

(7) If an individual has more than one C-number and the additional C-numbers have allocated certificates, the reduction shall apply to certificates allocated to each C-number; that is, each C-number allocation shall be reduced according to the percentage reduction authorized for that year.

Specific Authority Art IV, Sec. 9, Fla. Const. 370.142(6) FS. Law Implemented Art IV, Sec. 9, Fla. Const. 370.142 FS. History-New 5-16-95, Formerly 62R-18.007, Amended.

68E-18.009 Re-allotment of Reverted Certificates.

Specific Authority 370.142(6) FS. Law Implemented 370.142 FS. History-New 5-16-95, Formerly 62R-18.009, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 30, 2001  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 13, 2001

Section III  
Notices of Changes, Corrections and  
Withdrawals

DEPARTMENT OF INSURANCE

Division of Insurer Services

RULE NO.: 4H-1.007  
RULE TITLE: Settlement of Losses  
SECOND 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., Florida Statutes, published in Vol. 26, No. 43, October 27, 2000, of the Florida Administrative Weekly, and a Notice of Change published in Vol. 27, No. 11, March 16, 2001:

4H-1.007(1) in the first line after the word "basis" add the language "of the damaged property has been replaced with property of like kind and quality; or pay the cost of repairing; whichever is less".

The remainder of the rule reads as previously published.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.0503  
RULE TITLE: Definition of Qualified Instructional Personnel

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 26, No. 51, December 22, 2000, and Vol. 27, No. 15, April 13, 2001, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Coastal Management Program

RULE CHAPTER NO.: 9M-1  
RULE NO.: 9M-1.005  
RULE CHAPTER TITLE: Administration and Procedure  
RULE TITLE: Preliminary Approval

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 27, No. 10, March 9, 2001, issue of the Florida Administrative Weekly.

9M-1.005 Preliminary Approval.

(1) through (2) No change.

(3) Notice of the scores and rankings of applications shall be published in the Florida Administrative Weekly. Any person whose substantial interests are affected may request a hearing pursuant to Section 120.57, F.S., within 21 ~~14~~ days of publication of the notice. Failure to request a hearing within the applicable time period shall constitute a waiver of the right to a hearing.

(4) No change.

Specific Authority 120.569, 120.57, 380.22(3) FS. Law Implemented 120.569, 380.22 FS. History-New 10-15-81, Formerly 17-24.05, Amended 12-2-87, Formerly 17-24.050, Amended 11-22-93, 4-30-96,                     .

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: L. Christine McCay, Environmental Administrator, Florida Coastal Management Program, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)414-6562, Suncom 994-6562

DEPARTMENT OF REVENUE

NOTICE OF CABINET AGENDA ON MAY 15, 2001

The Governor and Cabinet, on May 15, 2001, sitting as head of the Department of Revenue, will consider the proposed amendments and proposed repeals to the following rule sections in Rule Chapter 12A-1, F.A.C.:

RULE NOS.: 12A-1.001  
12A-1.0011  
12A-1.004  
12A-1.007  
12A-1.009  
RULE TITLES: Specific Exemptions  
Schools Offering Grades K Through 12; Parent-Teacher Associations; and Parent-Teacher Organizations  
Sales Tax Brackets  
Aircraft, Boats, Mobile Homes, and Motor Vehicles  
Receipts from Services Rendered by Insect or Pest Exterminators

12A-1.0091	Cleaning Services
12A-1.010	Receipts from Sales by Barber Shops and Beauty Shops
12A-1.011	Food and Drink for Human Consumption; Sales of Food or Drinks Served, Cooked, Prepared, or Sold by Restaurants or Other Like Places of Business
12A-1.013	Credit for Taxes Paid in Error
12A-1.014	Refunds and Credits for Sales Tax Erroneously Paid
12A-1.018	Trade and Cash Discounts
12A-1.037	Occasional or Isolated Sales or Transactions Involving Tangible Personal Property or Services
12A-1.041	Sales by Photographers, Photofinishers and Photostat Producers, Photoengravers, Wood Engravers and Public Officials of Public Records
12A-1.044	Vending Machines
12A-1.048	Sale of Agricultural Products
12A-1.056	Tax Due at Time of Sale; Tax Returns and Regulations
12A-1.0565	Waiver of Electronic Data Interchange Sales and Use Tax Return Filing Requirements
12A-1.058	Trade Stamps
12A-1.060	Registration
12A-1.064	Sales in Interstate and Foreign Commerce; Sales to Nonresident Dealers; Sales to Diplomats
12A-1.069	Sales by Governmental Agencies and Instrumentalities and Exempt Institutions
12A-1.080	Concession Prizes; The Sale of Food, Drink, and Tangible Personal Property at Concession Stands
12A-1.087	Partial Exemption for Farm Equipment; Suggested Exemption Certificate for Items Used for Agricultural Purposes
12A-1.091	Use Tax
12A-1.0935	Authority to Issue Subpoenas and Subpoenas Duces Tecum
12A-1.0955	Revocation of Sales Tax Certificates of Registration
12A-1.096	Industrial Machinery and Equipment for Use in a New or Expanding Business
12A-1.097	Public Use Forms
12A-1.105	Service Warranties

The proposed rules were noticed for a rule development workshop in the Florida Administrative Weekly on November 9, 2000 (Vol. 26, No. 45, pp. 5223-5250). The workshop was held on November 28, 2000. No one appeared at the workshop to testify; no written comments were received by the Department.

The proposed amendments were noticed for a rule hearing in the Florida Administrative Weekly on February 16, 2001 (Vol. 27, No. 7, pp. 653-681). A hearing was conducted on March 13, 2001. In response to comments received from the Joint Administrative Procedures Committee, a Notice of Change to revise the proposed amendments to Rules 12A-1.0011 and 12A-1.0955, F.A.C., has been filed for publication in the Florida Administrative Weekly.

