-13.006

PURPOSE AND EFFECT: Health maintenance organizations are required to release to the agency data that are indicators of access and quality of care per s. 641.51(8), Florida Statutes. The proposed rules establish uniform requirements for the reporting of access and quality of care indicators to the agency and for the publication of indicators by the agency.

SUMMARY: The proposed rules require that health maintenance organizations report data to the agency that are indicators of access and quality of care for Florida members.

The proposed rules require an annual report of indicator data in a uniform electronic format. The proposed rules require that the health maintenance organizations deliver a certification to the agency from an independent auditor that certifies that the indicator data is an accurate representation of the specified health care services afforded to Florida members of the health maintenance organization except that an attestation may be used for 1999 calendar year data if the health maintenance organization had fewer than 20,000 members. The proposed rules establish penalties for late reports or late certification, incomplete reports or certification, false reports or certification, and refusal to report or to certify. The proposed rules establish a uniform format for publication of health maintenance indicator data.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 408.15(8) FS.

LAW IMPLEMENTED: 641.51(8), 408.061, 408.063(2), 408.08(5), 408.15(11) FS.

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

TIME AND DATE: 10:00 a.m., April 25, 2000

PLACE: Agency for Health Care Administration, Building 3, First Floor Conference Room, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jerry Mayer, Director, Information Technology, Building 3, 2727 Mahan Drive, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULES IS:

59B-13.001 Reporting Instructions.

(1) Any health maintenance organization authorized to transact business in the state under Chapter 641, Florida Statutes as of January 1 of the report year shall report access and quality indicator data for Florida members to the agency as described in Rules 59B-13.001, 59B-13.002, 59B-13.003 and 59B-13.004.

(2) Beginning with calendar year 1999 data, each health maintenance organization shall submit indicator data for each calendar year period no later than October 1 of the following year.

(3) Extensions to the indicator data due date will be granted by the Administrator of Research and Analysis for a maximum of 30 days from the due date in response to a written request signed by the chief executive officer of the health

maintenance organization or his designee. The request must be received prior to the due date and the delay must be due to unforeseen and unforeseeable factors beyond the control of the reporting health maintenance organization. Extensions shall not be granted verbally.

(4) Each health maintenance organization shall submit indicator data in a text (ASCII) file. The file name shall be in the format: HMOyyyy.txt where yyyy is the year of the indicator data.

(5) Each health maintenance organization shall send indicator data by electronic mail to HMOguide@fdhc.state.fl.us or to the agency's mailing address using a 3.5" diskette or CD-ROM. The mailing address of the agency is: Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308 with the statement, "Attention: State Center for Health Statistics."

(6) The diskette or CD-ROM must have an external label affixed with the following information:

(a) "HMO Indicator Data";

(b) Health maintenance organization identification number assigned by the agency;

(c) Health maintenance organization name;

(d) File name in the format HMOyyyy.txt where yyyy is the year of the indicator data; and

(e) Number of records in the file.

(7) Health maintenance organizations submitting indicator data using electronic mail shall include in the electronic mailing the following information:

(a) "HMO Indicator Data";

(b) Health maintenance organization identification number assigned by the agency;

(c) Health maintenance organization name;

(d) File name in the format HMOyyyy.txt where yyyy is the year of the indicator data; and

(e) Number of records in the file.

Specific Authority 408.15(8) FS. Law Implemented 641.51(8), 408.061, 408.063(2), 408.08(5), 408.15(11) FS. History—New.

59B-13.002 Definitions.

(1) "HEDIS" means the Health Plan Employer Data and Information Set developed and published by the National Committee for Quality Assurance, 2000 L Street, N. W., Suite 500, Washington, DC 20036. HEDIS includes technical specifications for the calculation of indicators of access and quality of care.

(2) "Hybrid" means a source and method of data collection using both administrative records and a sample of medical records as specified by HEDIS.

(3) "HEDIS Rotation Schedule" means the indicators of access and quality of care required for each calendar year of data. The rotation schedule is available on the Internet at www.ncqa.org.

Specific Authority 408.15(8) FS. Law Implemented 641.51(8), 408.061, 408.063(2), 408.08(5), 408.15(11) FS. History—New

59B-13.003 Uniform Data Specifications.

(1) Each health maintenance organization shall submit Florida member data for each indicator of access or quality of care listed in (a) through (y) below as required by the HEDIS rotation schedule for the calendar year. Indicators not referenced in the HEDIS rotation schedule must be reported annually. For each indicator, use the HEDIS specifications for the calendar year of data to be reported.

(a) Indicator 001 – Breast cancer screening. Required for Medicaid, commercial, and Medicare patients.

(b) Indicator 002 – Cervical cancer screening. Required for Medicaid and commercial patients.

(c) Indicator 003 – Prenatal care in the first trimester. Required for Medicaid and commercial patients.

(d) Indicator 004 – Controlling high blood pressure. Required for Medicaid, commercial, and Medicare patients.

(e) Indicator 005 – Beta blocker treatment after a heart attack. Required for Medicaid, commercial, and Medicare patients.

(f) Indicator 006 – Diabetes care, lipid profile performed. Required for Medicaid, commercial, and Medicare patients.

(g) Indicator 007 – Diabetes care, lipids controlled. Required for Medicaid, commercial, and Medicare patients.

(h) Indicator 008 – Diabetes care, dilated eye exam performed. Required for Medicaid, commercial, and Medicare patients.

(i) Indicator 009 – Diabetes care, kidney disease monitored. Required for Medicaid, commercial, and Medicare patients.

(j) Indicator 010 – Use of appropriate medications for people with asthma, 5 to 9 year-olds. Required for Medicaid and commercial patients.

(k) Indicator 011 – Use of appropriate medications for people with asthma, 10 to 17 year-olds. Required for Medicaid and commercial patients.

(l) Indicator 012 – Use of appropriate medications for people with asthma, 18 to 56 year-olds. Required for Medicaid and commercial patients.

(m) Indicator 013 – Use of appropriate medications for people with asthma, combined. Required for Medicaid and commercial patients.

(n) Indicator 014 – Antidepressant medication management, optimal practitioner contacts for medication management. Required for Medicaid, commercial, and Medicare patients.

(o) Indicator 015 – Antidepressant medication management, effective acute phase treatment. Required for Medicaid, commercial, and Medicare patients.

(p) Indicator 016 – Antidepressant medication management, effective continuation phase treatment. Required for Medicaid, commercial, and Medicare patients.

(q) Indicator 017 – Well-child visits in the first 15 months of life, zero visits. Required for Medicaid and commercial patients.

(r) Indicator 018 – Well-child visits in the first 15 months of life, one visit. Required for Medicaid and commercial patients.

(s) Indicator 019 – Well-child visits in the first 15 months of life, two visits. Required for Medicaid and commercial patients.

(t) Indicator 020 – Well-child visits in the first 15 months of life, three visits. Required for Medicaid and commercial patients.

(u) Indicator 021 – Well-child visits in the first 15 months of life, four visits. Required for Medicaid and commercial patients.

(v) Indicator 022 – Well-child visits in the first 15 months of life, five visits. Required for Medicaid and commercial patients.

(w) Indicator 023 – Well-child visits in the first 15 months of life, six or more visits. Required for Medicaid and commercial patients.

(x) Indicator 024 – Well-child visits in the third, fourth, fifth and sixth year of life. Required for Medicaid and commercial patients.

(y) Indicator 025 – Adolescent well-care visits. Required for Medicaid and commercial patients.

(2) Each health maintenance organization shall report the following data elements for each of the required indicators in (1) above and report the indicator data separately for each product line required in (1) above, as described below:

(a) Health maintenance organization identification number – An eight-digit number assigned by the agency for reporting purposes.

(b) Calendar year – The calendar year of the data.

(c) Indicator number – The number of the indicator as specified in (1) above.

(d) Product line – The product line represented by the data:
1. Medicare – Use code 01 to indicate that the product line is Medicare.

2. Medicaid – Use code 02 to indicate that the product line is Medicaid.

3. Commercial – Use code 03 to indicate that the product line is commercial.

(e) Data collection method – The source of data and approach used in gathering the data as specified by HEDIS:

1. Administrative records – Use code 01. The administrative method must be used for indicators 010 through 016.

2. Hybrid – Use code 02. The hybrid method must be used for indicator 004 and indicators 006 through 009.

(f) Eligible member population – The number meeting the criteria as specified by HEDIS.

(g) Sample size – Minimum required sample size as specified by HEDIS or other sample size. This data element is not required if the administrative method is used. Leave blank (zero-fill) if (e) above is 01.

(h) Denominator – If the administrative method is used, eligible member population minus members with contraindications or other criteria for exclusion, if any, or as specified by HEDIS. If the hybrid method is used, the sample size is the denominator or as specified by HEDIS.

(i) Number of numerator events – Number of numerator events from all data sources as specified by HEDIS.

(j) Number of substitute records – Number of substitute records added to the original sample as specified by HEDIS. This data element is not required if the administrative method is used. Leave blank (zero-fill) if (e) above is 01.

(k) Rate – Numerator divided by denominator times 100.00.

(l) Lower CI – Lower 95% confidence interval as specified by HEDIS.

(m) Upper CI – Upper 95% confidence interval as specified by HEDIS.

(n) Percentage with pharmacy benefits – Number of members in the denominator for which the health maintenance organization manages or provides pharmacy benefits. Leave blank (zero fill) if the indicator is not indicators 010 through 013.

(3) Each health maintenance organization shall report indicator data in the following formats:

(a) Health maintenance organization identification number – Eight digits.

(b) Calendar year – Four digits.

(c) Indicator number – Three digits.

(d) Product line – Two digits.

(e) Data collection method – Two digits.

(f) Eligible member population – Eight digits, right-justified. Zero fill leading digits.

(g) Sample size – Eight digits, right-justified. Zero fill leading digits.

(h) Denominator – Eight digits, right-justified. Zero fill leading digits.

(i) Number of numerator events – Eight digits, right-justified. Zero fill leading digits.

(j) Number of substitute records – Eight digits, right justified. Zero fill leading digits.

(k) Rate – Five digits with two decimal places required, right-justified. Zero fill leading digits. Include decimal. Use the format: xxx.xx where x represents any digit and xxx.xx is a value between 0 and 100.00.

(l) Lower CI – Five digits with two decimal places required, right-justified. Zero fill leading digits. Include decimal. Use the format: xxx.xx where x represents any digit and xxx.xx is a value between 0 and 100.00. If the lower CI is less than zero, report 000.00.

(m) Upper CI – Five digits with two decimal places required, right-justified. Zero fill leading digits. Include decimal. Use the format: xxx.xx where x represents any digit and xxx is a value between 0 and 100.00. If the upper CI exceeds 100 report 100.00.

