

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF INSURANCE

RULE TITLE: Curriculum Standards for Special Designations
 RULE NO.: 4-211.320

PURPOSE AND EFFECT: To designate what material should be included in the course work for the Professional Customer Service Representative (PCSR) and Professional Claims Adjuster (PCA) designation.

SUBJECT AREA TO BE ADDRESSED: The Professional Customer Service Representative (PCSR) and Professional Claims Adjuster (PCA) designation.

SPECIFIC AUTHORITY: 626.221 FS.

LAW IMPLEMENTED: 626.221 FS.

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

TIME AND DATE: 9:00 a.m., Tuesday, March 25, 2003

PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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 the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jeff Odom, Bureau of Agent and Agency Licensing, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0316, (850)413-3134

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4-211.320 Curriculum Standards for Special Designation.

Pursuant to Section 626.221(1), Florida Statutes, the Department of Insurance establishes the following curriculum standards:

(1) For designation as a Certified Customer Service Representative (CCSR), Professional Customer Service Representative (PCSR) or Registered Customer Service Representative (RCSR), the requirement is at least 40 course hours:

(a) through (b) No change.

(2) For designation as an Accredited Claims Adjuster (ACA) or Professional Claims Adjuster (PCA), the requirement is at least 40 course hours:

(a) through (b) No change.

Specific Authority 626.221 FS. Law Implemented 626.221 FS. History—New 11-6-01, Amended _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE CHAPTER TITLE: Florida Nursery Stock and Certification Fees
 RULE CHAPTER NO.: 5B-2

RULE TITLES: Definitions
 Registering with the Division
 Certification and Quarantine

RULE NOS.: 5B-2.001
 5B-2.002

of Nursery Stock
 5B-2.0025

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

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

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

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

IF REQUESTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, A WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., March 17, 2003

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5B-2.001 Definitions.

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

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

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

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

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

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

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

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

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

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

5B-2.002 Registering with the Division.

Every nurseryman, stock dealer, plant broker, and agent shall register with the division before moving, distributing or offering nursery stock for sale. All aquatic plants offered for sale or distribution at the retail level, seeds, ~~lawn and pasture grasses~~, cut flowers, cut fern, ~~and~~ cut foliage (greens) not for propagation, and lawn and pasture grasses not produced as

certified turfgrass are specifically exempted from nursery stock classification for registration purposes, when apparently free from injurious plant pests.

(1) NURSERY REGISTRATION REQUIREMENTS.

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

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

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

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

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

(f) Nurserymen, unless exempted under paragraph 5B-2.002(1)(g), F.A.C., must pay an annual certificate of registration fee. Such fee shall be determined by the amount of nursery stock inventoried in the nursery by an authorized representative during the first inspection after July 1; or for field-produced vegetable transplants, field-produced bulbs, and field-produced corms and tubers, the certificate of registration fee shall be based on the amount of planted acreage provided that the total fee does not exceed four hundred and sixty dollars (\$460). Upon meeting registration requirements, a certificate of registration may be issued by the division which shall expire twelve (12) months following date of issue. For fee purposes nursery stock shall be grouped into two categories, except for field-produced vegetable transplants, field-produced bulbs, and field-produced corms and tubers which shall be determined by planted acreage. The two categories for nursery stock shall include standard stock and propagating material. Standard stock shall include all nursery stock inventoried by unit for sale or distribution; i.e., pot, balled and burlapped, or tray (for seedlings and liners). Propagating material shall include breeding stock, stock plants, rooting beds or other growing units, production beds for seeds and aquatic plants. The fee for

nurseries having both standard stock and propagating material shall be determined by converting propagative material to standard stock at a ratio of 10 to 1. The figure so determined will be added to the standard stock inventory and the fee shall be determined on the combined total. Nurseries having standard stock, propagating material and field-produced vegetable transplants, field-produced bulbs, and field-produced corms or tubers shall have the planted acreage fee added to the fee determined for standard stock and propagating material. The combined fees shall not exceed four hundred and sixty dollars (\$460).

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

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

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

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

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

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

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

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

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

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

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

(c) Stock dealers with more than one outlet supplied with nursery stock from a central location may register outlets by listing or attaching a list of outlets, with complete mailing address and geographical location, to the application or document for renewal form (DACs-08004, revised 5/99 or DACs-08022, revised 5/99) and remitting of the total fee payment for all outlets to be registered. Application for Renewal of Nursery Stock Dealer’s Certificate of Registration form, DACs-08022, revised 5/99, is supplied by the division for this purpose and are incorporated herein by reference.

Copies of DACS-08022, may be obtained from the Division of Plant Industry, Bureau of Plant & Apiary Inspection, P. O. Box 147100, Gainesville, Florida 32614-7100;

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

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

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

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

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

5B-2.0025 Certification and Quarantine of Nursery Stock.

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

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

(a) Insects

1. Diaphorina citri (Asian citrus psyllid) ~~Ceroplastis sp. (scale insect)~~
2. Diaprepes abbreviatus (diaprepes root weevil)
3. Maconellicoccus hirsutus (pink mealybug)
- ~~4.3. Metamasius spp. (weevil)~~
5. Metamasius callizona (bromeliad weevil)
6. Metamasius hemipterus (palm and sugarcane weevil)
- ~~7.4. Morganella longispina sp. (scale insect) (plumose scale)~~
8. Myllocerus undatus (weevil)
- ~~9.5. Opuntiaspis spp.sp. (scale insect)~~
10. Paratachardina lobata (lobate lac scale)
- ~~11.6. Parlatoria ziziphi (black parlatoria scale insect)~~
- ~~12.7. Philephedra sp. (scale insect)~~
13. Phoenicococcus marlatti (red date scale)
- ~~14.8. Toxoptera citricida (brown citrus aphid)~~
15. Vinsonia stellifera (stellate scale)

(b) Diseases

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

(c) Mollusks (Snails)

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

(d) Nematodes

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

Meloidogyne mayaguensis

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

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Plant Quarantine and Certification 5B-3

Entry Requirements RULE NOS.:

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

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

Restrictions on Host Fruit of Fruit Flies 5B-3.0035

Quarantine Action 5B-3.0038

PURPOSE AND EFFECT: The purpose of this rule amendment is to revise documentation requirements for plants and plant products entering Florida by road from other states or countries, and to provide a provision for suspending shippers responsible for pests not known to occur in Florida to be introduced into the State. Additional quarantine pests are also being added to the list of pests not known to occur in Florida, and to the list of quarantine pests of limited distribution. The effect would be that in most instances, importers of foreign produce will have less documentation to present when entering the agricultural inspection stations maintained by the Office of Agricultural Law Enforcement. This revision will also make bill of lading requirements consistent with U.S. Custom rules that require such documentation of foreign products to be in the English language, or be accompanied by an English

translation. In addition, this revision will have the effect of clarifying that products moved interstate in violation of Federal restrictions will also be considered in violation of Florida law. Furthermore, the ability to suspend shippers of products infested with pests not known to occur in Florida will give added protection against additional introductions into the State. SUBJECT AREA TO BE ADDRESSED: Determining certification requirements for international or domestic plant products is dependant upon the ability of the Department to identify that product. Bill of lading and other documentation not in the English language may prevent proper identification, leading to the entry of product not properly certified.

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

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

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

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

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

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

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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

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

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

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

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

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

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

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

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

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

~~(8)(7)~~ It is unlawful for any person to introduce into this state from another state, territory, or foreign country any citrus plant or citrus plant product or propagation there from without a permit issued by the department, unless specifically excluded by the rules of the department. A permit may be requested by completing an Application to Introduce Citrus Plants and Citrus Plant Parts, DACS-08084, revised 1/00, and submitting it to the division director. Application to Introduce Citrus Plants and Citrus Plant Parts, DACS-08084, revised 1/00, is supplied by the division for this purpose and is incorporated herein by reference. Copies of Application to Introduce Citrus Plants and Citrus Plant Parts, may be obtained from the Division of Plant Industry, P. O. Box 147100, Gainesville, Florida 32614-7100. Any such citrus plant or citrus plant product or propagation there from introduced into the state from another state, territory, or foreign country without a permit issued by the department, or any plants propagated thereafter from such materials, are unlawful and declared to be contraband and shall be confiscated and destroyed. No compensation shall be allowed for any plant, product, or propagation confiscated and destroyed pursuant to this section.