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

NOTICE OF CABINET AGENDA ON MAY 15, 2001

The Governor and Cabinet, on May 15, 2001, sitting as head of the Department of Revenue, will consider the proposed amendments and proposed repeals to the following rule sections in Rule Chapter 12A-1, F.A.C.:

RULE NOS.:	RULE TITLES:
12A-1.008	Newspapers, Community Newspapers, Shoppers, Magazines, and Other Periodicals
12A-1.027	Printing of Tangible Personal Property
12A-1.028	Sales to Persons Engaged in Printing
12A-1.030	The Printing of Promissory Notes, Securities and Checks
12A-1.031	The Printing of Lawyers' Briefs and Accountants' Reports
12A-1.034	Promotional Materials Exported from this State
12A-1.062	Information Services

The proposed rule amendments and proposed rule repeals were noticed for a Rule Development Workshop in the Florida Administrative Weekly on November 9, 2000 (Vol. 26, No. 45, pp. 5250-5258). The workshop was held on November 28, 2000. In addition to comments received at the rule development workshop, written comments were received by the Department. In response to these comments, changes were made to the proposed substantial rewording of Rule 12A-1.008, F.A.C., to clarify the exemption provided for shoppers and community newspapers, to correct the exemption requirements for inserts distributed with publications, and to clarify that news information and photo services are not subject to tax. Changes were also made to Rule 12A-1.062, F.A.C., to

clarify that news information and photo services are not subject to tax. These changes were incorporated into the Notice of Proposed Rulemaking.

The proposed rule amendments and proposed rule repeals were noticed for a rule hearing in the Florida Administrative Weekly on February 16, 2001 (Vol. 27, No. 7, pp. 682-690). A rule hearing was conducted on March 13, 2001. In response to public comments received at the rule hearing, written comments received by the Department, and comments received from the Joint Administrative Procedures Committee, a Notice of Change to revise the proposed amendments to Rules 12A-1.008, 12A-1.027 and 12A-1.062, F.A.C., has been filed for publication in the Florida Administrative Weekly.

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NOS.:	RULE TITLES:
12A-1.0011	Schools Offering Grades K through 12; Parent-Teacher Associations; and Parent-Teacher Organizations
12A-1.0955	Revocation of Sales Tax Certificates of Registration

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed creation of Rule 12A-1.0011, F.A.C., and the proposed amendments to Rule 12A-1.0955, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 7, pp. 653-681, February 16, 2001, issue of the Florida Administrative Weekly. These changes are in response to comments received from the Joint Administrative Procedures Committee.

In response to written comments received by the Department regarding the proposed creation of Rule 12A-1.0011, F.A.C., subparagraphs 1. through 4. have been removed and paragraph (e) of subsection (4), has been changed, so that, when adopted, paragraph (5)(e) will read as follows:

(e) Admission charges, dues, and membership fees to an event or program sponsored by a school, parent-teacher association, or parent-teacher organization that qualifies as a not-for-profit entity under the provisions of s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, are exempt.

In response to written comments received by the Department regarding the proposed amendments to Rule 12A-1.0955, F.A.C., subsection (2), has been changed, so that, when adopted, that subsection will read as follows:

(2) The Department ~~will~~ ~~may~~ commence a revocation action through issuance of a Preliminary Notice of Revocation (~~Form DR-1PN~~) to the last known address of record furnished by the dealer. This Notice informs the dealer that:

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NOS.:	RULE TITLES:
12A-1.008	Newspapers, Community Newspapers, Shoppers, Magazines, and Other Periodicals
12A-1.027	Printing of Tangible Personal Property
12A-1.062	Information Services

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed substantial rewording of Rules 12A-1.008 and 12A-1.027, F.A.C., and to the proposed amendments to Rule 12A-1.062, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 7, pp. 682-690, February 16, 2001, issue of the Florida Administrative Weekly. These changes are in response to comments received at the public hearing conducted on March 13, 2001, and in response to comments received from the Joint Administrative Procedures Committee.

In response to written comments received by the Department regarding the proposed substantial rewording of Rule 12A-1.008, F.A.C., paragraph (4)(b), has been changed, so that, when adopted, that paragraph will read as follows:

(b) Inserts are exempt from tax when:

1. The inserts are either printed by the publisher of the newspaper, community newspaper, shopper, or magazine or delivered directly to the publisher by any other printer for inclusion in a distributed newspaper, community newspaper, shopper, or magazine; and

2. The inserts are labeled as part of the designated newspaper, community newspaper, shopper, or magazine in the masthead, logo, gang logo, or supplement line of the newspaper, community newspaper, shopper, or magazine to which they are inserted; and

3. If the purchaser of the insert acquires the insert from a dealer other than the publisher of the periodical, the purchaser must present to the selling dealer a copy of the purchaser's Annual Resale Certificate (form DR-13) or an exemption certificate, as provided in Rule 12A-1.038, F.A.C., stating that the publication is exempt from tax pursuant to s. 212.08(7)(w), F.S.

In response to written comments received by the Department regarding the proposed substantial rewording of Rule 12A-1.027, F.A.C., paragraph (2)(b) has been changed, so that, when adopted, that paragraph will read as follows:

(b) Charges for postage paid to the United States Postal Service that are separately stated on a customer's invoice, bill, or other tangible evidence of sale are not subject to tax.

Based on comments received at the public hearing conducted on March 13, 2001, and written comments received by the Department regarding the proposed amendments to Rule

12A-1.062, F.A.C., the proposed rule has been changed, so that, when adopted, the proposed amendments will read as follows:

12A-1.062 Information Services.

(1) No change.

(2) The charge for information services furnished to newspapers, such as news research services, including photo and news services, and radio and television stations is are exempt.

(3)(a) “Information services ~~Services~~” means and includes the services of collecting, compiling or analyzing information of any kind of nature, or furnishing reports thereof to other persons. The charge for furnishing information services, such as newsletters, tax guides, research publications, and other written reports of compiled information, which are not produced for and provided exclusively to a single customer, is taxable.

(b) The term “information services” does not include the furnishing of information, including a written report to a person of a personal or individual nature, that is not or may not be substantially incorporated in reports furnished to other persons.

(4) The charge for news research and information services, such as press clipping services, is exempt, even though the charge may be based on the number of clippings provided and the per clipping charge may be separately stated from the charge for providing the research and information service.

(4) through (5) renumbered (5) through (6) No change.