(n) Percentage with pharmacy benefits – Five digits with two decimal places required, right-justified. Zero fill leading digits. Include decimal. Use the format: xxx.xx where x represents any digit and xxx.xx is a value between 0 and 100.00.

Specific Authority 408.15(8) FS. Law Implemented 641.51(8), 408.061, 408.063(2), 408.08(5), 408.15(11) FS. History–New

59B-13.004 Certification.

(1) Each health maintenance organization shall deliver to the agency a certification by an independent auditor approved by the agency that the indicator data reported to the agency for the calendar year is a fair and accurate representation of the specified health care services afforded to Florida members of the health maintenance organization by October 1 of the year following the year of the data except that any health maintenance organization with fewer than 20,000 members in 1999 may provide an attestation of calendar year 1999 data signed by the chief executive officer of the health maintenance organization in lieu of the certification.

(2) Extensions to the certification due date will be granted by the Administrator of Research and Analysis for a maximum of 30 days from the due date in response to a written request signed by the chief executive officer of the health maintenance organization or his designee. The request must be received prior to the due date and the delay must be due to unforeseen and unforeseeable factors beyond the control of the reporting health maintenance organization. Extensions shall not be granted verbally.

Specific Authority 408.15(8) FS. Law Implemented 641.51(8), 408.061, 408.063(2), 408.08(5), 408.15(11) FS. History–New

59B-13.005 Penalties for Report Deficiencies.

(1) For purposes of this rule, a report, certification, or other information is incomplete when it does not contain all data required by the agency in this rule or when it contains inaccurate data. A report or certification is “false” if done or made with the knowledge of the preparer or a superior of the preparer that it contains information or data which is not true or accurate.

(2) A health maintenance organization that refuses to file, fails to timely file, or files a false or incomplete report, certification or other information required to be filed under the

provisions of s. 408.061, F.S., other Florida law, or rules adopted thereunder, shall be subject to administrative penalties pursuant to s. 408.08(5), F.S.

(3) The penalty period will begin on the first work day following the due date for purposes of penalty assessments.

Specific Authority 408.15(8) FS. Law Implemented 641.51(8), 408.061, 408.063(2), 408.08(5), 408.15(11) FS. History—New

59B-13.006 Uniform Publication Format.

(1) The agency shall publish the following indicator data for each indicator no less frequently than every two years:

- (a) Health maintenance organization name;
- (b) Calendar year of data;
- (c) Type of product line;
- (d) Rate;
- (e) Upper and lower confidence interval.

(2) In each publication of indicator data, the agency shall include a title and a summary description of the indicator.

Specific Authority 408.15(8) FS. Law Implemented 641.51(8), 408.061, 408.063(2), 408.08(5), 408.15(11) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Jerry Mayer, Director, Information Technology
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ruben J. King-Shaw, Jr., Director, Agency for Health Care Administration
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 15, 2000
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 24, 1999, February 4, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLE: Offer or Offering Through Computer or Other Electronic Means
 RULE NO.: 61B-3.010

PURPOSE AND EFFECT: The purpose of this rule is to implement the division’s statutory authority to regulate offers and offerings of subdivided land made through the computer or other electronic means, such as the Internet.

SUMMARY: The proposed rule clarifies that Chapter 498, F.S. applies to offers and offerings over the Internet; defines which Internet activity is not subject to Chapter 498, F.S.; provides for the sale of subdivided land over the Internet upon compliance with the registration requirements; and defines “Internet.”

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 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: 498.005(1)(d),(13),(14), 498.035(1) FS.

LAW IMPLEMENTED: 498.005(1),(13),(14), 498.021, 498.022, 498.023, 498.028, 498.033, 498.035, 498.037 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: 9:00 a.m., April 26, 2000

PLACE: Division of Florida Land Sales, Condominiums and Mobile Homes in the Department of Business and Professional Regulation, Warren Building, 202 South Blount Street, Large Conference Room B-03, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 48 hours before the hearing by contacting Sharon A. Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Janis Sue Richardson, Office of the General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-3.010 Offer or Offering Through Computer or Other Electronic Means.

(1) The provisions of section 498.023, Florida Statutes, if applicable, shall not be deemed to prevent the use of the Internet or other electronic means of communication, provided the following:

(a) The posted information or communication, directly or indirectly, indicates that the subdivided lands are not being offered to persons in this state;

(b) The posted information or communication is not directed to a person or persons in this state;

(c) The posted information or communication is not directed to a place in this state;

(d) No offer is accepted within this state as the result of the posted information or communication; and

(e) No sales to persons within this state occur as a result of the posted information or communication.

(2) Offers may be made via the Internet upon compliance with section 498.023, Florida Statutes.

(3) For purposes of chapter 498, Florida Statutes, "Internet" is defined as the global information system comprised of independent computer networks which are interconnected and share information without the use of a central processing center by use of the Transmission Control Protocol/Internet Protocol (TCP/IP) suite, to include without limitation, the World Wide Web, proprietary of "common carrier" electronic delivery systems, or similar medium.

Specific Authority 498.005(1)(d),(13),(14), 498.035(1) FS. Law Implemented 498.005(1),(13),(14), 498.007, 498.021, 498.022, 498.023, 498.028, 498.033, 498.035, 498.037 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jim Mullins, Bureau of Land Sales

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Cynthia A. Henderson, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 15, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 21, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE TITLE: Annual Financial Statements

RULE NO.: 61G7-10.0011

PURPOSE AND EFFECT: To set forth standards, rules, and regulations for curing an employee leasing company when, at the time of annual report, its annual financial statements fail to evidence positive working capital or accounting networth and are not in compliance with section 468.525(3), F.S.

SUMMARY: Employee leasing companies are required to submit annual financial statements and quarterly reports that reflect positive working capital and accounting networth pursuant to § 468.525(3), Florida Statutes. If a company has deficiencies this amendment to the rule sets forth steps that may be taken to cure the problems.

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: 468.522 FS.

LAW IMPLEMENTED: 468.525 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: 9:00 a.m., April 25, 2000

PLACE: Board of Employee Leasing Companies, 1950 North Monroe Street, Tallahassee, FL 32399-0767

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Board of Employee Leasing Companies, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0767

THE FULL TEXT OF THE PROPOSED RULE IS:

61G7-10.0011 Annual Financial Statements.

(1) Each employee leasing company shall submit, not later than 120 days after their fiscal year end, a copy of their current fiscal year end financial statements, prepared in accordance with generally accepted accounting principles, which shall include statement of income and retained earnings, balance sheet, statement of changes in financial position (cash flows), and applicable footnotes. This information shall be submitted on the Standard Financial Statement Form, DPR/EL-006, herein incorporated by reference and effective 7-1-93, copies of which can be obtained from the Board office. The financial statements are to reflect positive working capital and positive accounting networth, as required in s. 468.525(3). Financial statements which are not audited must be accompanied by a completed form DPR/EL-003, as required in rule 61G7-5.003, F.A.C.

(2) If an employee leasing company's annual financial report or quarterly report fails to evidence positive working capital or accounting net worth as required by Section 468.525(3)(d), F.S., the deficiencies shall be deemed to be cured if, at the time that the annual or quarterly reports are due, the licensee files additional information evidencing action taken subsequent to the period covered by the required reports which shows that the licensee's current financial status is in compliance with the provisions of the statute.

(3) In the case of audited or reviewed annual financial statements, the information must take the form of a subsequent events note to the audit or review report issued by the independent CPA which shows that the licensee has corrected any statutory financial deficiencies that existed in the financial statements as of the audit or review date.

(4) In the case of quarterly reports, the licensee may (a) submit a guaranty or letter of credit as provided by Rule 61G7-5.005, F.A.C., which shows that licensee has access to sufficient funds to offset any statutory financial deficiencies that existed in the quarterly statements, or (b) submit a financial statement for the licensee reflecting the re-mediation accompanied by a narrative signed by a controlling person of the licensee outlining the reasons for the deficiencies and setting forth the licensee's plan to prevent such deficiencies in the future.

Specific Authority 468.522 FS. Law Implemented 468.525 FS. History--New 5-8-94, Amended 6-30-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Employee Leasing Companies
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Anthony Spivey, Executive Director
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 18, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 11, 1999

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE TITLE: Certificates of Authorization
PURPOSE AND EFFECT: The Board proposes to amend this rule to delete certain rule text due to lack of specific statutory authority.

RULE NO.: 61G17-7.003

SUMMARY: Subsections (6) and (7) is being deleted due to lack of statutory authority of the rule language.

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: 472.021 FS.

LAW IMPLEMENTED: 472.021 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY (IF NOT REQUESTED, A HEARING WILL NOT BE HELD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sherry Landrum, Executive Director, Board of Professional Sureyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0756

THE FULL TEXT OF THE PROPOSED RULE IS:

61G17-7.003 Certificates of Authorization.

(1) through (5) No change.

(6) A resident surveyor and mapper is the surveyor and mapper with authority over all surveying and mapping documents issued from the office whether by the resident surveyor and mapper or by another surveyor and mapper out of that office.

(7) Nothing in this rule is intended to deny a temporary absence of the resident surveyor and mapper from the office so long as that surveyor and mapper remains in authority.

Specific Authority 472.021 FS. Law Implemented 472.021 FS. History--New 3-22-84, Formerly 21HH-7.03, Amended 3-12-92, Formerly 21HH-7.003, Amended 5-30-95.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Surveyors and Mappers
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Surveyors and Mappers
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 13, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 3, 2000

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Beaches and Shores

DOCKET NO.: 99-22R

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Rules and Procedures For Coastal Construction and Excavation (Permits For Construction Seaward of the Coastal Construction Control Line and Fifty-Foot Setback) 62B-33

Table listing Rule Titles and Rule Nos: Definitions (62B-33.002), General Prohibitions (62B-33.003), Exemptions from Permit Requirements (62B-33.004), Department Policy Statement on Permits (62B-33.005), Coastal Armoring and Related Structures (62B-33.0051), Structural and Other Requirements Necessary For Permit Approval (62B-33.007), Permit Application Requirements and Procedures (62B-33.008), Permit Fees (62B-33.0085), Revisions or Modifications of Approved Permits (62B-33.013)

PURPOSE AND EFFECT: The proposed amendments will implement changes to Chapter 161.053, Florida Statutes, and will establish cartain permitting exemption, along with other minor amendments to account for changes in Departmental organization, removal of redundant or unnecessary language, and will rework sections for clarification.

