

(a) An appeal of the initial denial of a lampara net endorsement is initiated by submission of a completed appeals form (Form DMF-SL4050) to the Director of the Division of Marine Fisheries before October 1, 2003.

(b) The burden of proof shall be on an appellant to demonstrate, through copies of trip tickets or other proof of landings, legitimate sales to a licensed wholesale dealer that were not reported by the dealer during the qualifying years or included in the agency landings database as of January 31, 2003.

(c) The Executive Director of the Commission may accept or disapprove the recommendation of the Director of the Division of Marine Fisheries, with notice given in writing to each party in the dispute explaining the reasons for the final decision. The action of the Executive Director of the Commission constitutes final agency action, and is appealable pursuant to the requirements of Chapter 120, Florida Statutes.

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

68B-56.003 Allowable Commercial Harvesting Gear.

(1) Except as provided for in subsection (2), the harvest or attempted harvest of ballyhoo for commercial purposes with any gear or method other than the following is prohibited:

- (a) Lampara net.
- (b) Cast net meeting the requirements of subsection 68B-4.0081(3), F.A.C.
- (c) Hook and line gear.
- (d) Landing or dip net.

(2) Incidental Take – A person without a lampara net endorsement may harvest ballyhoo as an incidental bycatch in purse seines, or in lampara nets while fishing for other species, provided that the person possesses a valid saltwater products license with a purse seine endorsement, and provided that no more than the amount of ballyhoo allowed by Rule 68B-56.004(2)(c), F.A.C., is possessed aboard the vessel at any time.

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

68B-56.004 Commercial Season; Season Closure; Daily Harvest and Possession Limits.

(1) Commercial Season – The season for harvest of ballyhoo for commercial purposes with a lampara net, within or without the waters of the State of Florida, shall begin on September 1 of each year and continue through July 31 of the following year. During the period beginning August 1 and continuing through August 31 of each year, no person shall harvest ballyhoo in or from state waters or adjacent federal Economic Exclusive Zone (EEZ) waters with a lampara net.

(2) Commercial Vessel Limits.

(a) A person possessing a valid saltwater products license with a lampara net endorsement shall harvest and land no more than 10 boxes of ballyhoo per vessel per day, and no more than

one trip may be conducted during a single day. The possession of more than 10 boxes of ballyhoo aboard any such vessel is prohibited. All boxes used to store ballyhoo aboard a vessel shall have a lid, a base, and four sides that are rectangular or square in dimension, and each box shall be no larger in dimension than 4.25 feet, by 2 feet, by 2 feet, or the volume equivalent (17 feet³).

(b) Except as provided for in paragraph (c), a person possessing a valid saltwater products license without a lampara net endorsement shall not harvest or sell more than 5 gallons of ballyhoo per day or possess more than 5 gallons of ballyhoo aboard any vessel.

(c) Incidental Take – A person possessing a valid saltwater products license with a purse seine endorsement may harvest, as an incidental bycatch in a purse seine or lampara net, while fishing for other species, and sell, no more than 10 gallons of ballyhoo per day and no more than 10 gallons of ballyhoo shall be possessed aboard such person’s vessel at any time.

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

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: Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 22, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 14, 2003

**Section III
Notices of Changes, Corrections and
Withdrawals**

DEPARTMENT OF INSURANCE

RULE NOS.:	RULE TITLES:
4-149.037	Calculation of Premium Rates
4-149.043	Small Employer Health Reinsurance Program

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 51, December 20, 2002, of the Florida Administrative Weekly. These changes are being made to address concerns of the Joint Administrative Procedures Committee, and concerns expressed 4-149.037:

Paragraph (c) of subsection (3) is changed to read:

(c)1. To avoid over insurance and to provide for coordination of benefits pursuant to Section 627.4235, Florida Statutes, a plan may include a provision to exclude claims for health benefits covered under the plan and paid by workers' compensation insurance coverage of the employer.

2. To reflect the benefit differences provided by the plan, a carrier may file for approval a rating factor reflecting the additional benefits being provided by the health plan if the small employer does not have workers' compensation insurance.

4-149.043 :

In the third sentence of subsection (2), the E-mail address is changed to read: nfbureau@dfs.state.fl.us.

Section 627.6699(11)(b)3.a. is deleted as specific authority, and 627.6699(16) is added as specific authority.

The remainder of the rule reads as previously published.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.: 12B-6.001
RULE TITLE: Imposition of the Gross Receipts Tax

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to proposed Rule 12B-6.001, F.A.C., as published in the November 15, 2002 edition of the Florida Administrative Weekly (Vol. 28, No. 46, pp. 4989-4996). These changes are in accordance with s. 120.54(3)(d)1., F.S.