~~Cross Reference Rule 12A-1.001(17), F.A.C.~~

**DEPARTMENT OF REVENUE**

NOTICE OF CABINET AGENDA ON MAY 15, 2001

The Governor and Cabinet, on May 15, 2001, sitting as head of the Department of Revenue, will consider the proposed substantial rewording of Rule 12A-1.035, F.A.C. (Funerals; Related Merchandise and Services), and the proposed repeal of Rule 12A-1.026, F.A.C. (Monuments and Tombstones), and Rule 12A-1.035, F.A.C. (Cemetery Organizations). The proposed rule amendments and rule repeals were noticed for the first Rule Development Workshop in the Florida Administrative Weekly on December 24, 1998 (Vol. 24, No. 52, pp. 6911-6913). A rule development workshop was held on January 27, 1999. Changes were made to the proposed substantial rewording of Rule 12A-1.035, F.A.C., and a revised proposed rule was noticed for workshop in the Florida Administrative Weekly on June 30, 2000 (Vol. 26, No. 26, pp. 3061-3063). A second rule development workshop was held on July 19, 2000. Changes were made to the proposed substantial rewording of Rule 12A-1.035, F.A.C., and presented at the second rule development workshop, and a revised proposed rule was noticed for workshop in the Florida Administrative

Weekly on September 8, 2000 (Vol. 26, No. 36, pp. 4157-4159). A third rule development workshop was held on September 26, 2000.

The proposed repeal of Rules 12A-1.026 and 12A-1.052, F.A.C., and the proposed substantial rewording of Rule 12A-1.035, F.A.C., Funerals; Related Merchandise and Services, were noticed for a rule hearing in the Florida Administrative Weekly on February 16, 2001 (Vol. 27, No. 7, pp. 692-695). A rule hearing was conducted on March 13, 2001. The comments received at the public hearing were those of agreement with the provisions as provided in the proposed text of Rule 12A-1.035, F.A.C. No further comments were received by the Department.

**DEPARTMENT OF REVENUE**

NOTICE OF CABINET AGENDA ON MAY 15, 2001

The Governor and Cabinet, on May 15, 2001, sitting as head of the Department of Revenue, will consider the proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms), proposed substantial rewording of Rule 12A-1.107, F.A.C. (Enterprise Zone and Florida Neighborhood Revitalization Programs). The proposed rules were noticed for a Rule Development Workshop in the Florida Administrative Weekly on December 22, 2000 (Vol. 26, No. 51, pp. 5845-5849). A rule development workshop was held on January 9, 2001. No one appeared at the workshop to provide comments; no written comments were received by the Department.

The proposed rules were noticed for a rule hearing in the Florida Administrative Weekly on February 16, 2001 (Vol. 27, No. 7, pp. 695-698). A rule hearing was held on March 13, 2001. No one appeared at the workshop to provide comments on these rule changes. In response to comments received from the Joint Administrative Procedures Committee, a Notice of Change to revise the proposed amendments to Rules 12A-1.097 and 12A-1.107, F.A.C., has been filed for publication in the Florida Administrative Weekly. Technical changes were also made to the law implemented section of Rule 12A-1.097, F.A.C.

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NOS.:

12A-1.097

12A-1.107

RULE TITLES:

Public Use Forms

Enterprise Zone and Florida

Neighborhood Revitalization

Programs

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed amendments of Rule 12A-1.097, F.A.C., and to the proposed substantial rewording of Rule 12A-1.107, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 7, pp. 695-698, February 16, 2001,

issue of the Florida Administrative Weekly. These changes are in response to comments received from the Joint Administrative Procedures Committee.

In response to written comments received by the Department regarding the proposed amendments to Rule 12A-1.097, F.A.C., subsections (9) and (10), have been changed, so that, when adopted, those subsections will read as follows:

- (2) through (9)(c) No change.
- (d) DR-15JZ Florida Enterprise Zone Jobs Credit Certificate of Eligibility Application for the Credit Against Sales Tax Effective July 1, 1996 For Job Creation (r. 04/01 40/88) \_\_\_\_\_ 08/92
- (e) DR-15JEZ Application for the Exemption of Electric Energy Used in an Enterprise Zone Effective July 1, 1995 (r. 04/01 6/87) \_\_\_\_\_ 08/92
- (f) through (j) No change.
- (k) EZ-E Florida Enterprise Zone Program-Business Equipment Sales Tax Refund Application For Eligibility (r. 06/00) \_\_\_\_\_
- (l) EZ-M Florida Enterprise Zone Program-Building Materials Sales Tax Refund Application for Eligibility (r. 06/00) \_\_\_\_\_
- (10) No change.

In response to written comments received by the Department regarding the proposed substantial rewording of Rule 12A-1.107, F.A.C., paragraph (2)(b) has been changed, so that, when adopted, that paragraph will read as follows:

(2) BUILDING MATERIALS USED IN THE REHABILITATION OF REAL PROPERTY LOCATED IN AN ENTERPRISE ZONE.

(a) How to Claim the Refund. An application that includes the information required by s. 212.08(5)(g)1., F.S., must be filed with the Enterprise Zone Development Agency for the enterprise zone where the building materials are used, to claim a refund of tax paid on building materials used in the rehabilitation of real property located in an enterprise zone. Form EZ-M, Florida Enterprise Zone Program-Building Materials Sales Tax Refund Application for Eligibility (incorporated by reference in Rule 12A-1.097, F.A.C.), is prescribed by the Department for this purpose. For the applicant to be eligible to receive a refund, the Enterprise Zone Coordinator for the enterprise zone where the building materials are used must certify, using form EZ-M, that the applicant meets the criteria provided in s. 212.08(5)(g), F.S. The Enterprise Zone Coordinator will certify form EZ-M, including the required attachments, and return the form and

attachments to the applicant. The applicant is responsible for attaching the certified form EZ-M and the required attachments to form DR-26 and forwarding the package to the Department of Revenue.

In response to written comments received by the Department regarding the proposed substantial rewording of Rule 12A-1.107, F.A.C., paragraph (3)(a) has been changed, so that, when adopted, that paragraph will read as follows:

(3) BUSINESS EQUIPMENT USED IN AN ENTERPRISE ZONE.