SUMMARY: Chapter 62B-33, FAC., provides the rules and procedures for coastal construction and excavation seaward of the coastal construction control line and 50-foot setback.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The proposed amendments impose no new regulatory cost on those properties seaward of the existing County Coastal Construction Control Lines. In addition, since the proposed revisions are minor, these will not add to the workload of the Department.

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: 161.053, 161.085, 370.021 FS.

LAW IMPLEMENTED: 161.052, 161.053, 161.0535, 161.054, 161.061, 161.071, 161.081, 161.085, 370.12 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: 2:00 p.m., April 26, 2000

PLACE: Department of Environmental Protection, Douglas Building, Conference Room A, First Floor, Commonwealth Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Rosaline Beckham, Environmental Specialist, The Florida Department of Environmental Protection, Office of Beaches and Coastal Systems, Mail Station #300, Tallahassee, Florida 32399-3000, (850)487-1262, Extension 186

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist, Bureau of Personnel, (850)488-2996 or 1(800)955-8771 (TDD), at least seven days before the meeting.

THE FULL TEXT OF THE PROPOSED RULES IS:

62B-33.002 Definitions.

(1) through (4) No change.

(5) "Armoring" is a manmade structure designed to either prevent erosion of the upland property or protect eligible upland structures from the effects of coastal wave and current action. Armoring includes certain rigid coastal structures such as geotextile bags or tubes, seawalls, revetments, bulkheads, retaining wall, or similar structures but does not include jetties, groins or other construction whose purpose is to add sand to the beach and dune system, alter the natural coastal currents or stabilize the mouths of inlets.

(6) through (7) No change.

(8) "Beach quality sand" is sand which is similar to the native beach sand in both coloration and grain size, and is free of debris, rocks, clay or other foreign matter.

~~(9)(8)~~ "Breakaway Wall" or "Frangible Wall" is a partition independent of supporting structural members that is intended to withstand design wind forces but to collapse from a water load less than that which would occur during collapse under a 100 year storm event without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.

~~(10)(9)~~ No change.

~~(11)(10)~~ "Office Bureau" is the Office Bureau of Beaches and Coastal Systems of the Department of Environmental Protection. The head of the Office Bureau is the Director Chief.

(11) through (38) renumbered (12) through (39) No change.

~~(40)(39)~~ "Nonconforming Structure" is any major habitable structure which was not constructed pursuant to a permit issued by the Department pursuant to Section 161.052 or 161.053, Florida Statutes, on or after March 17, 1985 ~~or which does not meet the foundation requirements of Chapter 62B-33.007, Florida Administrative Code.~~

(40) through (54)(a) renumbered (41) through (55)(a) No change.

~~(b) "Flexible Coastal Structures" are characterized by their frangible design or construction and ability to become freely assimilated into the beach and dune system by natural coastal processes. Typically included within this category are beach restoration and beach nourishment, dune restoration and revegetation.~~

~~(c) "Inlet Related Structures" are typically constructed within an inlet such as inlet bypassing systems, dredged channels and sand traps.~~

(54)(d) through (e) renumbered (55)(b) through (c) No change.

(55) through (60) renumbered (56) through (61) No change.

Specific Authority 161.053, 370.021 FS. Law Implemented 161.052, 161.053, 161.0535, 161.054, 161.061, 161.071, 161.081, 161.085, 370.12 FS. History—New 11-18-80, Amended 3-17-85, 11-10-85, Formerly 16B-33.02, Amended 5-12-92, Formerly 16B-33.002, Amended 9-12-96, 1-26-98, _____.

62B-33.003 General Prohibitions.

~~(1) No person shall conduct any excavation or construct any structure seaward of the coastal construction control line or 50-foot setback except as provided in the Act and this Chapter.~~

~~(2) No person shall remove any beach material, or otherwise alter existing ground elevations, drive any vehicle on, over, or across any sand dune or the vegetation growing thereon, seaward of the coastal construction control line or 50-foot setback except as provided in the Act or this Chapter, or as otherwise provided by law.~~

Specific Authority 370.021(1) FS. Law Implemented 161.053(2), 161.052 FS. History—New 11-18-80, Formerly 16B-33.03, 16B-33.003, Repealed _____.

(Substantial rewording of Rule 62B-33.004 follows. See Florida Administrative Code for present text.)

62B-33.004 Exemptions from Permit Requirements.

(1) Any structures under construction prior to the establishment of a coastal construction control line in a particular county are exempt from the provisions of section 161.053, Florida Statutes, and this Chapter, except as noted in section 161.053(12), Florida Statutes.

(a) "Under construction" is the ongoing physical activity at the time of consideration of the exemption referenced in section 161.053(9), F.S. of placing the foundation of, or continuation of construction above the foundation of, any structure seaward of the established coastal construction control line or the setback line.

(b) A pile-supported structure shall be deemed "under construction" when the process of placing the permanent pile members for the foundation has begun. Driving of test piles and temporary placement of piles in preparation for driving shall not qualify a structure as "under construction." For concrete footer, base, slab or grade beam supported structures, a structure will be deemed "under construction" when the process of placing concrete for the foundation has begun. For roads, parking lots, driveways, walkways or similar paved structures, the structure will be considered "under construction" when placement of the base course, if used, or surface has been started.

(c) Whenever it is unclear under either paragraph (a) or (b) above, if a structure is "under construction", the applicant shall provide to the Department documents demonstrating that the structure is under construction, such as:

1. A copy of all required local government permits authorizing the structure.

2. A full set of construction plans for the structure approved by the local government in conjunction with the building permit, or

3. Documentation, including local building inspectors' construction reports, construction contracts, or other information, substantiating that a bona fide construction process, which appears will be continuous in nature, has started.

(d) Exemptions granted under this subsection shall only apply to those individual structures or parts of such structures which are determined to be under construction and are also described in both the local permit and the building plans. Only those structures which are under construction as defined in this section may be exempted. Other proposed structures shown on site plans, building permits, planned unit developments or similar documents are not exempt. Any subsequent construction activity in addition to that so described and exempted shall require a permit, unless exempted under other provisions of this rule.

(e) Property owners may request a determination of exemption status within the period starting with the date of the first Public Hearing on reestablishing the coastal construction control line held within the respective county and ending with the establishment of the coastal construction control line. The effective date of an exemption granted under this Section shall be the date the coastal construction control line is established.

(2) Major structures and additions to major structures proposed above existing patio slabs, decks, or similar unenclosed areas are considered as new structures separate and

independent of the existing slab, deck, or other unenclosed area and shall comply with regulatory requirements set forth in this chapter.

(3) In addition to the exemptions provided in paragraph 161.053(12), Florida Statutes, the following are exempt from the provisions of section 161.053, Florida Statutes, and this Chapter:

(a) Construction of offshore structures, such as, drilling platforms, gas and oil rigs, towers, or navigation aides, located beyond the effective limits of littoral sediment transport.

(b) Construction, excavation, and damage or destruction of vegetation conducted by the United States Government on lands owned and maintained by the United States Government.

(c) Pursuant to section 161.053(12)(c), Florida Statutes, minor activities which do not cause an adverse impact on the coastal system and do not cause a disturbance to any significant or primary dune. Such activities shall be conducted so as not to disturb marked marine turtle nests or known nest locations or damage existing native salt-tolerant vegetation. The activities which are exempt pursuant to this section include the following:

1. Maintenance of existing beach/dune vegetation;

2. The removal of piers or other derelict structures from the unvegetated beach or seaward of mean high water;

3. Temporary emergency vehicular access, provided any impacted area is immediately restored;

4. The removal of any existing structures or debris from the upland, provided there is no excavation or disturbance to the existing topography or beach/dune vegetation;

5. Construction of any new roof overhang extending no more than 4 feet beyond the confines of the existing foundation during modification, renovation, or reconstruction of a habitable structure within the confines of the existing foundation of that structure which does not include any additions to or modification of the existing foundation of that structure;

6. Minor and temporary excavation for the purpose of repairs to existing subgrade residential service utilities (e.g., water and sewer lines, septic tanks and drainfields, electrical and telephone cables, and gas lines), provided that there is minimal disturbance and that grade is restored with fill compatible in both coloration and grain size to the onsite material and any damaged or destroyed vegetation is restored using similar vegetation;

7. Beach or deck furniture and awnings.

8. Tie-downs, or anchors to existing minor structures or trees.

9. Portable public lifeguard stands.

10. Mono-post structures including umbrellas, antennas or light posts provided there is minimal disturbance to the beach and dune system, no damage to vegetation, and the grade is restored.

11. Minor recreational diggings and other forms of art on the unvegetated beach provided no removal or filling of sand at the site.

12. The removal of windblown sand from paved roads and parking areas, beach access ramps, pools, patios, walkways or decks, not involving a change in the general grade and provided that any beach quality sand is returned to the beach and dune system seaward of the coastal construction control line.

13. The minor maintenance of bulkheads and seawalls specifically involving scraping, chipping, sandblasting, guniting, and painting.

14. Minor structures, including but not limited to driveways, water wells, and irrigation wells which are either located within the landward shadow of existing habitable major structures, landward of the second general line of development, or landward of a major public roadway.

15. Temporary excavation for subgrade utilities including water, sewer, electrical, and gas lines located in existing developments.

16. Maintenance or repair of the structures listed below. The structure(s) must be located a minimum of 30 feet landward of the frontal dune, escarpment, or coastal armoring structure and the maintenance or repair must not expand or enlarge the existing structure(s).

a. streets and roads, parking areas, and other paved areas not draining or discharging onto the beach; and

b. swimming pools, provided the activity does not involve excavation.

17. Landscaping located a minimum of 30 feet landward of the frontal dune, escarpment, or coastal armoring structure which does not involve excavation of existing grade or destruction or removal of native salt resistant vegetation.

18. Repairs to pile supported foundations which include replacing bolts, hurricane straps, secondary members, and shore-normal cross bracing.

(d) Pursuant to section 161.053(12)(c)9., Florida Statutes, other minor structures and activities determined by the Department not to have an adverse impact on the coastal system. In order to determine if a proposed activity will have an adverse activity on the coastal system, the Department may, as part of the exemption determination, conduct an on-site inspection. If the Department determines the proposed activity is exempt from the provisions of section 161.053, Florida Statutes, and this Chapter, the Department shall issue a notice of exemption on DEP form number 73-122 (revised 9/99). The exemption notice shall be posted on site for the duration of the activity. If the proposed activity is determined not to be exempt, a permit pursuant to section 161.053, Florida Statutes, and this Chapter is required.

Specific Authority 161.052, 161.053, 370.021 FS. Law Implemented 161.053, 161.052 FS. History—New 11-18-80, Amended 3-17-85, 11-10-85, Formerly 16B-33.04, Amended 5-12-92, 11-11-92, Formerly 16B-33.004, Amended 1-26-98,_____.