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

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

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

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

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

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

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

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

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

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

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

- (1) Actinidia chinensis – kiwi fruit
- (2) Annona spp. – soursop, cherimoya, pond-apple, and sugar-apple
- (3) Arenga pinnata – sugar palm
- (4) Argania spinosa – Argan tree, Morocco ironwood
- (5) Blighia sapida – akee
- (6) Capsicum spp. – peppers
- (7) Carica papaya – papaya
- (8) Carissa macrocarpa – carissa, Natal-plum
- (9) Casimiroa spp. – white-sapote and other species of this genus
- (10) Chrysophyllum spp. – star-apple and other species of this genus

- (11) Citrus spp. – orange, grapefruit, tangerine, and other citrus relatives as defined in Rule 5B-46.001, F.A.C., above.
- (12) Coffea arabica – coffee
- (13) Cucumis spp. – cucumber, muskmelon, melon, and other species of this genus
- (14) Cydonia oblonga – common quince
- (15) Cyphomandra betacea – tree tomato
- (16) Dimocarpus longana – longan
- (17) Diospyros spp. – Japanese and American persimmons and other species of this genus
- (18) Dovyalis spp. – Ceylon-gooseberry, kei-apple
- (19) Eriobotrya japonica – loquat
- (20) Eugenia spp. – Surinam cherry and other species of this genus
- (21) Acca sellowiana (= Feijoa sellowiana) – feijoa, pineapple guava
- (22) Ficus carica – fig
- (23) Fortunella japonica – kumquat
- (24) Geoffroea decorticans – chanar, Chilean palo verde
- (25) Juglans spp. – walnut with husk
- (26) Litchi chinensis – lychee
- (27) Lycopersicon esculentum – tomato
- (28) Malpighia spp. – Barbados cherry, West Indies cherry
- (29) Malus ~~sylvestris~~ pumila – apple
- (30) Mangifera indica – mango
- (31) Manilkara zapota – sapodilla
- (32) Mimusops elengi – Spanish cherry
- (33) Murraya paniculata – orange jasmine
- (34) Ochrosia elliptica – ~~bourbon orange~~ kopsia, elliptic yellowwood
- (35) Olea europea – olive
- (36) Opuntia spp. – prickly pear
- (37) Passiflora edulis – passion fruit
- (38) Persea americana – avocado
- (39) Phoenix dactylifera – date palm
- (40) Pouteria campechiana – canistel
- (41) Pouteria sapota – mamee, sapote
- (42) Prunus spp. – peach, plum, apricot, cherry, and other stone fruit relatives
- (43) Psidium spp. – common guava and cattley guava
- (44) Punica granatum – pomegranate
- (45) Pyrus communis – pear
- (46) Solanum melongena var. esculentum – eggplant
- (47) Spondias spp. – hog plum, yellow mombin, red mombin, purple mombin, Spanish plum, jocote
- (48) Syzygium spp. – rose-apple, jambolan-plum, mountain apple
- (49) Terminalia catappa – tropical almond
- (50) Thevetia peruviana – yellow oleander

- (51) Vaccinium angustifolium (including V. pennsylvanicum) – lowbush blueberry
- (52) Vaccinium corymbosum (including V. ashei and V. atrococcum) – highbush blueberry
- (53)(54) Vitis spp. – wine grape or European grape
- (54)(52) Any other fruit which is known to be or found to be a host of any fruit flies listed above.

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

5B-3.0038 Quarantine Action.

(1) Plant pests not known to occur in the state of Florida. Plants and plant products which do not meet Florida regulations or are found to be infested or infected with, or exposed to a plant pest not known to be established in the state shall be subject to being refused entry, returned to the owner, quarantined, treated, or destroyed as specified by the department, or destroyed or treated by an authorized representative of the department. The destruction, quarantine, treatment, or return of a shipment shall be under the direction of an authorized representative of the department and at the expense of the owner. Payment to the department for such expense shall be required before shipping can resume. Shippers shall be immediately suspended from shipping into Florida when shipments of plants and plant products are found to be infested or infected with a plant pest not known to be established in the state, and the pest is determined to be potentially damaging to Florida agriculture. This suspension shall remain in effect until the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, and the state of origin department of agriculture agree the problem has been resolved and that shipping may resume. An Agreement For Treatment, Destruction, Forfeiture, or Return of Plants and/or Plant parts, DACS-08029, revised 8/0212/99, will be completed on all shipments requiring regulatory action. An Agreement For Treatment, Destruction, Forfeiture, or Return of Plants and/or Plant Parts form, DACS-08029, revised 8/02 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) Insects
 - 1. Aceria litchii (currently in Hawaii (Litchi mite))
 - 2. Anoplophora spp. (Asian longhorned beetles)
 - 3. Biprorulus bibax (spined orange bug)
 - 4. ~~Bostrichidae~~ Bostrichidae (Bostrichid beetles)
 - 5. Brevipalpus chilensis (Chilean false red mite)
 - 6. Ceratovacuna lanigera (sugarcane woolly aphid)

- 7.2. Diaphora citri (Asian citrus psyllid)
8. Eutetranychus orinetalis (Oriental red mite)
9. Exophthalmus spp. (Caribbean citrus weevils)
- 10.3. Liriomyza huidobrensis (pea leaf miner)
- 11.4. Maconellicoccus hirsutus (pink mealybug)
12. Metamasius spp. (Neotropical palm and bromeliad weevils)
13. Musgraveia sulciventris (bronze orange bug)
14. Myllocerus spp. (Asian weevils)
15. Nephotettix spp. (Green leafhoppers on rice)
16. Nilaparvata lugens (brown plant hopper)
17. Oxycarenus hyalinipennis (dusky cottonseed bug)
18. Prymnotrypes spp. (Andean potato weevils)
19. Russelliana solanicola (a potato psyllid)
- 20.5. Siphoninus plilyleae (Ash whitefly)
21. Trioza anceps (avocado psyllid)
22. Trioza perseae (avocado psyllid)
- 23.6. Trioza erytrae (African citrus psyllid)
24. Tropilaelaps clareae (Tropilaelaps mite)
- 25.7. Vinsonia stellifera (stellate scale)
- (b) Diseases
1. Citrus chlorotic dwarf
2. Citrus leprosis virus
3. Citrus variegated chlorosis
4. Citrus yellow mosaic virus
5. Huanglongbing (citrus greening disease)
6. Phytophthora ramorum (sudden oak death)
- 7.4. Puccinia horiana (chrysanthemum white rust)
- 8.2. Sugarcane bacilliform badnavirus
- 9.3. Sugarcane yellowleaf syndrome
- 10.4. Xanthomonas axonopodis pv. citri (citrus canker)
- (c) Mollusks
1. Achatina spp. fulica (giant African snail and others)
2. Archachatina marginata (banana rasp snail)
- 3.2. Cryptomphalus spp. (brown garden snail and others)
- Helix aspersa
4. Megalobulimus oblongus (giant South American snail)
5. Theba pisana (white garden snail)
- (d) Nematodes
1. Anguina tritici (wheat gall nematode)
- 2.4. Bursaphelenchus cocophilus (red ring nematode)
3. Ditylenchus destructor (potato rot nematode)
4. Ditylenchus dispaci (bud and stem nematode)
- 5.2. Globodera rostochiensis and G. Pallida (potato cyst nematode)
6. Hemicycliophora arenaria (citrus sheath nematode)
7. Heterodera carotae (carrot cyst nematode)
8. Heterodera cruciferae (cabbage cyst nematode)
9. Heterodera goettingiana (pea cyst nematode)
- 10.3. Heterodera zeae (corn cyst nematode)
11. Hoplolaimus columbus (Columbia lance nematode)
12. Longidorus africanus (a needle nematode)
13. Longidorus belondriodes (a needle nematode)
14. Meloidogyne chitwoodi (Columbia root-knot nematode)
15. Meloidogyne citri (a citrus root-knot nematode)
- 16.4. Meloidogyne fujianensis (citrus root-knot nematode)
17. Meloidogyne naasi (cereal root-knot nematode)
18. Nacobbus aberrans (false root-knot nematode)
19. Pratylenchus convallariae (a lesion nematode)
20. Pratylenchus crenatus (a lesion nematode)
21. Pratylenchus goodeyi (a lesion nematode)
22. Xiphinema brevicolle (a dagger nematode)
23. Xiphinema bricolensis (a dagger nematode)
24. Xiphinema californicum (a dagger nematode)
25. Xiphinema diversicaudatum (a dagger nematode)
26. Xiphinema index (California dagger nematode)
27. Xiphinema insigne (a dagger nematode)
28. Xiphinema vuittenezi (a dagger nematode)
29. Zygotylenchus spp. (a lesion nematode)
- (2) Plant pests of limited distribution in the state of Florida. Plants and plant products found infested or infected with or exposed to a plant pest of limited distribution in the state shall be subject to immediate quarantine action and will not be eligible for certification until treated as prescribed by the department and released from quarantine. An Agreement for Chemical Treatment, DACS-08081, revised 10/99, may be required for plants and plant products requiring treatment. Agreement for Chemical Treatment form, DACS-08081, revised 10/99, is supplied by the division for this purpose and is incorporated herein by reference. Copies of DACS-08081, Agreement for Chemical Treatment, may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, P. O. Box 147100, Gainesville, Florida 32614-7100. The following are examples of plant pests that would require immediate quarantine action:
- (a) Insects
1. Diaphorina citri (Asian citrus psyllid) ~~Ceroplastes rusei~~ (scale insect) (fig wax scale)
2. Diaprepes abbreviatus (diaprepes root weevil)
3. Maconellicoccus hirsutus (pink mealybug) ~~Metamasius spp.~~ (weevil)
4. Metamasius callizona (bromeliad weevil)
5. Metamasius hemipterus (palm and sugarcane weevil)
- 6.4. Morganella longispina (scale insect) (plumose scale)
7. Myllocerus undatus (weevil)
- 8.5. Opuntiaspis spp. sp. (scale insect)
9. Paratachardina lobata (lobate lac scale)
- 10.6. Parlatoria ziziphi (black parlatoria scale)
- 11.7. Philephedra sp. (scale insect)
8. Toxoptera citricida (brown citrus aphid)