(a) How to Claim the Refund. An application that includes the information required by s. 212.08(5)(h)2., F.S., must be filed with the Enterprise Zone Development Agency for the enterprise zone where the business is located to obtain a refund of tax paid on business property used in an enterprise zone. Form EZ-E, Florida Enterprise Zone Program-Business Equipment Sales Tax Refund Application for Eligibility (incorporated by reference in Rule 12A-1.097, F.A.C.), is prescribed by the Department for this purpose. For an applicant to be eligible to receive a refund, the Enterprise Zone Coordinator for the enterprise zone where the business property is used must certify, using form EZ-E, that the applicant meets the criteria set forth in s. 212.08(5)(h), F.S. The Enterprise Zone Coordinator will certify form EZ-E, including the required attachments, and return the form and attachments to the applicant. The applicant is responsible for attaching the certified form EZ-E, and the required attachments, to form DR-26 and forwarding the package to the Department of Revenue.

**DEPARTMENT OF REVENUE**

**NOTICE OF CABINET AGENDA ON MAY 15, 2001**

The Governor and Cabinet, on May 15, 2001, sitting as head of the Department of Revenue, will consider the proposed creation of Rule 12A-1.0141, F.A.C., Equipment Used to Deploy Broadband Technologies in a Florida Network Access Point; Refund Procedures. The proposed rule was noticed for a Rule Development Workshop in the Florida Administrative Weekly on October 20, 2000 (Vol. 26, No. 42, pp. 4802-4804). The workshop was held on November 9, 2000. In addition to comments received at the rule development workshop, written comments were received by the Department. In response to these comments, changes were made to the proposed rule and incorporated into the Notice of Proposed Rulemaking.

The proposed rule was noticed for a rule hearing in the Florida Administrative Weekly on February 16, 2001 (Vol. 27, No. 7, pp. 690-692). A rule hearing was conducted on March 13, 2001. No one attended the workshop regarding the proposed creation of this rule. In response to written comments received by the Department from the Joint Administrative Procedures Committee, a technical change to the law implemented section of the rule has been made.

**DEPARTMENT OF REVENUE**

**NOTICE OF CABINET AGENDA ON MAY 15, 2001**

The Governor and Cabinet, on May 15, 2001, sitting as head of the Department of Revenue, will consider the proposed amendments to Rule 12A-12.001, F.A.C. (New Tire Fee), Rule 12A-12.0011, F.A.C. (Battery Fee), and Rule 12A-12.004, F.A.C. (Reporting and Remitting Fees). The proposed rules were noticed for a Rule Development Workshop in the Florida Administrative Weekly on November 9, 2000 (Vol. 26, No. 45, pp. 5258-5259). The workshop was held on November 28, 2000. No one provided comments at the workshop and no written comments were received by the Department.

The proposed amendments were noticed for a rule hearing in the Florida Administrative Weekly on February 16, 2001 (Vol. 27, No. 7, pp. 698-700). A rule hearing was held on March 13, 2001. No one attended the workshop regarding these proposed rule changes; no written comments were received by the Department.

**DEPARTMENT OF REVENUE**

**NOTICE OF CABINET AGENDA ON MAY 15, 2001**

The Governor and Cabinet, on May 15, 2001, sitting as head of the Department of Revenue, will consider the proposed amendments to the following rule sections in Rule Chapter 12A-15, F.A.C.:

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
12A-15.002	Surtax Sales Brackets
12A-15.003	Imposition and Payment of Tax
12A-15.010	The Sale of Food, Drink, and Tangible Personal Property at Concession Stands
12A-15.011	Coin-Operated Amusement and Vending Machines, and Other Devices
12A-15.012	Alcoholic and Malt Beverages
12A-15.015	Public Use Forms

The proposed rule amendments were noticed for a Rule Development Workshop in the Florida Administrative Weekly on November 9, 2000 (Vol. 26, No. 45 pp. 5259-5267). The workshop was held on November 28, 2000. No one provided comments at the workshop and no one submitted written comments. The Department announced at the workshop that the charts provided in the proposed rule amendments to paragraphs (2)(b), (3)(c), (4)(c), and (5)(a) of Rule 12A-15.002, F.A.C., Surtax Sales Brackets, were incorrectly published in the Florida Administrative Weekly.

The proposed rule amendments were noticed for a rule hearing in the Florida Administrative Weekly on February 16, 2001 (Vol. 27, No. 7, pp. 700-708). A rule hearing was held on March 13, 2001. No one attended the workshop regarding these proposed rule changes; no written comments were received by the Department.

**DEPARTMENT OF REVENUE**

**NOTICE OF CABINET AGENDA ON MAY 15, 2001**

The Governor and Cabinet, on May 15, 2001, sitting as head of the Department of Revenue, will consider the proposed amendments to Rule 12A-16.004, F.A.C. (Registration), Rule 12A-16.005, F.A.C. (Exemption Permits, Certificates, and Affidavits), and Rule 12A-16.008, F.A.C. (Public Use Forms), and the proposed repeal of Rule 12A-16.003, F.A.C. (Exemptions). The proposed rule amendments and proposed rule repeal were noticed for a Rule Development Workshop in the Florida Administrative Weekly on November 9, 2000 (Vol. 26, No. 45, pp. 5267-5268). The workshop was held on November 28, 2000. No one provided comments at the workshop and no written comments were received by the Department.

The proposed amendments and proposed rule repeal were noticed for a rule hearing in the Florida Administrative Weekly on February 16, 2001 (Vol. 27, No. 7, pp. 708-710). A rule hearing was held on March 13, 2001. No one attended the workshop regarding these proposed rule changes. In response to written comments received by the Department from the Joint Administrative Procedures Committee, a technical change was made to the law implemented section of Rule 12A-16.008, F.A.C.

**STATE BOARD OF ADMINISTRATION**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
19-8.010	Reimbursement Contract
19-8.029	Insurer Reporting Requirements

**NOTICE OF CHANGE TO FORMS INCORPORATED INTO RULES**

NOTICE IS HEREBY GIVEN by the Florida State Board of Administration of changes in the forms incorporated into proposed amended Rule 19-8.010, F.A.C. and proposed amended Rule 19-8.029, F.A.C. The proposed amendments to these rules and forms were noticed in the Florida Administrative Weekly, Vol. 27, No. 7, issued February 16, 2001, and a Rule Hearing was held on March 14, 2001. The additional changes to the forms, as noticed herein, are based on comments made by the Joint Administrative Procedures Committee and on comments made on the record of the public hearing held on March 14, 2001. The changes noticed are numbered 1. through 8., below.