62B-33.005 Department Policy Statement on Permits.

(1) through (2) No change.

(3) After reviewing all information required pursuant to this Chapter, the Department shall:

(a) Deny any application for an activity which either individually or cumulatively would result in a significant adverse impact including potential cumulative effects. In assessing the cumulative effects of a proposed activity, the Department shall consider the short-term and long-term impacts and the direct and indirect impacts the activity would cause in combination with existing structures in the area and any other similar activities already permitted or for which a permit application is pending proposed within the same fixed coastal cell. The impact assessment shall include the anticipated effects of the construction on the coastal system and marine turtles. Each application shall be evaluated on its own merits in making a permit decision, therefore, a decision by the Department to grant a permit shall not constitute a commitment to permit additional similar construction within the same fixed coastal cell.

(b) No change.

(4) through (11) No change.

Specific Authority 161.053, 370.021 FS. Law Implemented 161.053, 161.052, 370.12 FS. History—New 11-18-80, Amended 3-17-85, 11-10-85, Formerly 16B-33.05, 16B-33.005, Amended 9-12-96, 1-26-98,_____.

62B-33.0051 Coastal Armoring and Related Structures.

(1) through (5)(c) No change.

(d) Other measures which may be used for temporary protection ~~are utilized to protect upland construction~~ include temporary reinforcement of foundations, sandbags and construction of protective sand berms. Sand used to fill sand bags or construct protective berms ~~shall may~~ be beach compatible material and be obtained from an upland sources or from the beach. Excavation of the beach face or nearshore area shall require a permit from the Department. The Department shall permit excavation of the beach face or nearshore area when there is clear evidence that sufficient material is available in the nearshore area. For purposes of this section, sufficient material is available in the nearshore area when the amount of material available post-storm exceeds the amount historically available in the same area. The Department will determine the existence of sufficient material by comparing post-storm topographic surveys of the beach face and nearshore areas to be excavated with historical surveys of the beach face and nearshore areas of the same zone. The quantity which may be excavated shall be limited to the amount which is in excess of the amount available historically. ~~be in accordance with the following practices:~~

1. A maximum of one foot depth may be excavated from the area of the beach between the previous days wrack line and the mean low water line. This material shall be placed in a uniform manner landward of the wrack line and seaward of the dune escarpment or the old dune line. Excavated material shall

~~not be transported laterally along the beach. This activity may be done only once. Any subsequent scraping or excavation shall require a permit from the Department pursuant to this Chapter.~~

~~2. Only sandy material may be excavated.~~

~~3. No material excavated from the beach may be moved landward of either the established first line of buildings or the post-storm dune escarpment, whichever is more seaward.~~

~~4. In areas dominated by storm overwash, excavation of the beach shall not be allowed.~~

(e) through (k)4. No change.

(l) Agencies, political subdivisions, or municipalities shall notify the Department's ~~Office Bureau~~ of Beaches and Coastal Systems, 3900 Commonwealth Boulevard, Mail Station #300, Tallahassee, Florida 32399-3000, within 3 working days of installing or authorizing the installation of any armoring pursuant to this section. Notification shall include:

(l)1. through (6)(c) No change.

~~Specific Authority 161.053, 161.085, 370.021 FS. Law Implemented 161.052, 161.053, 161.085, 370.12 FS. History—New 9-12-96, Amended 1-26-98, _____.~~

62B-33.007 Structural and Other Requirements Necessary for Permit Approval.

(1) through (3)(b) No change.

(c) All habitable major structures shall be elevated on, and securely anchored to, an adequate pile foundation in such a manner as to locate the building support structure above the design breaking wave crests or wave approach as superimposed on the storm surge with dynamic wave setup of a one-hundred-year storm. The storm surge with dynamic wave setup of a one-hundred-year storm shall be the elevation determined by the Department in studies published as a part of the coastal construction control establishment process. The Bureau will evaluate the applicant's proposed structural elevation based upon available scientific and coastal engineering data and will advise the applicant of the specific elevation requirement for the site. The Department ~~may will~~ grant a waiver of the elevation or foundation requirements for additions, repairs or modifications to existing nonconforming habitable major structures, provided it determines, based on engineering data, site elevations, impacts to the beach and dune system, and design life of the structure, that the addition, repair or modification does not advance the seaward limits of construction at the site and does not constitute rebuilding of the existing structure. ~~Staff evaluation in such cases will be based on engineering data, site elevations, any impact on the beach and dune system, and design life of the structure.~~

(d) through (e) No change.

(f) Unless waived pursuant to the provisions of section 62B-33.007(3)(g) below, nNo substantial walls or partitions shall be constructed below the level of the first finished floor of habitable major structures and seaward of the coastal

construction control line or 50-foot setback ~~except for.~~ This does not preclude, subject to Department permit and applicable federal, county, and municipal regulations, the construction of:

(f)1. through 6. No change.

7. Small mechanical and electrical ~~equipment~~ rooms; or

8. No change.

(g) Upon request by the applicant, the Department shall grant a waiver of the requirements specified in section 62B-33.007(3)(f), Florida Administrative Code, if it determines that the structural component of the habitable major structure is landward of the predicted erosion limits of a one-hundred year storm, that the stillwater depth at the base of the structural component is less than 1.5 feet, and that the applicant can fully comply with all other structural requirements of this Chapter.

(g) through (4) renumbered (h) through (4) No change.

~~Specific Authority 161.053, 370.021(1) FS. Law Implemented 161.053, 161.052(2) FS. History—New 11-18-80, Amended 3-17-85, 11-10-85, Formerly 16B-33.07, Amended 5-12-92, Formerly 16B-33.007, Amended 9-12-96, 1-26-98, _____.~~

62B-33.008 Permit Application Requirements and Procedures.

(1) Any person desiring to obtain a permit for construction seaward of the coastal construction control line or fifty-foot setback from the Department, except those persons applying pursuant to section 62B-33.014, Florida Administrative Code, shall submit two copies of a completed application form, only one of which is to include the required attachments, to the Bureau at the address below. The permit application form, which is entitled "Application for a Permit for Construction Seaward of the Coastal Construction Control Line or Fifty-Foot Setback" – DEP Form 73-100 (Revised 12/97), is hereby incorporated by reference. Copies of the form may be obtained from the Department of Environmental Protection, ~~Office Bureau~~ of Beaches and Coastal Systems, 3900 Commonwealth Boulevard, Mail Station #300, Tallahassee, Florida 32399-3000; or by telephone at (850)488-3180, extension 100. The application shall contain the following specific information:

(a) through (f)7. No change.

8. The location of the contour line corresponding to elevation 0 ~~N.G.V.D. NGVD~~, and the location of the seasonal high-water line in relationship to the coastal construction control line except in surveys associated with applications for permits to construct coastal or shore protection structures, minor structures, piers, or intake and discharge structures to be located seaward of the coastal construction control line;

9. through 16. No change.

(g) For major and rigid coastal structures, two copies one copy of a dimensioned site plan drawing to an appropriate scale, on 8 1/2-inch by 11-inch size paper showing the location of the proposed structure or structures and the location and

volume of any proposed excavation or fill, and all distances and locations as referenced in section 62B-33.008(1)(f), Florida Administrative Code.

(h) For major and rigid coastal structures, ~~two copies one copy~~ of a dimensioned cross-sectional drawing to an appropriate scale, on 8 1/2-inch by 11-inch paper, showing:

1. All subgrade construction or excavation with elevations referenced to the ~~N.G.V.D. National Geodetic Vertical Datum.~~

2 through 4. No change.

5. The location of the contour line corresponding to elevation 0 ~~N.G.V.D. NGVD.~~

(i) through (l) No change.

(2) If the application proposes to repair or rebuild, improve or add an addition to an existing structure, the applicant shall submit a statement from the local governmental agency having jurisdiction over the activity and all applicable supporting documentation which clearly states whether or not the proposed construction is a substantial improvement as defined in section 161.54(12), Florida Statutes. If a statement is not available, the applicant shall submit to the Department all The supporting documentation necessary for the Department to make such a determination. shall The documentation shall include the cost of the improvement or repair proposed construction, and a figure representing the cumulative total of 50 percent of the market value of the structure over a five-year period, either before the improvement or repair work is started, or if the structure has been damaged and is being restored, before the damage occurred.

(3) through (4) No change.

(5) The applicant shall have 180 days from the date the Department mails a timely request for additional information to submit that information to the Department. If an applicant requires more than 180 days in which to respond to a request for additional information, the applicant may notify the Department in writing of the circumstances, at which time the application shall be held in active status for a period of up to ninety days. Additional extensions shall be granted for good cause shown by the applicant. A showing that the applicant is making a diligent effort to obtain the requested additional information shall constitute good cause. Failure of an applicant to provide the timely requested information by the applicable deadline shall result in denial of the application. The staff may require submittal of a new application by any applicant who has not responded within six (6) months after a notice of incompleteness is sent, if the applicant subsequently provides the information required to complete the application.

(6) If the Department has received a permit application but has not taken final agency action on it and subsequent to such action a major change in coastal conditions occurs which would, in the determination of the Department, render the information already assessed as invalid for the purposes of granting a permit, the Department shall either deny the application or notify the applicant that they must submit

updated information for Departmental review prior to taking final agency action. Such notice of intent on the part of the Department shall toll the processing of the application pursuant to Chapter 120, Florida Statutes.

(6) through (7) renumbered (7) through (8) No change.

(9)(8) Any substantial modification to a complete application shall require an additional processing fee determined pursuant to paragraph 62B-33.0085(4)(o), Florida Administrative Code, and shall restart the time requirements of section 120.60, Florida Statutes. For purposes of this section, the term "substantial modification" shall mean a modification which is reasonably expected to lead to increased adverse impacts which require a detailed review. If a permit has expired and construction is incomplete, the permittee may apply in writing for a renewal. The Department shall approve the application if it demonstrates that site or other conditions have not changed such that the permitted activity would no longer be consistent with the initial permitting requirements of this Chapter and that there is no change in the nature of the work.

(10)(9) As an alternative to the above procedure, the Department may issue permits for certain minor structures and activities using the field permit form if the Department determines the activity is of a minor nature and does not unmitigatable adverse impacts. The field permit form, which is entitled "Field Permit or Exemption Determination Pursuant to Section 161.053, or 161.052, Florida Statutes", DEP Form 73-122, is hereby incorporated by reference. Applications for permits and renewals shall be accompanied by a fee, as set forth in section 62B-33.0085, Florida Administrative Code.

Specific Authority 161.053, 370.021(1) FS. Law Implemented 161.053, 161.052 FS. History—New 11-18-80, Amended 7-7-81, 3-17-85, 11-10-85, Formerly 16B-33.08, Amended 8-7-86, Formerly 16B-33.008, Amended 1-26-98,_____.