In response to written comments received by the Department, the proposed amendments to subsection (6) of Rule 12B-6.001, F.A.C., have been changed so that, when adopted, that paragraph will read:

(6) RECORDKEEPING REQUIREMENTS. A provider of utility services must maintain electrical interchange agreements or contracts, resale certificates, and other documentation required under the provisions of this rule chapter in its books and records until tax imposed under Chapter 203, F.S., may no longer be determined and assessed under s. 95.091, F.S.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER NO.: 40D-1
RULE CHAPTER TITLE: Procedural
RULE NO.: 40D-1.659
RULE TITLE: Forms and Instructions

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule regarding the Wholesale Public Supply Water Use Permit Application, Form No. 46.20-014 (___/02), as noticed in Vol. 28, No. 27, pages 2884 and 2885, on July 5, 2002, and the Notice of Change as noticed in Vol. 28, No. 30, Page 3277, on July 26, 2002, in the Florida Administrative Weekly have been withdrawn.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NOS.: 59A-12.002, 59A-12.006, 59A-12.0071
RULE TITLES: Definitions, Quality of Care, Accreditation

NOTICE OF CHANGE

The above referenced rule originally published in the Florida Administrative Weekly, Vol. 28, No. 43, on October 25, 2002, is being modified based on comments received from the public in the public hearing held on November 19, 2002 and the comments from the Joint Administrative Procedures Committee. Notice is hereby given that the following change has been made to the following paragraphs of the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S.

59A-12.002 Definitions.

~~(6)(5)~~ Medical Staff of the HMO or PHC. A formal organization of ~~employed~~ physicians in an HMO or PHC with ~~responsibility the delegated responsibility~~ to maintain acceptable standards ~~concerning~~ in the delivery of health care and to plan for continued betterment of that care.

Specific Authority 641.54 FS. Law Implemented 641.51 FS. History--New 1-28-88, Amended 3-11-92, Formerly 10D-100.002, Amended _____.

59A-12.006 Quality of Care.

(4) Make grievance files available during normal business hours for inspection by the ~~agency. Department together with~~ The files shall contain a written summary of the actions taken by the HMO or PHC- including actions taken through the review by the quality improvement process, with the exception of protected peer review information.

Specific Authority 641.56 FS. Law Implemented 641.49, 649.54, 641.495(3), 641.515 FS. History--New 1-28-88, Amended 3-11-92, Formerly 10D-100.006, Amended _____.

59A-12.0071 Accreditation.

(6) For those HMOs and PHCs failing an accreditation survey the agency shall assess the need to mitigate the penalties specified under subsection (5) based upon:

(b) The financial viability of the organization as determined by the Department of Insurance pursuant to Sections 641.225 and 641.2261 F.S.; and

Specific Authority 641.56 FS. Law Implemented 641.495, 641.512, 641.515(1), 641.52(l)(e), 641.52(l)(g) FS. History--New 3-11-92, Formerly 10D-100.0071, Amended 11-21-94, _____.

NAME OF PERSON WHO APPROVED PROPOSED RULE: Rhonda M. Medows
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 14, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 25, 2002, Vol. 28, No. 43

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE NO.: 61G10-18.001
 RULE TITLE: Continuing Education Credit 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. 28, No. 18, May 3, 2002, issue of the Florida Administrative Weekly. These changes are in response to comments from the Joint Administrative Procedures Committee and from comments made at the Board meeting held on February 7, 2003. Based on these comments the rule has been substantially reworded and shall read as follows:

61G10-18.001 Continuing Education Credit Requirements.

Every person licensed pursuant to Chapter 481, Part II, Florida Statutes, must obtain at least sixteen (16) continuing education credits per biennium. There shall be no carryover of hours permitted from one licensure renewal biennium to the next.

(1) Licensees whose license period ends during the biennium ending November 30, 2003 must complete the following continuing education requirements:

(a) A minimum of four (4) of the required sixteen credits must be obtained by either completing the four (4) hour core curriculum course on the Uniform Building Code or passing the equivalency test of the Building Code Training Program prescribed by Sections 553.841 and 481.313(5), Florida Statutes; and

(b) A minimum of two (2) of the required sixteen credits must be obtained by completing a course on Florida's laws and rules affecting the practice of landscape architecture according to Chapter 481, Florida Statutes per biennium; and

(c) A minimum of six (6) of the remaining hours of continuing education credits must be obtained from any of the following:

1. The completion of courses in landscape architecture subjects at universities and colleges shall be accredited by an accrediting agency that is recognized by the United States Office or Department of Education, including accredited junior and community college programs. Each transcript documented semester university or college hour credit is the equivalent of two continuing education credits. A "course in a landscape architecture subject" is a course that is defined in subsection 61G10-18.006(5), F.A.C.:

a. Any continuing education credit from an academic institution must be submitted to the Department ninety (90) days prior to the licensees renewal on November 30th, 2003.

b. A certified copy of the transcript from the registrar of the academic institution shall be evidence of the continuing education credit for the academic institution.