19-8.010 Reimbursement Contract.

1. Reimbursement Contract, Article V, paragraph (15) is stricken and replaced with the following language:

Fund Balance as of 12/31

This term means the "Fund balance: Unrestricted" as indicated on the unconsolidated FHCF Balance Sheets for the then current Contract Year, to which is added: reported FHCF losses (including loss adjustment expense) for the then current Contract Year, whether paid or unpaid by FHCF, as of December 31, and from which is subtracted:

any reinsurance recovered prior to, or recoverable as of, December 31; any obligations paid or expected to be paid with bonding proceeds or receipts from emergency assessments.

2. Reimbursement Contract, Article X(4)(b)1. The second and third sentences in that paragraph have been stricken and replaced with the following: "Section 215.555(4)(e)1., Florida Statutes, provides that if Companies demonstrate to the SBA that the immediate receipt of monies from the SBA is likely to prevent the Company from becoming insolvent due to the occurrence of one or more Covered Events, the SBA shall advance, at market interest rates, up to 50 percent of the SBA's estimate of the reimbursement due to the Company from FHCF."

3. Reimbursement Contract, Article XIII, paragraph (1): The requirement that Insurers retain copies of declarations pages and policy applications has been amended to require that the Insurers retain the information contained in the declarations pages and policy applications. An insurer can do this by retaining a copy of the application and declaration page or by preserving the information contained in those documents in electronic format.

19-8.029 Insurer Reporting Requirements.

4. Form FHCF-MOD, "Clasic Data Format™ for Excess Insurance, Version 1.1, rev. 12/22/94," incorporated into proposed amended Rule 19-8.029(2)(c), F.A.C., has been amended. In the Introduction to the form, the reference to "high deductible (defined as over \$50,000)" has been stricken. In addition, the reference to "multiple location policies" in the introduction has been reworded to read "including policies with multiple locations in Florida."

5. Form FHCF-D1A, at page 3 and Form FHCF-DIB, at page 2, have been amended to include the aggregate covered exposure figures which are underlined below:

Section II: Exposure information for excess insurance policies (as defined on page 21). Your company's aggregate FHCF covered exposure under these types of policies must be at least \$70 million at the 45% coverage level, \$42 million at the 75% coverage level, or \$35 million at the 90% coverage level to report Section II data. Aggregate Section II exposures less than the applicable threshold must be reported under Section I in accordance with Section I formatting specifications.

6. Form FHCF-D1A, at page 13 and Form FHCF-DIB, at page 12, have been amended as indicated by the underlining and strikeouts below:

Construction Type

No change to first paragraph.

If you do not use ISO or FHCF construction codes to rate policies, provide the Administrator with construction type descriptions (used for rating policies) mapped to the most similar description of construction types as defined on pages 25-27 prior to your submission of data. This will

help you avoid a subsequent resubmission(s) due to improper construction reporting. The Administrator will review your method of mapping construction codes and determine if the mapping between your codes and the FHCF's codes match ~~is acceptable~~. Once the Administrator has notified you in writing that your mapping matches ~~approved your mapping in writing~~, you must complete the actual mapping so that only FHCF constructions are reported in your FHCF data submission.

Note: Even if your company had a mapping previously ~~reviewed~~ ~~approved~~, the mapping for this contract year must be resubmitted and reviewed ~~approved~~ by the Administrator prior to your submission of June 30, 2001 data so as to ensure changes to the FHCF construction types have not affected the previously approved mapping.

7. Form FHCF-D1A, at page 18 and Form FHCF-DIB, at page 16, have been amended as indicated by the underlining and strikeouts below:

Additional Windstorm Mitigation Devices: If your company provides a windstorm mitigation credit to its policyholders for any mitigation devices not listed above, and if your company wishes to include that credit in its FHCF composite windstorm mitigation credit code determination, ~~the FHCF Administrator must review and approve your proposal to include such credits.~~ Provide the Administrator with a description of the credits in question prior to your company's submission of data.

8. Form FHCF-D1A, at page 23 and Form FHCF-D1B, at page 21, in paragraph (a)3., contain language identical to the language in Article V, paragraph (8)(a)3. of the Reimbursement Contract. As set forth above, this language in the Reimbursement Contract has been amended; therefore, identical amendments have been made to the language contained in paragraph (a)3. on page 23 of Form FHCF-D1A and on page 21 of Form FHCF-D1B.

**DEPARTMENT OF CORRECTIONS**

RULE NO.:	RULE TITLE:
33-208.101	Employee Grooming, Uniform and Clothing Requirements
	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. 27, No. 4, January 26, 2001, issue of the Florida Administrative Weekly:

33-208.101 Employee Grooming, Uniform and Clothing Requirements.

(1) No change.

(2) In addition to the standards set forth in (1), all male employees shall comply with the following grooming standards:

(a) No change.

~~(b) Sideburns shall not extend below the bottom of the ear, shall not be flared, and shall not connect with a mustache.~~

~~(b)(e)~~ No change.

~~(c)(d)~~ Beard Policy

1. Security staff shall be clean shaven, however, security staff are permitted to wear a neatly trimmed 1/4 inch beard for bona fide medical or religious reasons to the extent that it is not inconsistent with the state's interest in safety, security, esprit de corps, or uniformity. Requests for security staff to wear facial hair shall be submitted in writing and shall be considered on a case by case basis, based upon the above criteria. The face will be clean shaven other than the wearing of an acceptable mustache or sideburns. Beards and goatees are prohibited.