62B-33.0085 Permit Fees.

(1) through (2) No change.

(3) If an applicant has submitted a fee for an activity which is exempt from the fee provisions of this section, such fee shall be refunded to the applicant pursuant to the provisions of section 120.60(2), Florida Statutes. Any fee payment in excess of the amount required by this Section shall be refunded to the applicant. Fees submitted to the Department pursuant to this section shall not be refunded if the application is withdrawn, denied, or if separate application(s) to other governmental agencies are denied.

(4) through (l) No change.

(m) Time Extension: \$200 for projects that are certified by a professional engineer or architect registered in the State of Florida to be at least 75% complete, \$500 for projects that are certified by a professional engineer or architect registered in the State of Florida to be less than 75 percent at least 50% complete and above the foundation, and \$750. The fee for projects in which the foundation is incomplete that are certified

by a professional engineer or architect registered in the state of Florida to be less than 50% complete is \$750 or 10% of the original permit fee, whichever is greater. In order to be eligible for a time extension, a request, pursuant to 62B-33.013(3)(c), Florida Administrative Code, must be filed in writing with the Office Bureau of Beaches and Coastal Systems prior to the permit expiration date.

(n) through (q) No change.

Specific Authority 161.053, 161.0535, 370.021(1) FS. Law Implemented 161.053, 161.0535 FS. History--New 8-7-86, Formerly 16B-33.0085, Amended 6-16-97, 4-30-98.

(Substantial rewording of Rule 62B-33.013 follows. See Florida Administrative Code for present text.)

62B-33.013 Permit Revisions or Modifications, Time Extensions, and Renewals of Approved Permits.

(1) Requests for major changes or modifications including additions, revisions, or structural modifications of permitted projects or activities shall be reviewed in the same manner as the initial application. Changes considered major are those changes that will affect compliance with structural standards of this rule or which increase the potential for adverse impacts.

(2) A determination that minor changes or modifications including minor additions, revisions or structural modifications of permitted projects or activities that are within the scope of the permit, shall be made upon request of the applicant. Minor additions, revisions or structural modifications are those changes which will not increase the risk of adverse impacts.

(3) The permittee or authorized agent may request an extension of the permit expiration date by filing a written request with the Bureau prior to the permit expiration date. If a request for a time extension is completed pursuant to paragraph (a) below and received prior to the permit expiration date, the permit will be valid until the Department acts upon the extension request. If a timely but incomplete request for a time extension is received, construction must cease upon the expiration date of the permit and may not restart until the request is complete or until the Department acts upon the request. Time extensions for major structures may be issued for periods of up to three years. Time extensions for minor structures are not available.

(a) A written request for a permit time extension shall include the following items:

- 1. the permit number;
- 2. the length of time requested;
- 3. evidence provided by the applicable county or municipality, that the authorization previously provided under section 62B-33.008(1)(d), Florida Administrative Code, will remain in effect throughout the duration of the requested time extension;
- 4. reasonable assurance that the activity can be completed within the time extension requested based on a schedule for completion included with the request; that no significant

change in shoreline conditions has occurred since the original permit was issued; and that the nature of the work has not changed; and

5. a fee pursuant to section 62B-33.0085, Florida Administrative Code.

(b) The Department shall deny a request for a time extension if:

1. shoreline or other conditions have changed so that the project is no longer permittable under this Chapter;

2. application for a time extension is made after the expiration date of the permit; or

3. construction has not started within a five year period following the date of permit issuance for a major structure.

(4) If a permit has expired before the work is complete, the applicant may apply in writing for a permit renewal provided the request is made within six months of the original permit expiration date. A permit renewal may be issued for periods of up to two years. Permit renewals are not available if a time extension, pursuant to section 62B-33.013(3), Florida Administrative Code, was previously issued. In order to obtain a renewal, the applicant must provide information required in sections 62B-33.013(3)(a)1. through 5., Florida Administrative Code. Time extensions are not authorized while a permit renewal is in effect.

(5) If construction is not complete after having been granted additional time, by means of either a time extension or a permit renewal, the permittee must submit a new application pursuant to section 62B-33.008, Florida Administrative Code.

Specific Authority 161.053, 370.021(1) FS. Law Implemented 161.053, 161.052 FS. History--New 11-18-80, Amended 3-17-85, Formerly 16B-33.13, 16B-33.013, Amended 1-26-98.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rosaline Beckham
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Alfred B. Devereaux, Director, Office of Beaches and Coastal Systems
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 20, 1998
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 10, 1999

**DEPARTMENT OF HEALTH
Board of Chiropractic Medicine**

RULE TITLE: Application Fee and Licensure and Certification Examination Fees
RULE NO.: 64B2-12.002
PURPOSE AND EFFECT: The Board proposes to amend this rule to increase the examination fee.
SUMMARY: The Board has determined that it is necessary to amend the rule text by increasing the examination fee for licensure from \$450.00 to \$500.00.

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: 460.405, 460.406(1) FS.

LAW IMPLEMENTED: 460.406 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-12.002 Application Fee and Licensure and Certification Examination Fees.

(1) No change.

(2) The examination fee for the licensure examination taken in one administration period shall be five hundred dollars (\$500.00) ~~four hundred fifty dollars (\$450.00)~~. The examination fee for the Acupuncture Certification Examination shall be seventy five dollars (\$75.00).

Specific Authority 460.405, 460.406(1) FS. Law Implemented 460.406 FS. History—New 1-10-80, Formerly 21D-12.02, Amended 2-24-86, 5-10-87, 4-19-89, 10-9-90, 10-15-92, Formerly 21D-12.002, 61F2-12.002, 59N-12.002, Amended 1-18-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Chiropractic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 11, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 3, 2000

**DEPARTMENT OF HEALTH
Board of Chiropractic Medicine**

RULE TITLE: Time Limitation for Payment of Administrative Fine or Costs

RULE NO.:

PURPOSE AND EFFECT: The purpose is to amend this rule to update the rule text for clarity.

64B2-16.004

SUMMARY: The Board proposes to amend this rule to further clarify the time limitation for payment of an administrative fine and/or costs.

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: 455.624, 460.405 FS.

LAW IMPLEMENTED: 455.624 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-16.004 Time Limitation for Payment of Administrative Fine or Costs.

In cases where the Board of Chiropractic imposes an administrative fine and/or costs, the fine and/or costs shall be paid within thirty (30) days from the date the order of the Board is filed with the Clerk of the Department unless otherwise noted in the order.

Specific Authority 455.624, 460.405 FS. Law Implemented 455.624 FS. History—New 11-25-80, Formerly 21D-16.04, 21D-16.004, 61F2-16.004, Amended 7-18-95, Formerly 59N-16.004, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Chiropractic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 11, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 3, 2000

**DEPARTMENT OF HEALTH
Board of Chiropractic Medicine**

RULE TITLE: Acupuncture

RULE NO.: 64B2-17.003

PURPOSE AND EFFECT: The purpose of this rule amendment is to delete rule text that is no longer necessary.

SUMMARY: The Board proposes to amend this rule by deleting subsection (1) because the rule text is no longer needed.

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: 460.405 FS.

LAW IMPLEMENTED: 460.403 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-17.003 Acupuncture.

(1) Intent

(a) ~~Whereas the minimum requirements for licensure under Chapter 460, Florida Statutes, requires a thorough knowledge of physiology, anatomy, therapeutics and diagnostic acumen;~~

(b) ~~Whereas there exists no legislative or judicial definition of the term "acupuncture" in the State of Florida;~~

(c) ~~Whereas the public has expressed an interest in the practice of acupuncture;~~

(d) ~~Whereas study and investigation have shown that research is being conducted by chiropractic colleges and national chiropractic associations, and chiropractic colleges are teaching and certifying by examination, acupuncture on a post graduate level;~~

(e) ~~Whereas the Board of Chiropractic now feels qualified to be able to regulate the practice of acupuncture, after much study and research, until such time as legislative or judicial resolution makes further recommendation;~~

(f) ~~Whereas the Board finds that acupuncture modality falls within the scope of Section 460.403, Florida Statutes.~~

~~THEREFORE, in the view of the protection of the public general health and welfare, acupuncture is hereby defined.~~

(2) through (6) renumbered (1) through (5) No change.

Specific Authority 460.405 FS. Law Implemented 460.403 FS. History—New 1-10-80, Formerly 21D-17.03, Amended 1-28-90, Formerly 21D-17.003, 61F2-17.003, 59N-17.003, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Chiropractic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 11, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 3, 2000

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE TITLE: Retention of Chiropractic Records; Time Limitations

RULE NO.: 64B2-17.006

PURPOSE AND EFFECT: The purpose of these rule amendments is to delete rule text that is no longer necessary and to add rule text to further clarify the retention of chiropractic records.

SUMMARY: The Board finds it necessary to amend this rule to update the rule text with regard to the retention of chiropractic records and the time limitations.

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: 455.677, 460.405 FS.

LAW IMPLEMENTED: 455.667(12), 455.677 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-17.006 Retention of Chiropractic Records; Time Limitations.

(1) The chiropractor who ~~relocates or~~ terminates his practice, or the executor, administrator, personal representative survivor or succeeding practitioner of a deceased chiropractor licensed pursuant to Chapter 460, Florida Statutes, shall retain the chiropractic records of any "patient of record" in existence upon date of ~~relocation~~, termination of practice, or upon the death of the chiropractor for at least two (2) years from the date of the ~~relocation~~, termination of practice, or death of the chiropractor. "Patient of record" for the purpose of this rule is a patient who has received treatment within the last two (2) years.

(2) Within one (1) month from the date of ~~relocation~~, termination of practice, or the chiropractor's death, the chiropractor who has ~~relocated or~~ terminated his practice, or the executor, administrator, personal representative, survivor or succeeding practitioner of the deceased chiropractor shall notify the Board Office who the new records owner is and where the medical records can be found, and shall cause to be published in the newspaper of general circulation in the county

where the chiropractor resided or practiced, on two separate occasions, one week apart, a notice indicating to the patients of the chiropractor who has ~~relocated or~~ terminated his practice, or of the deceased chiropractor that the patient's chiropractic records are available to that patient or their duly constituted representative from a specific person at a certain location.

(3) At the conclusion of a twenty-two month period of time from the date of ~~relocation~~, termination of practice or the chiropractor's death, the chiropractor who has ~~relocated or~~ terminated his practice, or the executor, administrator, personal representative, survivor or succeeding practitioner shall cause to be published once during each week for four (4) consecutive weeks, in the newspaper of general circulation in the county where the chiropractor resided or practiced, a notice indicating to the patients of the chiropractor who has relocated or terminated his practice, or of the deceased chiropractor that their chiropractic records may be disposed of or destroyed one (1) month or later from the last day of the fourth week of publication of notice. Records shall be disposed of or destroyed in such a manner as to preserve the confidentiality of the information contained therein.