12. Phoenicococcus marlattii (red date scale)

13. Vinsonia stellifera (stellate scale)

(b) Diseases

1. Agrobacterium tumefaciens (crown gall)

2. Lethal yellowing of palms

3. Phomopsis gardeniae (gardenia canker)

4. Puccinia pelargonii - zonalis (geranium rust)

5. Sphaceloma poinsettiae (poinsettia scab)

6. Tomato yellow leaf curl virus

(c) Mollusks (Snails)

1. Otala lactea (milk snail)

2. Zachrysis provisoria (Cuban land snail)

(d) Nematodes

Meloidogyne mayaguensis

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

~~2. Heterodera glycines (soybean cyst nematode)~~

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

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

DEPARTMENT OF REVENUE

RULE CHAPTER TITLE: General; Procedure

RULE CHAPTER NO.: 12-3

RULE TITLE: Compensation to Third-Party Recordkeepers

RULE NO.: 12-3.012

PURPOSE AND EFFECT: The purpose of the proposed creation of Rule 12-3.012, F.A.C., is to adopt a single administrative rule to implement the provisions of ss. 202.36(4)(h) and 212.14(7)(h), F.S. These statutory provisions require the Department to provide by rule the compensation that will be paid to third-party recordkeepers who serve as a witness under a subpoena issued by the Department, or who produce books and records under a subpoena duces tecum issued by the Department.

SUBJECT AREA TO BE ADDRESSED: The proposed guidelines regarding compensation that will be paid to third-party recordkeepers who serve as a witness, or who produce books and records, under a subpoena or subpoena duces tecum issued by the Department pursuant to s. 202.36(4), F.S., or s. 212.14(7), F.S.

SPECIFIC AUTHORITY: 202.36(4)(h), 212.14(7)(h), 212.17(6), 213.06(1) FS.

LAW IMPLEMENTED: 202.36(4), 212.14(7) FS.

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

TIME AND DATE: 9:00 a.m., March 17, 2003

PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida 32399-0100

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Nancy Purvis, (850)488-0712. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Department's proposed rules are available on the Department's web site: www.myflorida.com/dor/rules.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Thomas Butscher, Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4710

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12-3.012 Compensation to Third-Party Recordkeepers.

(1) SCOPE. This rule establishes the rates and conditions for payments to reimburse reasonably necessary costs directly incurred by third-party recordkeepers in searching for, reproducing, or transporting books, records, written materials, and electronically recorded information required to be produced under a subpoena duces tecum served by the Department for communications services tax or sales and use tax.

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

(a) "Subpoena" means a legal document that requires the attendance and testimony of a witness.

(b) "Subpoena duces tecum" means a legal document that requires the production of specified books, records, written materials, and electronically recorded information and may require the attendance and testimony of a witness.

(c) "Third-party recordkeeper" means any person or entity defined as a "third-party recordkeeper" under s. 202.36(4)(b)3, or s. 212.14(7)(b)3, F.S.

(3) COMPENSATION.

(a) Any third-party recordkeeper who receives a subpoena issued by the Department will be compensated for costs incurred for appearing to testify at the rate of \$5 for each day of actual attendance at a proceeding conducted by the Department, plus 6 cents per mile for the actual distance traveled to and from the location of the proceeding. The actual

distance traveled will be computed based upon the official mileage used for state employee travel, as provided in s. 112.061, F.S.

(b)1. Any third-party recordkeeper who receives a subpoena duces tecum will be compensated for costs directly incurred to produce, search for, reproduce, and transport the documents requested at the following rates:

a. \$10 per hour for each hour consumed in producing, searching for, and copying such records;

b. 10 cents per page for reproducing such records; plus,

c. The actual costs incurred to ship or mail the documents to the Department.

2. Compensation for costs made pursuant to this paragraph is in addition to any mileage allowance and fees paid under paragraph (a).

(c)1. To request compensation, a third-party recordkeeper is required to submit an invoice to the employee of the Department who served the subpoena duces tecum. The invoice must contain:

a. The third-party recordkeeper's name, address, and federal employer identification number;

b. The case name and number appearing on the subpoena or subpoena duces tecum;

c. The name of the taxpayer to whom the records pertain;

d. The name of the Department employee who served the subpoena or subpoena duces tecum; and

e. An itemized listing of the incurred costs being submitted for compensation.

2. In order to receive compensation from the state, any third-party recordkeepers who receive a subpoena or subpoena duces tecum must keep adequate records of research time, the actual distance traveled to and from the location of the proceeding, shipping and mailing costs, and the number of reproductions made, as applicable.

Specific Authority 202.36(4)(h), 212.14(7)(h), 212.17(6), 213.06(1) FS. Law Implemented 202.36(4), 212.14(7) FS. History--New _____.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE CHAPTER TITLE: RULE CHAPTER NO.:
Sales and Use Tax 12A-1
RULE TITLE: RULE NO.:
Authority to Issue Subpoenas and
Subpoenas Duces Tecum 12A-1.0935

PURPOSE AND EFFECT: The purpose of the proposed repeal of Rule 12A-1.0935, F.A.C. (Authority to Issue Subpoenas and Subpoenas Duces Tecum), is to remove unnecessary provisions regarding the issuance of subpoenas and subpoenas duces tecum that are provided in s. 212.14(7), F.S. The statutory requirement to provide by rule the compensation paid to third-party recordkeepers for testimony as a witness or the production of books and records will be provided in Rule 12-3.012, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The proposed repeal of provisions regarding the issuance of subpoenas and subpoenas duces tecum pursuant to s. 212.14(7), F.S.

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1) FS. LAW IMPLEMENTED: 92.142(1), 212.14(7) FS.