2. Non-security staff are permitted to wear beards, however, beards must be neatly trimmed and groomed.

~~(d)(e) The only exception to the shaving policy shall be based on medical need.~~ Any employee who cannot adhere to the shaving policy based on a medical diagnosis must provide a statement from a dermatologist or other skin specialist stating the medical condition, describing proposed treatment, and stating whether it is a temporary or permanent condition. If the physician indicates that it is a temporary condition and facial hair growth is prescribed, the physician's statement shall be forwarded through the chain of command for review, comment and recommendation to the appropriate Assistant Secretary or Deputy Secretary. The Deputy Secretary or Assistant Secretary may grant a temporary exemption to the shaving policy for medical reasons for a three to six month period. At the end of a period of temporary exemption, the employee shall be re-evaluated by his physician or a physician chosen by the department. Further temporary exemption periods of up to 12 months each may be granted under the foregoing criteria and procedures. If the physician states that the medical condition is permanent with no likelihood of improvement, a permanent exemption will be approved by the regional director, assistant secretary, or deputy secretary. ~~Facial hair in cases of exemption shall be neatly trimmed to 1/4 inch.~~

(3) No change.

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

(a) No change.

(b) Class B Uniform. The correctional officer class B uniform shall consist of brown poly cotton trousers with a black stripe and white uniform shirt for lieutenant and above and silver tan uniform shirt for correctional officer and sergeant. The class B uniform, or the class C uniform, or the

class D uniform, at the option of the employee will be worn for general institutional duties. The class B, C, or D uniform will not be worn for court appearances.

(c) Class C Uniform. The correctional officer class C uniform issued by the department shall consist of poly cotton blend brown Battle Dress Utility (BDU) trousers and white uniform shirt for lieutenant and above and silver tan uniform shirt for correctional officer and sergeant. BDU trousers will be bloused military style and worn only with military jump style or lightweight law enforcement type boots supplied by the employee. The BDUs will not be worn with low cut shoes. The class C uniform, or the class B, or class D uniform, at the option of the employee will be worn for general institutional duties.

(d) Class D Uniform. The correctional officer class D uniform issued by the department shall consist of poly cotton blend brown Battle Dress Utility (BDU) trousers and white polo type shirt for lieutenant and above and silver tan polo type shirt for correctional officer and sergeant. POLO type shirts may only be worn with BDU trousers. Polo type shirts will include an embroidered correctional officer badge over the left shirt pocket. The badge will include the rank of the staff member. BDU trousers will be bloused military style and worn only with military jump style or lightweight law enforcement type boots supplied by the employee. The BDUs will not be worn with low cut shoes. The class D uniform, or class B uniform, or class C uniform, at the option of the employee, will be worn for general institutional duties.

(e) through (g) No change.

(h) The following items may be worn with the correctional officer uniform as defined below:

1. through 17. No change.

18. E.R.T. pin will be issued to C.E.R.T., emergency response teams and canine teams for wear with class A, B and C uniforms. The E.R.T. pin shall be worn centered on the military crease between the bottom of the badge and the top of the left pocket one half inch above the left shirt pocket and centered on the military crease. Drill instructor pins (for basic training program officers only) will be worn one half inch above the left shirt pocket and centered on the military crease. If worn along with the E.R.T. pin, the drill instructor pin will be worn one half inch above the E.R.T. pin. K-9 or other squad pins will no longer be worn on the uniform.

19. through 28. No change.

(i) through (5) No change.

(6) Correctional officers assigned to the Wellness recreation department shall wear the class D uniform, with the Hi-tech or light weight law enforcement type boots, supplied by the employee. These officers will be allowed to wear black athletic shoes while engaged in officiating athletic events full uniforms to and from work, but shall be allowed to change into recreational attire during regular duty hours.



(7) The following guidelines shall apply to those correctional officers assigned to boot camp facilities and those staff assigned to supervise the basic training program for youthful offenders.

(a) Correctional officers assigned to supervise boot camp facilities or the basic training program shall wear the class C uniform. The jump boots will be furnished by the department. Correctional officers assigned to supervise boot camp facilities shall be authorized to wear military style drill instructor hats which shall be provided by the department.

(b) through (11) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 2-27-85, Amended 6-19-85, Formerly 33-4.07, Amended 3-6-88, 8-15-89, 2-12-91, 10-13-91, 4-19-98, 12-7-98, Formerly 33-4.007, Amended 10-5-99, 3-21-00, 12-18-00, \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-4.060  
 RULE TITLE: Dental Services

**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. 27, No. 12, March 23, 2001, issue of the Florida Administrative Weekly.

Dental Handbook, UPDATE LOG:	Jan 2001 – <u>Revised Handbook Replacement Pages</u>
Dental Handbook, Page 1-1	Dental services are governed by Title 42, Code of Federal Regulations (C.F.R.), Parts 440.100, 440.50, 440.120, <del>and 440.30,</del> <u>and 447.54.</u>
Dental Handbook, Page 1-2	Dental providers must meet all <u>state licensure requirements pursuant to the guidelines set forth in Chapter 466, F.S. and 64B5, F.A.C. applicable local and state licensure requirements</u> in order to participate in the Medicaid program.
Dental Handbook, Page 1-5	<sup>2</sup> <u>Current</u> <del>Appropriate</del> medical history;
Dental Handbook, Chapter 2	Replaced all January 2000 footer dates with January 2001 footer dates for consistency.

Dental Handbook, Page 3-1	The procedure codes listed in this chapter are Health Care Financing Administration Common Procedure Coding System (HCPCS) Levels 1, 2, and 3. <u>HCPCS include CDT-3 and CPT procedure codes.</u> <del>Dental codes are based on the Current Dental Terminology, Third Edition, (CDT-3) book. Level 1 codes are based on the Current Procedural Terminology, Fourth Edition, (CPT) book.</del> <u>Dental procedure codes are CDT-3 codes, which The CDT-3 includes identifying alphanumeric codes and descriptions for reporting dental services and procedures. CDT-3 codes and descriptions and other data only are copyright 1999 by the American Dental Association. All rights reserved.</u> <u>CPT procedures</u> <del>The CPT book</del> includes identifying numeric codes and descriptions for reporting medical services and procedures. CPT codes and descriptions are copyright 2000 by the American Medical Association. All rights reserved. <u>Diagnosis codes to be used are found in the International Classification of Diseases, 9th Edition, Clinical Modifications (ICD-9-CM).</u> A diagnosis code is required on the HCFA-1500 claim form for all dental procedures and on the Dental 111 for the oral and maxillofacial surgery procedures. Use the most specific code available. Fourth and fifth digits are required when available.
Dental Handbook, Appendix C	Replaced all July 2001 footer dates with January 2001 footer dates.
Dental Handbook, Pages D-1, D-2, E-1, F-1 and G-1	Replaced all January 2000 footer dates with January 2001 footer dates.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-4.110  
 RULE TITLE: Hearing Services  
 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. 27, No. 12, March 23, 2001, issue of the Florida Administrative Weekly.