(4) No change.

(5) A chiropractor who relocates his practice shall cause to be published in the newspaper of general circulation in the county where the chiropractor resides or practices, on two separate occasions, one week apart, a notice indicating to the patients of the chiropractor the date of relocation and an address at which the records may be obtained.

Specific Authority 455.677, 460.405 FS. Law Implemented 455.667(12), 455.677 FS. History—New 4-13-82, Formerly 21D-17.06, Amended 7-15-91, 5-19-93, Formerly 21D-17.006, 61F2-17.006, 59N-17.006, Amended 2-16-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Chiropractic Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Chiropractic Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 11, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 3, 2000

**DEPARTMENT OF HEALTH
Board of Chiropractic Medicine**

RULE TITLE: Approval of Training Programs
RULE NO.: 64B2-18.003
PURPOSE AND EFFECT: The purpose of this rule amendment is to delete language that the Board has determined is confusing and no longer necessary.
SUMMARY: The Board has determined that certain rule text should be deleted from this rule because it is confusing and is no longer needed.

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: 460.405, 460.4165(9) FS.

LAW IMPLEMENTED: 460.4165(5) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-18.003 Approval of Training Programs.

(1) through (3) No change.

~~(4) Students enrolled in the training program having at least three years' experience, during the four years immediately preceding the submission of the application, assisting a licensed chiropractic physician, may be exempted from up to seventy (70) classroom hours of exempted instruction.~~

(5) through (9) No change.

Specific Authority 460.405, 460.4165(9) FS. Law Implemented 460.4165(5) FS. History—New 11-25-81, Amended 11-23-82, Formerly 21D-18.03, 21D-18.003, 61F2-18.003, 59N-18.003, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Chiropractic Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Chiropractic Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 11, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 3, 2000

**DEPARTMENT OF HEALTH
Board of Medicine**

RULE TITLE: Physician Assistant Licensure
RULE NO.: 64B8-30.003
PURPOSE AND EFFECT: The proposed rule amendment is intended to conform the Florida Physician Assistant Licensure Examination (FPAL) to the settlement agreement reached by the Department with regard to future administrations of the examination.
SUMMARY: The proposed rule amendment conforms the Florida Physician Assistant Licensure Examination (FPAL) to the settlement agreement reached by the Department with regard to future administrations of the examination.

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: 458.309, 458.347 FS.

LAW IMPLEMENTED: 458.347, 455.574 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: Tanya Williams, Executive Director, Board of Medicine/MQA, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-30.003 Physician Assistant Licensure.

(1) No change.

(2) The physician assistant examination for graduates of foreign medical schools.

(a) Beginning with the 2000 administration, the Florida physician assistant licensure examination (FPALE) for graduates of foreign medical schools shall consist of an examination that is similar to the last National Commission on Certification of Physician Assistant's exam, which is called the Physician Assistant National Certification Exam (PANCE), administered on or before December 31st of the preceding year, in the following manner: The physician assistant examination for graduates of foreign medical schools shall consist of the following parts:

1. The FPALE shall have the same number of parts as the PANCE. a general written examination containing 325 questions; and

2. The number of questions on the FPALE shall be the same as on the PANCE. a specialty primary care multiple-choice written examination containing 150 questions; and/or

3. The general areas of competency on the FPALE shall be the same as on the PANCE, based upon those categories of testing revealed in the last publicly available PANCE outline. a specialty surgery multiple-choice written examination containing 150 questions.

(b) The minimum passing score for the examination shall be the average needed to pass at the last administration of the PANCE on or before December 31st of the preceding year. In order to be eligible for licensure, the candidate must pass:

1. the general written examination; and

2. either the specialty surgery or primary care written examination.

(c) The examination fee shall not exceed \$300, plus the actual cost to the Department for provide the examination. The minimum passing scores for the examination shall be:

1. ~~A standardized score of 600 for the general written examination;~~

2. ~~A standardized score of 600 for the specialty surgery written examination; and~~

3. ~~A standardized score of 600 for the specialty primary care written examination.~~

(d) ~~The general written examination shall assess candidate knowledge, and skill in applying knowledge, related to health care functions that physician assistants should be skilled in performing. The examination questions may be drawn from the entire range of physician assistant activities, including, but not limited to, the content areas listed below:~~

~~1. Endocrine System~~

~~a. General Skills 2-4%~~

~~b. Primary Care 3-5%~~

~~e. Surgical Skills 1-3%~~

~~2. Pediatric~~

~~a. General Skills 6-8%~~

~~b. Primary Care 5-10%~~

~~e. Surgical Skills 1-3%~~

~~3. Nutritional/Metabolism~~

~~a. General Skills 1-3%~~

~~b. Primary Care 2-4%~~

~~e. Surgical Skills 1-2%~~

~~4. Blood and Blood-forming Hematology~~

~~a. General Skills 2-4%~~

~~b. Primary Care 3-5%~~

~~e. Surgical Skills 1-3%~~

~~5. Head and Neck~~

~~a. General Skills 1-3%~~

~~b. Primary Care 2-4%~~

~~e. Surgical Skills 2-4%~~

~~6. Eyes~~

~~a. General Skills 1-3%~~

~~b. Primary Care 2-3%~~

~~e. Surgical Skills 1-3%~~

~~7. Ears~~

~~a. General Skills 1-3%~~

~~b. Primary Care 1-3%~~

~~e. Surgical Skills 1-3%~~

~~8. Mental Health~~

~~a. General Skills 1-2%~~

~~b. Primary Care 1-3%~~

~~e. Surgical Skills 0-1%~~

~~9. Nervous System and Sense Organs~~

~~a. General Skills 2-4%~~

~~b. Primary Care 3-5%~~

e. Surgical Skills	4-6%
10. Circulatory System	
a. General Skills	3-5%
b. Primary Care	4-6%
e. Surgical Skills	8-10%
11. Respiratory System	
a. General Skills	4-6%
b. Primary Care	4-6%
e. Surgical Skills	3-5%
12. Digestive System	
a. General Skills	3-5%
b. Primary Care	4-6%
e. Surgical Skills	8-10%
13. Genitourinary System	
a. General Skills	2-4%
b. Primary Care	2-4%
e. Surgical Skills	4-6%
14. Gynecology and Pregnancy	
a. General Skills	3-5%
b. Primary Care	4-6%
e. Surgical Skills	5-7%
15. Skin and Subcutaneous Tissue	
a. General Skills	2-3%
b. Primary Care	2-3%
e. Surgical Skills	2-4%
16. Musculoskeletal System and Connective Tissue	
a. General Skills	2-4%
b. Primary Care	2-4%
e. Surgical Skills	6-8%
17. Infectious Diseases	
a. General Skills	10-12%
b. Primary Care	10-20%
e. Surgical Skills	8-10%
18. Trauma/Emergency	
a. General Skills	4-6%
b. Primary Care	6-8%
e. Surgical Skills	12-15%
19. Preventive Disease Section	
a. General Skills	1-2%
b. Primary Care	1-2%
e. Surgical Skills	0-1%
20. Pharmacology	
a. General Skills	5-7%
b. Primary Care	6-10%
e. Surgical Skills	6-10%
21. Scope of Practice	
a. General Skills	1-3%
b. Primary Care	0%
e. Surgical Skills	0%

22. Practice Competencies	
a. General Skills	20-22%
b. Primary Care	0%
e. Surgical Skills	0%

~~(e) The specialty written examination shall assess candidates' knowledge, and skill in applying knowledge, related to health care functions that physician assistants should be skilled in performing, such as those noted above in paragraphs 64B8-30.003(2)(d)1., 22., F.A.C., as applied to patient care situations relevant to the appropriate specialty area.~~

~~(f) Examination fees shall be \$620 for candidates who want to take the general and one specialty examination and \$700 for candidates who want to take the general and both specialty examinations.~~

(3) through (5) No change.

Specific Authority 458.309, 458.347 FS. Law Implemented 458.347, 455.574 FS. History—New 4-28-76, Amended 11-15-78, 10-23-80, 12-4-85, Formerly 21M-17.03, Amended 5-13-87, 11-15-88, 11-15-90, 1-9-92, 5-6-93, Formerly 21M-17.003, Amended 9-21-93, Formerly 61F6-17.003, Amended 9-8-94, 11-30-94, 10-25-95, 3-25-96, Formerly 59R-30.003, Amended 6-7-98, 8-19-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 3, 2000

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLES:	RULE NOS.:
Manner of Application	64B8-51.001
Licensure by Examination	64B8-51.002

PURPOSE AND EFFECT: The Electrolysis Council proposed to the Board of Medicine language be stricken regarding applicant's application and fee in Rule 64B8-51.001 because it is incorrect and unnecessary. The recommendation to amend Rule 64B8-51.002 is to conform the language to the present use of the National Examination.

SUMMARY: Rule 64B8-51.001 is being amended due to unnecessary text, and Rule 64B8-51.002 is being amended to revise terminology to accommodate the change in the licensure examination.

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: 478.43(1),(4) FS.
 LAW IMPLEMENTED: 455.574, 478.45 FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY (IF NOT REQUESTED, A HEARING WILL NOT BE HELD).
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Electrolysis Council/MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

- 64B8-51.001 Manner of Application.
 (1) through (2) No change.
~~(3) The application and fee may be used for more than one year from the date of original submission of the application and fee provided that the applicant's file has been completed and that the applicant has taken at least one administration of the examination for licensure.~~
 (3)(4) No change.
 (4)(5) No change.

Specific Authority 478.43(1),(4) FS. Law Implemented 478.45 FS. History–New 5-31-93, Formerly 21M-76.001, Amended 11-10-93, Formerly 61F6-76.001, Amended 5-29-96, Formerly 59R-51.001, Amended 12-23-97, _____.