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

TIME AND DATE: 9:00 a.m., March 17, 2003

PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida 32399-0100

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Nancy Purvis, (850)488-0712. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Department's proposed rules are available on the Department's web site: www.myflorida.com/dor/rules.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Thomas Butscher, Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4710

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-1.0935 Authority to Issue Subpoenas and Subpoenas Duces Tecum.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 92.142(1), 212.14(7) FS. History--New 3-27-95, Amended 6-19-01, Repealed _____.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE CHAPTER TITLE: RULE CHAPTER NO.:
Tax on Production of Oil and Gas 12B-7
RULE TITLE: RULE NO.:
Public Use Forms 12B-7.026

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-7.026, F.A.C., of Part II (Severance Tax on Solid Minerals) of Chapter 12B-7, F.A.C., is to adopt, by reference, changes to a form used by the Department in the administration of the Miami-Dade County Lake Belt Mitigation Fee imposed under s. 373.41492, F.S.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the adoption, by reference, of the revisions to form DR-146, Miami-Dade County Lake Belt Mitigation Fee Monthly Return.

SPECIFIC AUTHORITY: 211.33(6), 213.06(1), 373.41492(4)(b) FS.

LAW IMPLEMENTED: 92.525(1)(b),(2),(3),(4), 211.30, 211.31, 211.3103, 211.3106, 211.33, 212.12(2), 212.17(1)(c), 213.235(2), 213.37, 213.755, 373.41492 FS.

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

TIME AND DATE: 9:00 a.m., March 17, 2003

PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida 32399-0100

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Nancy Purvis, (850)488-0712. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Department's proposed rules are available on the Department's web site: www.myflorida.com/dor/rules.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Gary Gray, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4729

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12B-7.026 Public Use Forms.

(1)(a) The following public use ~~public use~~ forms and instructions are used by the Department in its dealings with the public. These forms are hereby incorporated and made a part of this rule by reference.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, ~~Forms~~ Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the ~~Forms~~ Distribution Center at (850)922-2208; or, 3) ~~using a fax machine telephone handset to call the Department's automated Fax on Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 35) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 46) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (<http://www.myflorida.com/dor/>). Persons with hearing or speech impairments may call the Department's TDD at 1(800)367-8331.~~

Form Number	Title	Effective Date
(2)(4)	No change.	
(3)(2)	Miami-Dade County Lake Belt Mitigation Fee Monthly Return	10/01
	(R. 02/03 n. 7/99)	

Specific Authority 211.33(6), 213.06(1), 373.41492(4)(b) FS. Law Implemented 92.525(1)(b),(2),(3),(4), 211.30, 211.31, 211.3103, 211.3106, 211.33, 212.12(2), 212.17(1)(c), 213.235(2), 213.37, 213.755, 373.41492 FS. History—New 12-18-94, Amended 10-4-01, _____.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

RULE TITLE: _____ RULE NO.: _____

Application for License; Requirements for Offices, Display Space and Operation; Denial, Suspension or Revocation; Implementation 15C-7.003

PURPOSE AND EFFECT: The purpose of the proposed action is to make applying for a dealer license more convenient for applicants by deleting the requirement for two photographs of the proposed dealer location. This decision was made by the Used Motor Vehicle Industry Task Force and reinforced by the new Automobile Dealers Advisory Board.

SUBJECT AREA TO BE ADDRESSED: Requirements for motor vehicle dealer license applicants.

SPECIFIC AUTHORITY: 320.011 FS.

LAW IMPLEMENTED: 320.27 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Michael Alderman, Attorney, General Counsel, Department of Highway Safety and Motor Vehicles, Room A432, Neil Kirkman Building, Tallahassee, Florida 32399-0500, (850)488-1606

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

15C-7.003 Application for License; Requirements for Office, Display Space and Operation; Denial, Suspension or Revocation; Implementation.

- (1) through (2) No change.
- (3) Applications for Motor Vehicle Dealer's License.
- (a) through (b) No change.

(c) All applications shall have attached all documentation and endorsements necessary to substantiate the applicant's compliance with the requirements of Section 320.27(3), Florida Statutes, and this rule. Such documentation or endorsements shall include:

1. through 9. No change.

~~10. Two positive print photographs of the proposed licensed place of business. The photographs shall be a minimum of 3" x 4" in size. One photograph shall depict the exterior of the dealership from a distance to clearly show two (2) sides of the building, one side of which shall be the public entrance into the dealership. The second photograph shall show the remaining sides of the building which will house the dealership. At least one of the photographs must reflect the area to be used for display of vehicles/units offered for sale, if display space is required.~~

(4) through (10) No change.

Specific Authority 319-27, 320.011 FS. Law Implemented 319, 320.27 FS. History--New 9-24-90, Amended _____.

PUBLIC SERVICE COMMISSION

UNDOCKETED

RULE TITLE: Investor-Owned Electric Utility Minimum Filing Requirements

RULE NO.: 25-6.043

PURPOSE AND EFFECT: To revise and update Commission form PSC/ECR/011-E entitled Minimum Filing Requirements for Investor-Owned Electric Utilities

SUBJECT AREA TO BE ADDRESSED: Rule 25-6.043 Investor-Owned Electric Utility Minimum Filing Requirements

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

TIME AND DATE: 8:30 a.m., March 26, 2003

PLACE: Betty Easley Conference Center, Room 234, 4075 Esplanade Way, Tallahassee, Florida

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (850)413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dale Mailhot, Division of Economic Regulation, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6418

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

DEPARTMENT OF CORRECTIONS

RULE TITLE: Permissible Items for Visitors

RULE NO.: 33-601.725

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to add facial tissues to the list of items which visitors are allowed to bring into a department facility.

SUBJECT AREA TO BE ADDRESSED: Inmate visiting.

SPECIFIC AUTHORITY: 20.315, 944.09, 944.23 FS.

LAW IMPLEMENTED: 944.09, 944.23 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.725 Permissible Items for Visitors.

(1) Visitors shall be allowed to bring only authorized items listed into any department facility. Entry shall be denied if the visitor attempts to enter the institution or facility while possessing any unauthorized item or any authorized item in more than the approved amounts. Authorized items include:

(a) through (h) No change.

(i) Small package of facial tissues.

(2) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History--New 11-18-01, Amended 5-27-02, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Procedural

RULE CHAPTER NO.: 40D-1

RULE TITLE: Permit Processing Fee

RULE NO.: 40D-1.607

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

SUBJECT AREA TO BE ADDRESSED: The permit application processing fee schedule for Environmental Resource Permit applications.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.109, 373.421(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jack R. Pepper, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-1.607 Permit Processing Fee.

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

- (1) Environmental Resource or Management and Storage of Surface Waters Permit Applications.
 - (a) through (a)3. No change.
- 4. Application for Individual Permit and General Permit for Incidental Site Activities \$3300.00
- 4. through 13. renumbered 5. through 14. No change.
- (2) through (12) No change.

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Individual Environmental Resource Permits
 RULE CHAPTER NO.: 40D-4
 RULE TITLE: Publications and Agreements Incorporated by Reference
 RULE NO.: 40D-4.091

PURPOSE AND EFFECT: The proposed amendments to the Basis of Review for Environmental Resource Permits are intended to provide guidance and specifications for the development of surface water management plans that are implemented during construction of surface water management systems.

SUBJECT AREA TO BE ADDRESSED: The administrative criteria for surface water management systems in the Environmental Resource Permitting Basis of Review.

SPECIFIC AUTHORITY: 373.044, 373.046, 373.113, 373.171, 373.414 FS.

LAW IMPLEMENTED: 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jack R. Pepper, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-4.091 Publications and Agreements Incorporated by Reference.

The following documents are hereby incorporated into this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) “Basis of Review for Environmental Resource Permit Applications with the Southwest Florida Water Management District, September 26, 2002. This document is available from the District upon request.

(2) through (4) No change.

Specific Authority 373.044, 373.046, 373.113, 373.171, 373.414 FS. Law Implemented 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS. History—New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-99, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99, 8-3-00, 9-20-00, 6-12-01, 10-11-01, 2-27-02, 7-29-02, 9-26-02,_____.

ENVIRONMENTAL RESOURCE PERMITTING
 INFORMATION MANUAL
 BASIS OF REVIEW
 CHAPTER 2

CHAPTER TWO – ADMINISTRATIVE CRITERIA

2.1 through 2.7 No change.