Hearing Handbook, Update Log	Update log was missing from the Handbook. The Update Log is enclosed.
Hearing Handbook, page 3-1, middle of the page	<p>The procedure codes listed in this chapter are Health Care Financing Administration Common Procedure System (HCPCS) Level 1, 2 and 3 codes. <u>HCPCS include CPT procedure codes. Level 1 codes are based on the <i>Physician's Current Procedural Terminology (CPT)</i> book. Level 3 procedure codes are locally assigned codes that have been approved by HCFA.</u></p> <p><u>CPT procedures include identifying numeric codes and descriptions for reporting services and procedures. CPT codes and descriptions are copyright 2000 by the American Medical Association. All rights reserved. The CPT includes the HCPCS descriptive terms and numeric identifying codes and modifiers for reporting services and procedures.</u></p> <p><u>Diagnosis codes to be used are found in the International Classification of Diseases, Clinical Modifications, (ICD-9-CM). A diagnosis code is required on the HCFA 1500 claim form.. Use the most specific code available. Fourth and fifth digits are required when available.</u></p>

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-4.210  
 RULE TITLE: Optometric Services  
 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. 27, No. 12, March 23, 2001, issue of the Florida Administrative Weekly.

Optometric Handbook, Page 2-8, Home Visits	<del>(Effective September 1, 2000)</del>
Optometric Handbook, Page 3-1 Source of Procedure Codes	<p>The procedure codes listed in this chapter are Health Care Financing Administration Common Procedure System (HCPCS) <u>Levels 1, 2, and 3 codes. HCPCS include CPT procedure codes.</u></p> <p><u>CPT procedures include identifying numeric codes and descriptions for reporting services and procedures. CPT codes and descriptions are copyright 2000 by the American Medical Association. All rights reserved. The CPT includes the HCPCS descriptive terms and numeric identifying codes and modifiers for reporting services and procedures.</u></p> <p><u>Diagnosis codes to be used are found in the International Classification of Diseases, 9th Edition, Clinical Modifications, (ICD-9-CM). A diagnosis code is required on the HCFA 1500 claim form. Use the most specific code available. Fourth and fifth digits are required when available.</u></p>

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

RULE NO.: 61G1-16.005  
 RULE TITLE: Procedures for Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 26, No. 6, February 11, 2000, Florida Administrative Weekly has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sherry Landrum, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Northwood Centre, Tallahassee, Florida 32399-0750.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
61G19-7.003	Registration of Training Program Providers
61G19-7.005	Qualifications of Program Instructors and Trainers for OJT

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rules, as noticed in Vol. 26, No. 41, October 13, 2000, Florida Administrative Weekly has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THESE RULES IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0771

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
61G19-9.003	Registration of Course Provider

**NOTICE OF CHANGE**

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 27, No. 6, February 9, 2001, issue of the Florida Administrative Weekly. The changes are in response to comments provided by the staff of the Joint Administrative Procedures Committee and comments received at the board meeting held on March 28, 2001. The rule shall now read as follows:

61G19-9.003 Registration of Course Providers.

(1) Registration for Course Providers is required May 31 of every odd year. All providers are required to register with the Board, before providing continuing education courses, on Board-approved registration form DBPR/BCAI/10 Rev. 04/01. The instructions and form, entitled Provider Approval Application, which is hereby incorporated by reference and will be effective \_\_\_\_\_, may be obtained from the Board office.

(2) Registration forms shall include the provider’s name, address, and phone number, and the names, addresses, and phone numbers of each person or entity with an ownership interest in the provider or who are entitled to receive a percentage of revenues from the course provider.

(3) The Board shall maintain a list of all registered course providers.

(4) Course providers shall notify the Board in writing within thirty (30) days of the effective date of any changes in information required to be listed on the initial registration.

(5) The provider must comply with the requirements stated in Rule 61-6.016(5) as a condition of approval as a course provider.

(6) The course provider shall not offer any continuing education courses if the provider status has expired, or if the provider fails to renew or is disciplined.

(7) No provider may allow a licensed instructor to conduct any course or seminar offered by the provider if the instructor’s license has been disciplined and has not been released from the terms of the final order in the disciplinary case. Upon receipt of notice that the instructor is under discipline, the provider shall, within seven (7) days, write to the Board office and confirm that the instructor is no longer conducting any course or seminar offered by the provider. For the purposes of this subsection, a letter of guidance or a reprimand shall not constitute “under discipline.”

(8) If the course provider has been disciplined by the Department for anything other than not renewing the license, the provider cannot reapply to the Division for two (2) years from the date of the Final Order.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750.

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
64B5-15.009	Fee for Reactivation of Inactive License
64B5-15.010	Fee for Inactive Status
64B5-15.012	Change of Status Processing Fee

**NOTICE OF ADDITIONAL PUBLIC HEARING**

The Board of Dentistry hereby gives notice of an additional public hearing on the above-referenced rules to be held on April 28, 2001, at 8:00 a.m., or thereafter, at the Embassy Suites Hotel, 3974 NW South River Drive, Miami, Florida 33142. These rules were originally published in Vol. 27, No. 11, of the March 16, 2001, Florida Administrative Weekly. The Board will discuss withdrawing these rules due to the possible fiscal impact.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board’s Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please

contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-45.006  
RULE TITLE: Continuing Education on HIV/AIDS

**NOTICE OF CHANGE**

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 26, No. 37, September 15, 2000 issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Sections (1)(a) and (2) shall now read as follows:

64B8-45.006 Continuing Education on HIV/AIDS.

(1)(a) Applicants for initial licensure shall confirm completion of a three-hour course on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS). The HIV/AIDS course must have been completed within the two years immediately preceding the submission of the application for licensure.