- 64B8-51.002 Licensure by Examination.
 (1) No change.
 (2) The Electrolysis Licensure Examination shall be the International Board of Electrologist Certification (IBEC) national examination ~~a written examination developed and administered by the Department. This examination will consist of 100 multiple choice questions covering the following areas in these approximate percentages:~~
- | | |
|--|-----------------|
| (a) Definition and Characteristics of Electrolysis | 18% |
| (b) New Client/Patient Consultation | 16% |
| (c) Equipment for Electrolysis | 10% |
| (d) Sanitation and Disinfection | 4% |
| (e) Sterilization | 14% |
| (f) Pre-treatment | 12% |
| (g) Treatment | 17% |
| (h) Post-treatment Care | 4% |
| (i) Professional/Legal & Ethical/Laws and Rules | 5% |
| Total | 100% |

(3) The minimum passing score for the examination shall be set by the national examination provider ~~a sealed score of 350 on a scale with a maximum value of 500. The minimum passing score shall be based on a cut score study conducted by the Department.~~

~~(4) An applicant shall be permitted to use a strict translation dictionary approved by the Department in taking the examination. Such a dictionary shall give only the translation of words from one language to another without giving any definition or explanation of any word.~~

Specific Authority 478.43(1),(4) FS. Law Implemented 455.574, 478.45 FS. History–New 5-31-93, Formerly 21M-76.002, 61F6-76.002, Amended 7-11-95, Formerly 59R-51.002, Amended 11-13-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrolysis Council
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 5, 2000
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 3, 2000

**DEPARTMENT OF HEALTH
 Board of Occupational Therapy**

RULE TITLE: Use of Prescription Devices
 RULE NO.: 64B11-4.001
 PURPOSE AND EFFECT: The Board proposes to amend the existing rule by updating the rule text.

SUMMARY: The rule amendments are for the purpose of updating the requirements for the use of prescription devices.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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: 468.203(4), 468.204 FS.
 LAW IMPLEMENTED: 468.203(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Occupational Therapy/MQA, 2020 S. E. Capital Circle, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

- 64B11-4.001 Use of Prescription Devices.
 (1) Electrical Stimulation Device
 (a) through (b) No change.

(c) The training required to qualify for the use of an electrical stimulation device shall include didactic training of at least four (4) hours and performance of at least five (5) treatments under supervision. The required training may be obtained through educational programs, workshops, or seminars offered at a college or university approved for training of occupational therapists by the American

Occupational Therapy Association or of physical therapists by the American Physical Therapy Association or at clinical facilities affiliated with such accredited colleges or universities or through educational programs offered by the American Society of Hand Therapists or Florida Occupational Therapy Association.

(d) Supervised treatment sessions shall be conducted under the supervision of licensed occupational therapists and occupational therapy assistants who have completed ~~four an eight (8) hours of coursework course~~ in the use of electrical stimulation devices and five (5) supervised treatments or licensed physical therapists and physical therapist assistants trained in the use of electrical stimulation devices. Treatment supervisors must have a minimum of 24 months prior experience in the use of electrical stimulation devices.

(e) through (f) No change.

(2) Ultrasound Device

(a) through (b) No change

(c) The training required to qualify for the use of an ultrasonic stimulation device shall include didactic training of at least four (4) hours and performance of at least five (5) treatments under supervision. The required training may be obtained through educational programs, workshops, or seminars offered at a college or university approved for training of occupational therapists by the American Occupational Therapy Association or of physical therapists by the American Physical Therapy Association or at clinical facilities affiliated with such accredited colleges or universities or educational programs offered through the American Society of Hand Therapists or Florida Occupational Therapy Association.

(d) Supervised treatment sessions shall be conducted under the supervision of licensed occupational therapists and occupational therapy assistants who have completed ~~four an eight (8) hours of coursework course~~ in the use of ultrasound devices. Treatment supervisors must have a minimum of 24 months prior experience in the use of ultrasound devices.

(e) through (f) No change.

Specific Authority 468.203(4), 468.204 FS. Law Implemented 468.203(4) FS. History—New 1-1-88, Formerly 21M-15.001, 61F6-15.001, Amended 12-4-95, Formerly 59R-63.001, Amended 8-9-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Occupational Therapy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Occupational Therapy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 31, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 10, 1999

DEPARTMENT OF HEALTH

Vital Statistics

RULE TITLES:	RULE NOS.:
Delayed Birth Registration Requirements; Fees	64V-1.001
Birth Certificate Amendments; Who May Apply; Fees	64V-1.002
Birth Certificate Amendments by Adoption	64V-1.0031
Birth Certificate Amendments by Paternity Establishment; Judicial and Administrative Process	64V-1.0032
Change of Paternity; Evidence Required	64V-1.004
Evidence Required for Births Occurring Outside of a Facility	64V-1.006
Death Certificate Amendments; Who May Apply Fees; Documentary Evidence Requirements	64V-1.007
Termination of Pregnancies; Reporting	64V-1.015

PURPOSE AND EFFECT: To amend rules to agree with statutory changes that were done in last session and to update forms that are incorporated by reference in the rules.

SUMMARY: The Office of Vital Statistics wishes to improve the quality of service to its clients. Therefore, forms are being updated to provide additional guidance and provide clarification. Due to certain functions being moved within the Vital Statistics Chapter, amendment of rules is necessary to be in agreement with statutory authority.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

Any person wishing 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: 381.0011(13), 382.003(10), (11), 382.013, 382.015(6), 382.016(1), 382.017, 382.019, 382.0255(3) FS.

LAW IMPLEMENTED: 63.152, 382.003(7), 382.011, 382.013, 382.015, 382.016, 382.017, 382.019, 390.0112, 742.10, 742.16 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: 1:00 p.m., April 21, 2000

PLACE: 1217 Pearl St., Room 230C, Jacksonville, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kathleen Dunkley Stephens, Senior Management Analyst, Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042

THE FULL TEXT OF THE PROPOSED RULES IS:

64V-1.001 Delayed Birth Registration Requirements; Fees.

(1) All delayed birth registrations must be accompanied by the fee required by subsection (2) of 64V-1.014, F.A.C., and by documents described in subsection (2) of 64V-1.001, F.A.C., which substantiate the following facts of birth:

- (a) Name at the time of birth of the registrant;
- (b) Date of birth of the registrant;
- (c) State of birth of the registrant;
- (d) Mother’s name including her maiden surname; and
- (e) Father’s name; except that if the parents were not married at the time of the registrant’s birth, the father’s name shall not be entered on the delayed certificate except by an affidavit of acknowledgment of paternity signed before a notarizing official by both parents or by order of a court of competent jurisdiction.

(2) The minimum requirements for documentary evidence are as follows:

(a) A statement that the birth actually occurred by an official of the hospital where the delivery occurred or where the registrant was admitted immediately after delivery, or;

(b) If the registrant was not delivered in a hospital or admitted immediately after delivery or if hospital records are not available, a statement, based on professional case records of the event, by a Florida licensed physician, certified nurse midwife, Florida licensed midwife, or a public health nurse employed by the department; who attended the delivery, or

(c) Two supporting documents establishing birth facts contained in subsection (1) of 64V-1.001, F.A.C., except for item listed in subsection (1)(d) and (e) of 64V-1.001, F.A.C., for which only one document is required:

- 1. School record of registrant;
- 2. Social Security record of registrant;
- 3. Military record of registrant or military record of parent or guardian showing dependent data regarding the registrant;
- 4. Insurance policy application or personal history sheet;
- 5. Census records;
- 6. Other evidence on file in the Office of Vital Statistics taken from other registrations;

- 7. Medical treatment record for registrant;
- 8. Records maintained by the department or other state agency, State of Florida which substantiate the birth; or

9. Other verifiable records, except for those in subsection (6) of 64V-1.001, F.A.C., ~~which are verifiable.~~

(3) Documentation required in subsection (2)(c) of 64V-1.001, F.A.C., must have been established at least 5 years prior to filing unless applicant is under the age of 10. In such cases, the documents submitted must have been established at least 1 year prior to the date of filing for a delayed certificate.

(4) If documents listed in subsection (2) of 64V-1.001, F.A.C., cannot be obtained, the applicant may file for a delayed birth certificate under the provisions of section 382.0195, F.S.

(5) The Delayed Certificate of Birth, DH Form 520, Sept. 97, hereby incorporated by reference, and available from the department, must be signed by a parent or guardian for a registrant under the age of 18. A registrant 18 years or older, or if disability of nonage has been removed and the registrant provides proof of such removal, must sign this form. The person signing the Delayed Certificate of Birth, DH Form 520, Sept. 97 must sign before a notarizing official.

(6) Self serving affidavits and family bible records are not acceptable sources of primary documentary evidence but may be used to further substantiate the facts of birth.

(7) Documents submitted shall be in the form of an original record or duly certified copy thereof or a signed and certified statement from the custodian of the records. All documents submitted are subject to verification with the originating source.

(8) Delayed birth certificates issued pursuant to this section, except for clerical errors, cannot be amended without a court order.

(9) The state registrar or his or her designated representative shall abstract on the Delayed Certificate of Birth a description of each document submitted to support the facts shown on the delayed record. This description shall include:

- (a) the title or description of the document;
- (b) the date of the original filing of the document being abstracted; and
- (c) the information regarding the birth facts contained in the document.

(10) Applications for delayed certificates which have not been completed within 1 year from the date of the application may be dismissed at the discretion of the State Registrar. Upon dismissal, the State Registrar shall so advise the applicant and all ~~the~~ documents submitted in support of the delayed birth registration shall be returned to the applicant at last known address after review.

Specific Authority ~~382.003(7), (10), (11)~~, 382.019, 382.0255(3)(1)(b) FS. Law Implemented ~~382.003(7)~~, 382.019 FS. History—New 1-1-77, Formerly 10D-49.13, Amended 10-1-88, 10-1-90, 4-18-96, 12-26-96, Formerly 10D-49.013, Amended 11-11-98, _____.

64V-1.002 Birth Certificate Amendments; Who May Apply; Fees.

(1) A request for an amendment to a birth certificate made pursuant to subsections (1) and (2) of 382.016, F.S., shall be accompanied by statutory fees required pursuant to subsection (3) of 64V-1.014, F.A.C., and documentary evidence, if required, by section 64V-1.003, F.A.C. The required Affidavit of Amendment to Certificate of Live Birth Record, DH Form 430, Jan. ~~00~~ 97, hereby incorporated by reference, and available from the department, must be signed before a notarizing official by a registrant who is at least 18 years of age

or if disability of nonage has been removed and the registrant provides proof of such removal; or if under 18, by his or her parent(s) named on the certificate or guardian or agency having legal custody of the registrant.

(2) A request for amendment to a birth certificate made pursuant to section 382.015 and subsection (3) of section 382.016, F.S., requires statutory fees as prescribed in subsection (4) of 64V-1.014, F.A.C.; however, the amendment of the birth certificate shall not be withheld if the required fee does not accompany the request. The department shall in these instances amend the birth certificate and shall so notify the attorney, parent, or registrant, if of legal age, of the fee required for processing the amendment which includes one certification of the amended certificate.