2.8 Construction Surface Water Management

2.8.1 a. A construction surface water management plan for the proposed system and related activities shall be designed to provide reasonable assurance that the project construction activities will not result in erosion and sediment deposition in wetlands or off-site, adverse impacts to wetlands, off-site flooding, or violations of state water quality standards.

b. Discharge control and erosion protection measures shall be employed and operated at all times during construction to avoid adverse impacts to receiving waters or adjacent property. Detention/retention storage structures, sediment barriers, flow conveyances, revetment, discharge control structures, and

other stormwater management structures should be built and continuously maintained during project construction in a manner such that, to the extent possible, the structures are incorporated into and become part of the permanent surface water management system.

c. The owner/permittee shall ensure that the surface water and stormwater management measures proposed in the plan are effectively implemented until completion of the project or until the permanent surface water management system is operational.

2.8.2 a. For non-agricultural systems, the construction surface water management plan shall be designed and implemented to include site specific measures adapted from conceptual practices and guidelines described in the following publications. In addition, the applicant may propose equivalent protection measures that meet the requirements of Rules 40D-4.301 and 40D-4.302, F.A.C.

(i) The guidelines set forth in Chapter 6, "The Florida Development Manual: A Guide to Sound Land and Water Management," (FDER 1988).

(ii) The guidelines set forth in "The Florida Stormwater, Erosion, and Sediment Control Inspector's Manual," (FDEP and FDOT 1999).

b. For non-agricultural systems with a project area of 5 acres or more, or construction activities that result in the disturbance of less than five acres, but are part of a larger common plan of development or sale within a total land area, the construction surface water management plan shall, in addition to the requirements of Section 2.8.2(a) above, be designed and implemented to function in accordance with the technical standards, conceptual practices and guidelines for a stormwater pollution prevention plan described in Part V of the Florida Department of Environmental Protection (FDEP) document, "Generic Permit for Stormwater Discharge from Construction Activities that Disturb Five or More Acres of Land." FDEP document number 62-621.300(4)(a), effective October 22, 2000.

c. For agricultural systems, a conservation plan shall be designed and implemented for the proposed activities that is the functional equivalent of a construction surface water management plan. As used herein, "conservation plan" means a formal document describing the stormwater and surface water management practices for a specific parcel of property. Such practices must comply with USDA-NRCS standards for the control of soil erosion and sediment transport, avoidance of off-site flooding, protection of wetlands and prevention of state water quality standard violations during construction and operation.

2.8.3 For projects located wholly or partially within 100 feet of an Outstanding Florida Water (OFW), or within 100 feet of any wetland abutting an OFW, applicants must provide reasonable assurance that the proposed construction or alteration of a system will not cause sedimentation in the OFW

or adjacent wetlands and that filtration of all runoff will occur prior to discharge into the OFW or adjacent wetlands. Reasonable assurance is presumed if in addition to implementation of the requirements in section 2.8.2, any one or more of the following measures are implemented:

a. Maintenance of a vegetative buffer, consisting of an area of undisturbed vegetation that is a minimum of 100 feet in width, landward of the OFW or adjacent wetlands. During construction or alteration of the system, all runoff, including turbid discharges from dewatering activities, must be allowed to sheet flow across the buffer area. Concentrated or channelized runoff from upstream areas must be dispersed before flowing across the vegetative buffer. Construction activities of limited scope that are necessary for the placement of outfall structures may occur within the buffer area.

b. The installation or construction of the structures described below at all outfalls to the OFW or adjacent wetlands must be completed prior to beginning any construction or alteration of the remainder of the system. These structures must be operated and maintained throughout construction or alteration of the permanent system. Although these structures may be located within the 100 foot buffer described in sub-paragraph (a) above, a buffer area of undisturbed vegetation that is a minimum of 25 feet in width must be maintained between the OFW or adjacent wetlands and any structure.

(i) Stormwater discharge facilities constructed in accordance with the conditions of the permit for the permanent surface water management system;

(ii) Interim sedimentation traps or basins located immediately upstream of the stormwater discharge facilities described above; and

(iii) Spreader swale(s) that reduce the velocity and disperse the amount of discharges from the stormwater facilities to allow non-erosive rates and sheet flow depth before discharging to wetlands adjacent to the OFW.

c. No direct discharges to the OFW or adjacent wetlands may occur during the 10-year 24-hour storm event or as the result of dewatering activities. Any on-site storage constructed to prevent such discharges must recover within 14 days of the rainfall event. A vegetative buffer, consisting of an area of undisturbed vegetation that is a minimum of 25 feet in width must be maintained landward of the OFW or adjacent wetlands. Construction activities of limited scope and necessary for the placement of outfall structures may occur within the buffer area.

2.8.4 a. A complete construction surface water management plan for the project must be submitted with the permit application or prior to beginning construction.

(i) If a complete plan is not submitted as a part of the permit application, a preliminary plan for the project area must be submitted with sufficient content and detail to demonstrate compliance with the requirements and technical standards set

forth in this Section 2.8, and a specific limiting condition will be placed on the permit prohibiting construction prior to completion of the plan and its approval by the District.

(ii) Five copies of the completed plan shall be submitted to the District for review. Submittal of the completed plan shall occur no later than the submittal of a Notice of Intent (NOI)¹ for an FDEP-NPDES Generic Permit for Stormwater Discharge from Construction Activities that Disturb Five or More Acres of Land, or the federal equivalent thereof should the Department of Environmental Protection no longer issue such generic permits.

b. The completed plan shall be signed by the applicant/owner or authorized agent and signed and sealed by the design engineer. The plan shall be part of the final construction plans for the permitted surface water management system.

c. The permittee shall amend the construction surface water management plan whenever the project is altered or modified in a manner that will result in: (1) the potential discharge of pollutants, (2) a change in the amount of discharge, (3) a change in the number or location of storm water discharge points, or (4) adverse impacts to wetlands; if such change(s) have not otherwise been previously addressed in the approved plan. The permittee shall also amend the plan if its implementation does not eliminate or minimize erosion and sediment deposition, off-site flooding, adverse impacts to wetlands, or violations of state water quality standards. Amendments to the plan shall be prepared and kept as separate documents along with the original plan. All alterations to the system must be shown on the amended plan along with the documentation of required approval(s).

d. The permittee shall keep copies of the construction surface water management plan and any amendments thereto together with permitted construction drawings at the construction site for use by construction personnel, and shall make the plan and construction drawings available upon request to the District staff who visit the project during inspections.

e. The District will notify the permittee if it determines that the construction surface water management plan, as implemented, does not comply with one or more of the minimum requirements of the permit. The permittee shall implement corrective measures as soon as possible, but in no case later than 7 days following receipt of such notification.

¹ To be authorized by a FDEP/NPDES generic permit to discharge stormwater from construction activities that distribute 5 acres or more of land [Rule 62-621.300(4), F.A.C.] the operator/permittee (land owner or authorized agent) must have:

- a. Received an ERP permit from the WMD or FDEP prior to beginning construction;
- b. Completed a stormwater pollution prevention plan (SWPPP);

- c. Proceeded with implementation of the SWPPP; and
- d. Submitted the Notice of Intent and SWPPP to FDEP at least 48 hours prior to the initial disturbance of soils associated with clearing, grading, or excavation activities or other construction activities.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
General Environmental	
Resource Permits	40D-40
RULE TITLES:	RULE NOS.:
Definitions	40D-40.021
Conditions for Issuance of General Permits	40D-40.302
Duration of Permits	40D-40.321
General Conditions	40D-40.381

PURPOSE AND EFFECT: The proposed rule amendments provide for the issuance of a General Permit authorizing certain incidental construction activities. The General Permit would allow an applicant to begin such construction activities on a site prior to the issuance of an Individual Environmental Resource Permit for the project.

SUBJECT AREA TO BE ADDRESSED: Permitting criteria and conditions for General Environmental Resource Permits.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.413, 373.414, 373.416, 373.117, 373.419, 403.031(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jack R. Pepper, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-40.021 Definitions.

As used in this chapter:

(1) No change.