(2) For each renewal of licensure, licensees must complete a one-hour HIV/AIDS course within the 24-month period prior to the expiration date of the license.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Tallahassee, Florida 32399.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-56.002  
RULE TITLE: Equipment and Devices; Protocols for Laser and Light-based Devices

**THIRD NOTICE OF CHANGE**

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 24, of the June 16, 2000, issue of the Florida Administrative Weekly. The Board, at its meeting of March 30, 2001, in Jacksonville, Florida, voted to make a change to subsection (2)(d) of the rule to resolve an inconsistency with the Second Notice of Change. When changed subsection (2)(d) shall read as follows:

(d) Are operating under the direct supervision and responsibility of a physician properly trained in hair removal and licensed pursuant to the provisions of Chapter 458, Florida Statutes.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tanya Williams, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

**DEPARTMENT OF HEALTH**

**Division of Environmental Health and Statewide Programs**

RULE CHAPTER NO.: 64E-10  
RULE CHAPTER TITLE: Sanitary Facilities for Building Serving the Public

RULE NOS.: 64E-10.001, 64E-10.002  
RULE TITLES: General, Establishments Subject to Provision

**NOTICE OF WITHDRAWAL**

Notice is hereby given the above rule, as noticed in Vol. 26, No. 43, October 27, 2000, Florida Administrative Weekly, have been withdrawn. Questions may be addressed to Ken Widergren at 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1710. Ken Widergren can be reached by phone at (850)245-4444, Ext. 2453.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Vessel Registration and Boating Safety**

RULE CHAPTER NO.: 68D-23  
RULE CHAPTER TITLE: Uniform Waterway Markers in Florida Waters

RULE NOS.: 68D-23.003  
RULE TITLES: Placement of Regulatory Markers in Waters of the State

- 68D-23.101 Intent
- 68D-23.102 Scope
- 68D-23.103 Definitions
- 68D-23.104 Placement of Markers
- 68D-23.105 Criteria for Approval
- 68D-23.106 Permit Conditions
- 68D-23.107 Federal System Adopted
- 68D-23.108 Specifications for Markers
- 68D-23.109 Additional Specifications for Information and Regulatory Markers
- 68D-23.110 Triennial Inspection
- 68D-23.111 Enforcement
- 68D-24.112 Exemptions

**NOTICE OF DEFERRED MEETING**

The Florida Fish and Wildlife Conservation Commission announces that it has deferred consider the above rules until its next regularly scheduled meeting. This rule was noticed for rule development in the December 22, 2000 issue of the FAW. The notice of proposed rulemaking was published in the January 26, 2001 (Vol. 27, No. 4), issue of the FAW on pages 377 through 385.

DATES AND TIMES: 8:30 a.m., each day, May 23-25, 2001  
PLACE: DoubleTree Hotel, 4431 PGA Boulevard, Palm Beach Gardens, Florida

**THIS MEETING IS OPEN TO THE PUBLIC**

Section 286.0105, Florida Statutes, provides that, if any person decides to appeal any decision with respect to any matter considered at the above meeting, he or she will need a record of the proceedings, and that, for such purposes, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least five calendar days before the meeting by contacting Terry Mara, (850)487-3796. If hearing or speech impaired, please contact the agency by calling (850)488-9542.

**Section IV  
Emergency Rules**

**NONE**

**Section V  
Petitions and Dispositions Regarding Rule  
Variance or Waiver**

**DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE IS HEREBY GIVEN that the Department of Community Affairs received an Petition for Waiver on April 2, 2001, from Volusia County and the City of New Smyrna Beach. The petitioner seeks a waiver of a portion of Rule 9K-4.002, Fla. Admin. Code, for Florida Communities Trust Project #00-059-P10, the Wards Motel project site.

A copy of the Petition, which has been assigned the number DCA01-WAI-062, may be obtained by writing: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

**DEPARTMENT OF LAW ENFORCEMENT**

Notice is hereby given that the Officer Professionalism Program, Florida Department of Law Enforcement has received from Daryl Shone on April 10, 2001, a petition for Waiver of Rule 11B-27.002(3), F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive the requirement that an officer be employed within four years of completing a Basic Recruit Training Program.

Comments on this Petition should be filed with the Office of General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, Attention: Assistant General Counsel Grace A. Jaye.

A copy of the Petition may be obtained by contacting Assistant General Counsel Grace A. Jaye at the above address, or by calling (850)410-7676.

**DEPARTMENT OF TRANSPORTATION**

NOTICE IS HEREBY GIVEN that on April 6, 2001, the Florida Department of Transportation issued an order dismissing the Petition for Waiver from the provisions of Rule 14-22.012, Florida Administrative Code, filed by Precision Traffic Counting, Inc., d/b/a Buckholz Traffic, Case No. 01-030. The aforementioned rule provides for the suspension, revocation, or denial of a contractor's qualification to bid for good cause, as that term is defined in Section 337.16(2), Florida Statutes, thereby prohibiting the contractor from bidding on any Department contract for which pre-qualification is required. In addition, Rule 14-22.012, Florida Administrative Code, provides for a determination of non-responsibility to bid on any other construction or maintenance contract and from acting as a material supplier, subcontractor, or consultant on any Department contract or project during the period of suspension, revocation, or denial. The Petition for Waiver was received by the Department and filed by the Clerk of Agency Proceedings on February 21, 2001. The Department published its notice of receipt of the Petition for Waiver in the March 9, 2001, edition of the *Florida Administrative Weekly*. The Department dismissed the Petition for Waiver because the Precision Traffic Counting, Inc., d/b/a Buckholz Traffic withdrew its Petition for Waiver.

A copy of the Department's order may be obtained from the Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, M.S. 58, Tallahassee, Florida 32399-0458.

For additional information, contact: James C. Myers, (850)414-5393.

**PUBLIC SERVICE COMMISSION**

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the Petitions for variance from or waiver of Rule 25-6.049(5)(a), Florida Administrative Code, filed October 9, 2000 by Sundestin International Homeowners Association, Inc. and Dunes of Panama Owners Association, Inc., in Dockets Nos. 001543-EU and 001544-EU, were considered at the February 20, 2001, Agenda Conference. The rule requires that all occupancy units in condominiums, for which construction was commenced after January 1, 1981, be individually metered by the utility. The waiver of Rule 25-6.049(5)(a), Florida Administrative Code, was granted by