Specific Authority 382.003(7)(10),(11), 382.015(6), 382.016(1), 382.0255(3)(4)(e) FS. Law Implemented 382.003(7), 382.015, 382.016 FS. History–New 1-1-77, Formerly 10D-49.14, Amended 10-1-88, 4-18-96, 12-26-96, Formerly 10D-49.014, Amended 11-11-98,_____.

64V-1.0031 Birth Certificate Amendments by Adoption.

(1) Any adoption entered by a court in this state shall be recorded on a Certified Statement of Final Decree of Adoption, DH 527, Jan. 00 Feb. 98, hereby incorporated by reference and available from the department. Sections A and B of this form shall be completed by the child placement agency, state agency or attorney, as applicable, and shall then be forward to the clerk of the circuit court for completion of Section C by the court. Upon receipt of a properly completed and certified DH 527, Jan. 00 Feb. 98, the department shall amend the birth certificate if the child was born in this state.

(2) The department shall, upon receipt of a DH 527, Jan. 00 Feb. 98, granted pursuant to s. 382.017, F.S., and an Application for Certificate of Foreign Birth, DH 1178, Aug. 98, both hereby incorporated by reference and available from the department, prepare a Certificate of Foreign Birth, DH 1156, Jul. 97, hereby incorporated by reference and available from the department.

Specific Authority 382.003(7)(10), 382.015(6), 382.017, 382.0255(3)(4)(d) FS. Law Implemented 63.152, 382.003(7), 382.015, 382.017 FS. History–New 11-11-98, Amended_____.

64V-1.0032 Birth Certificate Amendments by Paternity Establishment Acknowledgment; Judicial and Administrative Process.

(1) Any judgment establishing paternity entered by a Florida court pursuant to section 742.10, or section 382.015, F.S., shall be recorded on a Certified Statement of Final Judgment of Paternity, DH 673, Jan. 00 Feb. 97, hereby incorporated by reference and available from the department. Sections A and B of this form shall be completed by the attorney, as applicable, and shall then be forwarded to the clerk of the circuit court for completion of Section C by the court.

(2) A request to amend a birth certificate upon written request of the parents pursuant to subsection (3)(2)(a) of 382.016 ~~382.015~~, F.S., shall be submitted on a Consenting

Affidavit Acknowledging Paternity, DH 432, Jan. 00 Nov. 97, hereby incorporated by reference and available from the department.

(3) Any judgment establishing paternity resulting from an affirmation of parental status for gestational surrogacy pursuant to section 742.16, F.S., shall be recorded on a Certified Statement of Final Order of Affirmation of Parental Status, DH 1905, Jan. 00 Sept. 97, hereby incorporated by reference and available from the department.

Specific Authority 382.003(7)(10),(11), 382.015(6), 382.016(1), 382.0255(3)(4)(d), 742.10, 742.16 FS. Law Implemented 382.003(7), 382.015(2)(3), 382.016(3), 742.10, 742.16 FS. History–New 11-11-98, Amended_____.

64V-1.004 Change of Paternity; Evidence Required.

A certified copy of a court order is required to change the paternity if a father was listed on the original record in accordance with 382.013, F.S., or on an amended record filed pursuant to subsection (2) of 382.015 or subsection (3) of 382.016, F.S.

Specific Authority 382.003(10), 382.015(6), 382.016(1) FS. Law Implemented 382.013(2), 382.015(2), 382.016(3)(5), 382.019 FS. History–New 1-1-77, Formerly 10D-49.17, Amended 10-1-88, 10-1-90, Formerly 10D-49.017, Amended 11-11-98,_____.

64V-1.006 Evidence Required for Births Occurring Outside of a Facility.

(1) If a birth occurs outside a facility and the child is not taken to a facility within three days after delivery, a Certificate of Live Birth, DH 511, Jan. 00 Apr. 98, hereby incorporated by reference and available from the department, will be accepted for registration by a local registrar and state filing by the Office of Vital Statistics if corroborated by a written statement from a licensed physician or a licensed midwife in attendance during or immediately after the birth.

Specific Authority 382.003(7)(10),(11), 382.013(1)(b), 382.019 FS. Law Implemented 382.003(7), 382.013(1), 382.019 FS. History–New 10-1-90, Formerly 10D-49.0194, Amended 11-11-98,_____.

64V-1.007 Death Certificate Amendments; Who May Apply; Fees; Documentary Evidence Requirements.

(1) Application to amend items other than those requiring the signature of the attending physician or medical examiner as outlined in subsection (2) of 64V-1.007, F.A.C., shall be accompanied by the fee required in subsection (3) of 64V-1.014, F.A.C.

(2) Amendment of the medical certification of the cause of death section, the date of death, hour or time of death or the place of death other than street address on a death certificate shall be confirmed in writing by the attending physician or medical examiner with current jurisdiction of the district in which the death occurred. An Affidavit of Amendment to Medical Certification of Death, DH 434, Feb. 97, hereby incorporated by reference and available from the department shall be completed and signed before a notarizing official by the attending physician or medical examiner with current

jurisdiction of the district in which the death occurred. Such affidavit shall be attached to the original death certificate becoming a permanent part of that record. Amendment fees required pursuant to subsection (1)(c) of 382.0255, F.S., are waived in such cases.

(3) Amendment of the following items on a death certificate shall be made on an Affidavit of Amendment to Certificate of Death Certificate, DH 433, Jan. 00 Feb. 97, hereby incorporated by reference and available from the department. Such affidavit shall be signed before a notarizing official by the informant or next of kin and the funeral director except where such signature has been waived by the department pursuant to subsection (4) of 64V-1.007, F.A.C., and shall require the birth certificate of the decedent or two documents as referenced in subsection (6) of 64V-1.007, F.A.C., which were established by the decedent. Documents submitted must be original, certified, or notarized copies and must substantiate the facts to be amended and contain the date the document was originally established:

(a) Name of decedent except that evidence is not required for:

- 1. a misspelling;
- 2. a change to an initial as long as other names of decedent are correctly entered and other personal identifying information is correctly shown; or
- 3. the adding of a given name as long as other names of decedent are correctly entered and other personal identifying information is correctly shown.

(b) Date of birth changed more than 3 months;

~~(c) Race;~~

~~(d) Citizenship from alien to United States citizen;~~

~~(1) Names of parent(s) except that evidence is not required for:~~

- 1. a misspelling;
- 2. transposition of given names;
- 3. a change to an initial as long as long as other names of parent(s) are correctly entered;
- 4. adding of a given name as long as other names of parent(s) are correctly entered; or
- 5. adding maiden surname of mother if married surname shown or if maiden surname was omitted as long as other name(s) correctly entered.

~~(e) Change to marital status as long as the surviving spouse item is not affected by the change; or~~

~~(f) Change to name of the surviving spouse if a misspelling or an omission as long as marital status is not affected by the change.~~

(4) The department may waive the signature of the funeral director as required in subsection (3) of 64V-1.007, F.A.C., in cases where the death occurred more than a year prior to the request for amendment.

(5) The department may not alter the surviving spouse item other than those items in subsection (3)(g) of 64V-1.007, F.A.C., except on order of a court of competent jurisdiction.

(6) Suggested sources of evidence submitted in support of the amendment are as follows:

- (a) Court record;
- (b) Naturalization record;
- (c) Medical treatment record;
- (d) Vital record of parent(s) or child;
- (e) Military service record;
- (f) Driver's License;
- (g) Census record;
- (h) Social security application;
- (i) Marriage or divorce record;
- (j) Voter registration record;
- (k) Insurance record; or

~~(l) Passport; or~~

~~(m) Other verifiable records.~~

(7) Other records which are verifiable may be substituted.

Information contained in documents may be combined if they interconnect all the facts required.

Specific Authority 382.003~~(7)~~,~~(10)~~,~~(11)~~, ~~382.011~~, 382.016~~(1)~~, 382.0255~~(3)~~,~~(4)~~,~~(e)~~ FS. Law Implemented ~~382.003(7)~~, 382.011, 382.016 FS. History--New 1-1-77, Formerly 10D-49.22, Amended 10-1-88, 4-18-96, 12-26-96, Formerly 10D-49.022, Amended 11-11-98,_____.

64V-1.015 Termination of Pregnancies; Reporting.

Each month, directors of medical facilities where pregnancies are terminated or physicians performing procedures to terminate pregnancies shall report information required by section 390.0112, F.S., on a Monthly Report of Induced Terminations of Pregnancy, DH 1578, Nov. 99 Feb. 98, hereby incorporated by reference and available from the department.

Specific Authority 381.0011(13) FS. Law Implemented 382.003(7), 390.0112 FS. History--New 11-11-98, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Kathleen Dunkley Stephens

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:

C. Meade Grigg

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

February 14, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

January 14, 2000 and January 28, 2000

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE:

Purpose and Legal Base

RULE NO.:

65A-33.001

PURPOSE AND EFFECT: The rule proposed for repeal is not necessary to provide purpose and legal base statements for the Emergency Financial Assistance for Housing Program. Rule statements are redundant of statute, inaccurate or unnecessary as to federal authority and unnecessary as to program operation being subject to availability of funding. This repeal is the result of a rule review conducted specifically to identify and correct administrative rule deficiencies.

SUMMARY: This proposed rule repeal removes a redundant rule from Ch. 65A-33, FAC.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement of estimated regulatory costs was not prepared for these proposed rule amendments.

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: 414.45 FS.

LAW IMPLEMENTED: 414.16 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., April 24, 2000

PLACE: 1317 Winewood Boulevard, Building 3, Room 414, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Paul Bartlett, Operations and Management Consultant Coordinator, 1317 Winewood Boulevard, Building 3, Room 306, Tallahassee, Florida 32399-0700, Telephone (850)921-9115

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-33.001 Purpose and Legal Base.

Specific Authority 414.45 FS. Law Implemented 414.16 FS. History--New 3-13-88, Formerly 10C-33.001, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rodney McInnis

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Audrey Mitchell, Program Administrator, Public Assistance Policy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 15, 2000

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE NO.: 3F-6.002 RULE TITLE: Care and Maintenance of Existing Cemetery

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. 25, No. 35, September 3, 1999, issue of the Florida Administrative Weekly. The Board, at its March 16, 2000 meeting, voted to change this rule in response to comments received from the Staff of the Joint Administrative Procedures Committee.

Subsections (2) through (5) are deleted. Subsection (1) shall read as follows:

Every licensed cemetery shall be maintained in a reasonable condition as defined in section 497.005(8), Florida Statutes.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diana Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, Florida 32399-0350

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE NO.: 3F-6.0053 RULE TITLE: Cash Payments Received

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 25, No. 35, September 3, 1999, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE NO.: 3F-6.0055 RULE TITLE: Unaccountable Contracts

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 25, No. 35, September 3, 1999, Florida Administrative Weekly has been withdrawn.