(2) “Incidental Site Activities” means the following activities in uplands that are conducted as part of the construction of a system proposed in an environmental resource permit application: land clearing, grading, excavation of borrow areas for on-site grading, road and building subgrade construction (excluding foundation construction), unpaved access road construction, utility installation, fence installation,

construction trailer installation, construction phase surface water management, erosion and sediment control measures, and similar approved activities.

(3)(2) Other ~~The~~ terms have the same meaning as defined in Rule 40D-4.021, F.A.C.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.413, 373.416, 373.419, 403.031(3) FS. History—New 10-1-84, Amended 3-1-88, _____.

40D-40.302 Conditions for Issuance of General Permits.

To qualify for a general permit for construction and operation under this chapter, the applicant must provide reasonable assurances that the surface water management system meets all conditions of subsection 40D-40.302(1), F.A.C., all thresholds in subsection (2), and the conditions of at least one other subsection. To obtain a site conditions assessment permit under this chapter, the applicant must provide reasonable assurances that all conditions of subsection 40D-40.302(5), F.A.C., are met. To obtain a permit for construction of incidental site activities under this chapter, the applicant must provide reasonable assurances that all conditions of subsections 40D-40.302(1) and 40D-40.302(6), F.A.C., are met.

(1) through (4) No change.

(5) Conditions for a ~~Standard~~ General Site Conditions Assessment Permit.

(a) through (b) No change.

(6) Additional Conditions for an Incidental Site Activities Permit

(a) Notwithstanding the threshold conditions of subsection (2), a permit shall be authorized for incidental site activities that are conducted in connection with a surface water management system proposed in an individual environmental resource permit application provided:

1. Section J of the Environmental Resource Permit Application, Supplemental Information for Authorization to Conduct Incidental Site Activities, was filed concurrently with the individual environmental resource permit application for the overall system;

2. The applicant submitted an individual environmental resource permit application which incorporates the proposed incidental site activities, including specific descriptions, locations and alignments to identify the incidental site activities and to show that the work will be conducted in conjunction and conformance with the overall project system;

3. The application is complete.

a. For the purposes of this requirement, an application is complete when the applicant has submitted the information required by Form 547.27/ERP (8/94), including Section J, and all additional information timely requested by District staff, all required notice of the application's receipt has been given and all review periods are concluded, and a letter of completeness has been issued by the District.

b. This general permit is not authorized for projects where the applicant has submitted a written request to proceed with processing the permit application in accordance with section 373.414(1), Florida Statutes.

4. The proposed incidental site activities do not involve construction located in, on or over wetlands or other surface waters and will not be conducted within 50 feet of the landward extent of wetlands, other surface waters, or upland preservation areas, unless another setback is specified in the permit or shown on the permitted construction drawings;

5. Any proposed incidental site activities involving excavation will not be located within 200 feet of the landward extent of wetlands or other surface waters, unless another setback is specified as a condition in the permit or shown on the permitted construction drawings;

6. District staff has reviewed the individual environmental resource permit application and is recommending approval of the individual permit. For the purpose of this section, District staff is recommending approval of the individual permit when the Regulation Department Director has issued a letter informing the applicant that the application is complete and the staff will be recommending approval of the application to the Governing Board;

7. The District has not received any substantial objections to the proposed incidental site activities or the associated individual environmental resource permit application; or all such objections have been withdrawn prior to the time this general permit is issued. As used herein "substantial objection" means a written statement directed to the District regarding a permit which identifies the objector, concerns hydrologic or environmental impacts of the proposed activity, and relates to applicable rule criteria;

8. The applicant has submitted a construction phase surface water management plan for the proposed system and related activities that provides reasonable assurance that the incidental site activities will not result in erosion and sediment deposition in wetlands or off-site, adverse impacts to wetlands, off-site flooding, or violations of state water quality standards;

9. The project area is not in violation of any District rule at the time this general permit is issued; and

10. Public notice of receipt of the individual permit application stated that a request for a general permit for incidental site activities was filed concurrently with the individual application, and if approved, the general permit would allow incidental site activities, as defined in Rule 40D-40.021, F.A.C., to begin prior to final action on the individual permit. The public notice must also state that Rule 40D-40.381, F.A.C., requires that in the event the individual permit is not issued, the permittee cease incidental site activities and restore the site to previous conditions.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.413, 373.414, 373.416, 373.419 FS. History—New 10-1-84, Amended 3-1-88, 5-10-88, 9-13-88, 10-3-95, 7-23-96, _____.

40D-40.321 Duration of Permits.

Unless revoked or otherwise modified, or specifically stated as a limiting condition of the permit, the duration of all a general permits issued pursuant to this Chapter, other than those authorizing incidental site activities, is as specified in Rule 40D-4.321, F.A.C. The duration of a general permit authorizing incidental site activities shall be 90 days.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.413, 373.416, 373.419(2) FS. History—New 10-1-84, Amended 3-1-88, 10-3-95, _____.

40D-40.381 General Conditions.

The standard general permits issued pursuant to this chapter shall be subject to the following limiting conditions:

(1) through (2) No change.

(3) For general permits authorizing incidental site activities, the following limiting general conditions shall also apply:

(a) If the decision to issue the associated individual permit is not final within 90 days of the issuance of the incidental site activities permit, the site must be restored by the permittee within 90 days after notification by the District. Restoration must be completed by re-contouring the disturbed site to previous grades and slopes and re-establishing and maintaining suitable vegetation and erosion control to provide stabilized hydrologic conditions. The period for completing restoration may be extended if requested by the permittee and determined by the District to be warranted due to adverse weather conditions or other good cause. In addition, the permittee shall institute stabilization measures for erosion and sediment control as soon as practicable, but in no case more than 7 days after notification by the District.

(b) The incidental site activities are commenced at the permittee's own risk. The Governing Board will not consider the monetary costs associated with the incidental site activities or any potential restoration costs in making its decision to approve or deny the individual environmental resource permit application. Issuance of this permit shall not in any way be construed as a commitment to issue the associated individual environmental resource permit.

~~(4)~~(3) No change.

Specific Authority 373.044, 373.113, 373.118, FS. Law Implemented 373.117, 373.413, 373.414, 373.416, 373.419, FS. History—New 10-1-84, Amended 3-1-88, 10-3-95, 7-23-96, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE CHAPTER TITLE: Florida Mobile Home Relocation Corporation
 RULE CHAPTER NO.: 61B-36

RULE TITLES:

Procedures for Operation
 Claims Procedures
 Approved Forms

RULE NOS.:

61B-36.001
 61B-36.002
 61B-36.003

PURPOSE AND EFFECT: Chapter 723, F.S., was amended during the 2001 Legislative Session to create the Florida Mobile Home Relocation Corporation and the Florida Mobile Home Relocation Trust Fund to provide payments to mobile home owners who are evicted due to a change in the use of the land comprising the mobile home park. The statute provides payment of actual moving expenses of a mobile home up to \$5,000 for a single section home or \$10,000 for a multi-section home. Additionally, in the event the mobile home owner who is evicted for change in the use of the land comprising the mobile home park abandons his or her home and transfers title to the park owner, he or she is entitled to one-fourth of the \$5,000 or \$10,000 payment.

SUBJECT AREA TO BE ADDRESSED: As a result of the statute, a board of directors was appointed to administer the trust fund and ensure that people who are displaced will receive their payment for moving expenses or for abandonment of their homes as expeditiously as possible. The proposed rules provide quick, fair and effective procedures for administrative processing and board consideration of applications for relocation expenses and abandoned homes. The need for a quick payment procedure is due to the fact that many people who are forced to move or abandon their homes due to a change in the use of the land cannot afford to pay to have their homes moved. In the case of a home owner who must abandon his or her home, the payment is needed immediately in order to make a deposit on a new home or find other suitable means of housing.

SPECIFIC AUTHORITY: 723.0611(3)(a) FS.

LAW IMPLEMENTED: 723.0611, 723.06115, 723.06116, 723.0612 FS.

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

TIME AND DATE: 10:30 a.m., Tuesday, April 1, 2003

PLACE: Shady Lane Oaks, 1577 Bolesta Road, #174, Clearwater, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Robert S. Cohen, General Counsel, Florida Mobile Home Relocation Corporation, Post Office Box 14125, Tallahassee, FL 32317-4125

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61B-36.001 Procedures for Operation.