2. The completion of courses approved by the Board and offered by continuing education providers approved by the Board for the provision of continuing education credit hours. The number of hours of credit shall be consistent with Rule 61G10-18.003, F.A.C.

3. Continuing education course credit will be calculated as one credit per fifty minutes of course attendance.

(2) Upon renewal after a licensee has completed the core curriculum course on the Uniform Building Code or passed the equivalency test of the Building Code Training Program, the licensee shall take the following continuing education courses per biennium:

(a) A minimum of two (2) of the sixteen (16) required credits must be obtained by completing an approved provider's advanced or specialized course on the Uniform Building Code; and

(b) A minimum of two (2) of the required sixteen (16) credits must be obtained by completing a course on Florida's laws and rules affecting the practice of landscape architecture according to Chapter 481, Florida Statutes; and

(c) A minimum of twelve (12) of the sixteen (16) required hours of continuing education credits must be obtained from any of the following:

1. The completion of courses in landscape architecture subjects at universities and colleges shall be accredited by an accrediting agency that is recognized by the United States Office or Department of Education, including accredited junior and community college programs. Each transcript documented semester university or college hour credit is the equivalent of two continuing education credits. A "course in a landscape architecture subject" is a course that is defined in subsection 61G10-18.006(5), F.A.C.:

a. Any continuing education credit from an academic institution must be submitted to the Department ninety (90) days prior to the licensees' renewal on November 30th of odd-numbered years.

b. A certified copy of the transcript from the registrar of the academic institution shall be evidence of the continuing education credit for the academic institution.

2. The completion of courses approved by the Board and offered by continuing education providers approved by the Board for the provision of continuing education credit hours. The number of hours of credit shall be consistent with Rule 61G10-18.003, F.A.C.; and

3. Additional hours over the minimum required for Florida building code and Florida Laws and Rules would apply to the remaining twelve (12) hour requirement.

4. Continuing education course credit will be calculated as one credit per fifty minutes of course attendance.

(3) A first time Florida license; licensed 12 or more months prior to the end of a biennial period, shall take the core curriculum courses or pass the equivalency test of the Building Code Training Program established by Section 553.841, Florida Statutes, within two (2) years of initial licensure and shall complete the following eight (8) hours of continuing education as a condition of renewal.

(a) A minimum of two (2) of the required eight (8) credits must be obtained by completing a course on Florida's laws and rules affecting the practice of landscape architecture according to Chapter 481, Florida Statutes.

(b) Hours spent taking the core curriculum Building Code Training Program shall count toward hours of continuing education for license renewal.

(c) The remaining hours of continuing education credits must be obtained from the following:

1. The completion of courses in landscape architecture subjects at universities and colleges shall be accredited by an accrediting agency that is recognized by the United States Office or Department of Education, including accredited junior and community college programs. Each transcript documented semester university or college hour credit is the equivalent of two continuing education credits. A "course in a landscape architecture subject" is a course that is defined in subsection subsection 61G10-18.006(5), F.A.C.:

a. Any continuing education credit from an academic institution must be submitted to the Department ninety (90) days prior to the licensees' renewal on November 30th of odd-numbered years.

b. A certified copy of the transcript from the registrar of the academic institution shall be evidence of the continuing education credit for the academic institution.

2. The completion of courses approved by the Board and offered by continuing education providers approved by the Board for the provision of continuing education credit hours. The number of hours of credit shall be consistent with Rule 61G10-18.003, F.A.C.

3. Continuing education course credit will be calculated as one credit per fifty minutes of course attendance.

(4) A person initially licensed for less than twelve (12) months prior to the end of a biennial period need not complete any continuing education as a condition of renewal.

(5) Non-Qualifying Activities For Continuing Education Hours Activities that do not qualify as continuing education hours include but are not limited to the following:

(a) Self-generated courses, that being courses generated and presented by the licensee to himself or herself for continuing credit.

(b) Personal self-improvement courses.

(c) Equipment demonstrations or trade show displays.

(d) Enrollment without attendance.

(e) Tours of buildings, structures, schools, museums and such unless there is a clear objective to maintain and strengthen competency in a technical field.

(f) Regular employment.