(1) The Florida Mobile Home Relocation Corporation board of directors, one of whom serves as chair, shall conduct the corporation's business at meetings held as frequently as deemed necessary by the board. All such meetings shall be noticed in the Florida Administrative Weekly, as well as the principal publications of the largest nonprofit association representing mobile home owners in this state and the largest nonprofit association representing the manufactured housing industry in this state, who comprise the members of the corporation board of directors. Such notice shall be published at least 14 days prior to the date scheduled for the meeting of the board of directors, except in the case of emergency meetings of the board of directors, in which case the notice may be published less than 14 days prior to the date of the meeting. The board of directors may hold meetings by telephone conference call, or other electronic means, by providing 48 hours written notice via facsimile to the largest nonprofit association representing mobile home owners in this state, the largest nonprofit association representing the manufactured housing industry in this state and to other interested parties who have provided notice to the corporation of their interest in receiving public notice of corporation business to review applications for payment of relocation expenses or abandonment so as to meet the timetable set forth in s. 723.0612(4), F.S.

(2) The board of directors may employ or retain attorneys, accountants or administrative personnel to perform the administrative and financial transactions and responsibilities of the corporation and to perform any other necessary duties not prohibited by law. The board of directors is not required to engage in a competitive solicitation or bidding process for goods and services needed by the board to perform its functions.

(3) Members of the board of directors may be reimbursed by the corporation for actual and necessary expenses incurred by them as members in accordance with state guidelines as approved by the department. Members of the board of directors are not entitled to any additional compensation for their services.

(4) The corporation shall establish, by rule, an address for receipt of mail and any official notices required by Section 723.0612, F.S. The initial address for receipt of such mail or notices shall be Florida Mobile Home Relocation Corporation, Post Office Box 14125, Tallahassee, Florida 32317-4125.

(5) The corporation is authorized to open accounts with financial institutions or credit unions to conduct the financial affairs of the corporation.

(6) The corporation shall implement procedures, in conjunction with the department, for the transfer of funds from the Florida Mobile Home Relocation Trust Fund to the corporation for the payment of claims for relocation expenses approved by the board of directors.

Specific Authority 723.0611(3) FS. Law Implemented 723.0611, 723.0612 FS. History—New _____.

61B-36.002 Claims Procedures.

(1) In order to receive payment from the corporation for relocation expenses, the mobile home owner shall submit to the corporation, with a copy to the park owner, an Application for Payment of Relocation Expenses, FMHRC Form 1001, which includes a copy of the notice of eviction due to change in use of the land comprising the mobile home park and a copy of the signed contract with a moving or towing contractor that includes an itemization of the costs of taking down, moving and setting up the mobile home in a new location. The copy of the notice of eviction shall show a date after July 1, 2001, the effective date of the statute creating the Florida Mobile Home Relocation Corporation. The cost itemization referenced herein shall be in a form substantially similar to FMHRC Form 1007 in order to be considered for approval by the board of the Corporation. The application shall also include a copy of the title to the mobile home showing the name of the owner of the home being the same as the applicant for relocation expenses. The title certificate must bear the Department of Highway Safety and Motor Vehicles designation of "HS" which designates the home as a "mobile home." No other designation on the title will be accepted for processing and approval for relocation expenses. Any application received that does not contain complete information and all of the required documentation shall be returned by the corporation to the applicant along with a notice of the deficiencies in the application. Only completed applications will receive a date stamp. In the event the applicant resubmits the application with the required documentation, the application will then receive a date stamp assigning its priority.

(2) Any claims made pursuant to this rule shall be prioritized as follows: The mail will be collected from the post office box address of the corporation at least Monday, Wednesday and Friday, state and federal holidays excluded. Any completed applications received will be date stamped. Priority of payment of claims for relocation expenses will be based upon the date the completed application is date stamped.

(3) The corporation must approve payment within 45 days after receipt of the completed application, or payment is deemed approved. Once the mobile home has been moved to its new location, the corporation shall forward to the park owner a copy of the approval along with an invoice for payment of \$2,000 for a single-section mobile home or \$2,500 for a multi-section mobile home.

(4) If funds are available and the completed application is approved, the following shall occur:

(a) In the event the mobile home has not yet been moved to a new location, the corporation shall issue a voucher to the moving or towing contractor in the amount of the contract price for relocation of the mobile home. The amount of the voucher shall be as approved by the board of the corporation and as set forth in s. 723.0612(1), F.S. The moving or towing contractor may redeem the voucher from the corporation following completion of the relocation of the mobile home and upon approval of the relocation by the mobile home owner that the work performed was satisfactory. Within 30 days of receipt of the voucher and proof of the satisfactory completion of the relocation by the moving or towing contractor, the corporation shall pay the amount set forth on the voucher.

(b) In the event the home owner has already moved the mobile home to a new location and paid for the move, the corporation shall issue a voucher to the home owner whose application was previously approved by the corporation in accordance with this rule. The amount of the voucher shall be as approved by the board of the corporation and as set forth in s. 723.0612(1), F.S. The home owner may redeem the voucher upon submitting proof of the relocation of the mobile home in the form of a receipt or invoice marked "paid" by the moving or towing contractor. Within 30 days of receipt of the voucher and proof of the relocation by the moving or towing contractor, as set forth herein, the corporation shall pay the amount set forth on the voucher.

(5) In the event a mobile home owner who has been evicted for change in the use of the land chooses to abandon the mobile home pursuant to s. 723.0612(7), F.S., the home owner may collect an amount equal to one-fourth of the maximum allowable moving expenses from the corporation so long as the mobile home owner delivers to the park owner the current title to the mobile home properly endorsed by the owner of record with valid releases of all liens shown on the title. In order to qualify for reimbursement under this subsection, the title certificate on the mobile home sought to be abandoned must bear the Department of Highway Safety and Motor Vehicles designation of "HS" which is the designation as a "mobile home." No other designation will be accepted for processing and approval for payment for an abandoned home. The mobile home owner who seeks payment under this section shall submit to the corporation an Application for Payment for Abandoned Home, FMHRC Form 1002, which includes a copy of the notice of eviction due to change in the use of the land comprising the mobile home park and a copy of the current title to the mobile home with the proper designation of "HS" duly endorsed to the park owner by the owner of record and valid releases of all liens shown on the title. Upon approval of the application by the corporation, the corporation shall forward to the park owner a copy of the approval along with an invoice for the payment of one-fourth of the maximum allowable moving expenses.

(5) In the event the funds for payment of relocation expenses or the payment for abandonment of the mobile home have been exhausted due to the payment of previous claims and expenses of the corporation, the mobile home owner who has properly completed the application and attached the required documentation will receive a certificate showing the time and date of approval of payment to a claimant. Should sufficient funds become available, the corporation shall pay the claimant for relocation expenses whose unpaid claim is the earliest by time and date of approval. In the event the funds for payment for an abandoned home have been exhausted, the corporation shall pay the home owner at the time the park owner has made the payment to the corporation of the one-fourth of the maximum allowable moving expenses as set forth in the previous subsection.

Specific Authority 723.0611(3) FS. Law Implemented 723.061, 723.06116, 723.0612 FS. History--New _____.

61B-36.003 Approved Forms.

The corporation adopts the forms below as suggested forms for use by Mobile home owners and park owners:

(1) Application for Payment of Relocation Expenses, FMHRC Form 1001, incorporated by reference herein and effective X-1-2003.

(2) Application for Payment for Abandoned Mobile Home, FMHRC Form 1002, incorporated by reference herein and effective X-1-2003.

(3) Contractor Voucher for Payment for Mobile Home Relocation, FMHRC Form 1003, incorporated by reference herein and effective X-1-2003.

(4) Home Owner Voucher for Payment for Mobile Home Relocation, FMHRC Form 1004, incorporated by reference herein and effective X-1-2003.

(5) Certificate for Payment When Relocation Funds Become Available, FMHRC Form 1005, incorporated by reference herein and effective X-1-2003.

(6) Certificate for Payment When Abandoned Home Funds Become Available, FMHRC Form 1006, incorporated by reference herein and effective X-1-2003.