(6) Continuing Education Courses in Laws and Rules Two continuing education credits in laws and rules of the Board may be obtained per biennium by attending one half day or four hours of a board meeting conducted by the Board of Landscape Architects and complying with the following:

(a) The licensee must sign in with staff of the Board before the meeting day begins.

(b) The licensee must remain in continuous attendance.

(c) The licensee must sign out with staff of the Board at the end of the meeting day or at such earlier time as affirmatively authorized by the Board. A licensee may receive continuing education credit in laws and rules for attending the Board meeting only if he or she is attending on that date solely for that purpose; he or she may not receive such credit if appearing at the Board meeting for another purpose.

(7) Instructors, teachers, lecturers, panelists and discussion leaders for continuing educations courses shall be credited for continuing educational purposes at twice the credit granted participants for the first presentation of a specific course or program, the same as the credit granted a participant for the second presentation and none thereafter.

Specific Authority 455.2124, 481.306, 481.313 FS. Law Implemented 481.313, 553.841 FS. History--New 9-19-01, Amended _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Leon Biegalski, Executive Director, Florida Board of Landscape Architecture, 1940 North Monroe Street, Northwood Centre, Tallahassee, Florida 32399-0750

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 02-31R

RULE CHAPTER NO.: 62-40
 RULE CHAPTER TITLE: Water Resource Implementation Rule

RULE NOS.: 62-40.310
 62-40.410
 62-40.412
 62-40.416
 62-40.430
 62-40.474
 62-40.520
 62-40.531
 RULE TITLES: General Policies
 Water Supply Protection and Management
 Water Conservation
 Water Reuse and Recycling
 Water Quality
 Reservations
 District Water Management Plans
 Regional Water Supply Plans

NOTICE OF CHANGE AND NOTICE OF AVAILABILITY OF STATEMENT OF ESTIMATED REGULATORY COST

Notice is hereby given that changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published, pursuant to Section 120.551, F.S., in the Department's official notice Internet site at www.dep.state.fl.us and a summary published in Vol. 28, No. 51 (December 20, 2002) issue of the Florida Administrative Weekly.

In accordance with Section 120.541, F.S., the Department announces the availability of a Statement of Estimated Regulatory Costs to persons who request it.

A copy of the Statement may be obtained by contacting David Trimble in the Office of Water Policy at 2600 Blair Stone Road, Tallahassee, Florida 32399, (850)245-8680, david.trimble@dep.state.fl.us.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.:01-50R

RULE CHAPTER NO.: 62-550 RULE CHAPTER TITLE: Drinking Water Standards, Monitoring, and Reporting

RULE NOS.: 62-550.200 RULE TITLES: Definitions for Public Water Systems

62-550.817 Requirements for Subpart H Surface Water Systems

NOTICE OF CHANGE

Notice is hereby given that changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Department's official notice Internet site at www.dep.state.fl.us, and a summary published in the Vol. 28, No. 52, December 27, 2002, issue of the Florida Administrative Weekly.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

For more information, call: Greg Parker, (850)245-8635.

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NOS.: 64F-12.001 RULE TITLES: General Regulations; Definitions
64F-12.012 Records of Drugs, Cosmetic, and Devices

64F-12.013 Prescription Drugs; Receipt, Storage and Security
64F-12.024 Administrative Enforcement

NOTICE OF WITHDRAWAL

Notice is hereby given that the Notice of Proposed Rulemaking regarding the above rules, as noticed in Vol. 29, No. 7, February 14, 2003, Florida Administrative Weekly, has been withdrawn.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: 67-48.002 RULE TITLE: Definitions

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. 28, No. 51, December 20, 2002, issue of the Florida Administrative Weekly. This change is in addition to the changes listed in the Notice of Change published in Vol. 29, No. 5, January 31, 2003, issue of the Florida Administrative Weekly.

67-48.002 Definitions.

(98) "SAIL Development" means a residential development which provides one or more housing units proposed to be constructed or substantially rehabilitated with SAIL funds for Eligible Persons. If a Development received a tentative allocation or tentative funding commitment from a prior cycle, it may be considered for the SAIL Program funding only if:

(a) ~~The Development received a tentative allocation or tentative funding commitment and the pro forma in the prior Housing Credit or Multifamily Mortgage Revenue Bonds Application submitted for the Development reflected SAIL funding; and~~

Section IV
Emergency Rules

NONE

Section V
Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice is hereby given that the Department of Highway Safety and Motor Vehicles has approved petitions for variance of Rule 15A-10.0141, Florida Administrative Code, submitted by the following programs: West Central Florida Safety Council, filed on November 18, 2002; Fourteenth Judicial DUI