(7) Standard Form Relocation Contract, FMHRC Form 1007, incorporated by reference herein and effective X-1-2003. All forms referenced in these rules may be obtained by writing to the Florida Mobile Home Relocation Corporation, Post Office Box 14125, Tallahassee, Florida 32317-4125.

Specific Authority 723.00611(3) FS. Law Implemented 723.061, 723.0611, 723.06116, 723.0612 FS. History--New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE:	RULE NO.:
Certification of Glass and Glazing Specialty Contractors	61G4-15.018

PURPOSE AND EFFECT: The Board proposes to create a rule to address the subject of certification of glass and glazing specialty contractors.

SUBJECT AREA TO BE ADDRESSED: Certification of Glass and Glazing Specialty Contractors.

SPECIFIC AUTHORITY: 120.53, 489.113(6), 489.115(5), 455.217(1) FS.

LAW IMPLEMENTED: 120.53, 489.113(6), 489.115(5), 455.217(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Timothy Vaccaro, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-1039

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: Approval of Continuing Education Courses RULE NO.: 61G8-17.0042

PURPOSE AND EFFECT: The Board proposes to review this rule to determine the necessity of amendments.

SUBJECT AREA TO BE ADDRESSED: Approval of Continuing Education Courses.

SPECIFIC AUTHORITY: 455.213(7),(8), 470.005(1) FS.

LAW IMPLEMENTED: 455.213(6), 470.015 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Leon Biegalski, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE TITLE: Licensure Examination RULE NO.: 64B2-11.003

PURPOSE AND EFFECT: The Board proposes to delete a portion of the existing rule text.

SUBJECT AREA TO BE ADDRESSED: Licensure Examination.

SPECIFIC AUTHORITY: 456.017(1), 460.405 FS.

LAW IMPLEMENTED: 456.017(1), 460.406(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-11.003 Licensure Examination.

(1) through (3) No change.

~~(4) An applicant who is a diplomate of the American Board of Chiropractic Roentgenology shall not be required to take the portion of the practical examination measuring X-ray interpretation of chiropractic and pathology films. An applicant who is a diplomate of the American Board of Chiropractic Orthopedics shall not be requested to take the portion of the practical examination measuring orthopedic diagnosis.~~

(5) No change.

Specific Authority 456.017(1), 460.405 FS. Law Implemented 456.017(1), 460.406(1) FS. History—New 1-10-80, Amended 3-15-81, 10-25-83, 10-10-85, Formerly 21D-11.03, Amended 10-6-86, 5-10-87, 10-12-87, 1-5-88, 3-24-88, 4-19-89, 12-31-89, 7-8-90, 7-15-91, 4-26-93, 7-14-93, Formerly 21D-11.003, Amended 3-7-94, Formerly 61F2-11.003, 59N-11.003, Amended 11-4-98, 5-5-02, _____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: List of Approved Forms; Incorporation RULE NO.: 64B8-1.007

PURPOSE AND EFFECT: The Board proposes a rule amendment to incorporate the medical faculty certificate application form into the rule.

SUBJECT AREA TO BE ADDRESSED: Form which will be utilized by the Board for a medical faculty certificate.

SPECIFIC AUTHORITY: 120.55(1)(a),(4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.312(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.351(6) FS.

LAW IMPLEMENTED: 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.351 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-1.007 List of Approved Forms; Incorporation.

The following forms used by the Board in its dealings with the public are listed as follows and are hereby adopted and incorporated by reference, and can be obtained from the Board office by writing to the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753, or by telephoning (850)245-4131:

(1) through (17) No change.

(18) DH-MQA 1072, entitled "Application Materials Medical Faculty Certificate," (10/02).

(18) through (22) renumbered (19) through (23) No change.

Specific Authority 120.55(1)(a),(4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.351(6) FS. Law Implemented 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.351 FS. History—New 4-17-01, Amended 11-20-01, 8-13-02, 11-10-02,

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Rule Governing Licensure and Inspection of Electrology Facilities

RULE NO.: 64B8-51.006

PURPOSE AND EFFECT: The Board proposes to review the existing rule to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Licensure and Inspection of Electrology Facilities.

SPECIFIC AUTHORITY: 456.037, 478.43(1),(4), 478.51(3) FS.

LAW IMPLEMENTED: 456.037(2),(3),(5), 478.49, 478.51 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye

Howerton, Executive Director, Board of Medicine, Electrolysis Council, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Requirements for Approval of Training Courses for Laser and Light-Based Hair Removal or Reduction

RULE NO.: 64B8-52.004

PURPOSE AND EFFECT: The Board proposes to review the existing text to determine if any amendments are necessary..

SUBJECT AREA TO BE ADDRESSED: Location of Laser Training Course.

SPECIFIC AUTHORITY: 478.43 FS.

LAW IMPLEMENTED: 478.42(5), 478.43(3), 478.50 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Medicine, Electrolysis Council/MQA, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Standards of Practice for Filling Prescriptions Authorized by Practitioners Licensed in Jurisdictions Other Than Florida or Procured Through the Internet

RULE NO.: 64B16-27.833

PURPOSE AND EFFECT: The Board proposes to promulgate a new rule to address the standards of practice for filling prescriptions authorized outside of Florida or generated through the internet.

SUBJECT AREA TO BE ADDRESSED: The proposed rule sets forth the criteria and requirements for the standards of practice for filling prescriptions authorized outside of Florida or generated through the internet.

SPECIFIC AUTHORITY: 465.005, 465.0155 FS.

LAW IMPLEMENTED: 465.003(14), 465.015(2)(c), 465.0155, 465.026 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AT THE BOARD'S NEXT MEETING TO BE HELD ON APRIL 16, 2003, IN FT. LAUDERDALE, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: John Taylor, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-27.833 Standards of Practice for Filling Prescriptions Authorized by Practitioners Licensed in Jurisdictions Other Than Florida or Procured Through the Internet.

(1) It has come to the attention of the Board that Florida licensed pharmacies and pharmacists are dispensing prescription medications which have been authorized by practitioners licensed in Florida and elsewhere which appear to have been based solely on the results of answers to an electronic medical questionnaire and in the absence of a documented patient evaluation, including a physical examination. Patients receiving medications in this manner are at a greater risk of suffering from undisclosed or undiagnosed contraindications. Pharmacists have a responsibility to act in the best interests of the patient at all times and to ensure that they are not dispensing outside the course of the professional practice of pharmacy.

(2) As a standard of practice, Florida licensed pharmacists have the responsibility of becoming familiar with those standards of practice of practitioners licensed in Florida which relate to the issuance of prescriptions and the existence of a valid physician-patient relationship. These standards include Rule 64B15-14.008, F.A.C., of the Florida Board of Osteopathic Medicine which provides that prescribing medications based solely on the answers to an electronic questionnaire, and in the absence of a documented evaluation, including a physical examination, is below the standard of practice; Rule 64B8-9.003, F.A.C., of the Florida Board of Medicine which requires that a physician maintain patient records which include, at a minimum, patient histories; examination results; test results; records of drugs prescribed, dispensed, or administered; reports of consultations and hospitalizations; and copies of records or reports or other documentation obtained from other health care practitioners at the request of the physician and relied upon by the physician in determining the appropriate treatment of the patient; and section 474.214(1)(y), Florida Statutes, which provides that a veterinarian may be subject to discipline for ordering or prescribing drugs other than for the specific treatment of animal patients for which there is a documented

veterinarian/client/patient relationship, including having recently seen the animal or having made medically appropriate and timely visits to the premises where the animal is kept.

(3) A pharmacist who is called upon to dispense a prescription authorized by a practitioner licensed in another jurisdiction is required to exercise his or her professional judgement to determine the validity of such prescription. As a standard of practice, a pharmacist who routinely fills prescriptions which have been authorized by practitioners licensed in jurisdictions other than Florida must ascertain the appropriate standards of practice of said practitioner(s) that relate to the authority to issue prescriptions and the validity of the physician-patient relationship. For the purposes of this rule, "routinely fills prescriptions which have been authorized by practitioners licensed in jurisdictions other than Florida" shall mean 10 or more such prescriptions on a daily average.

(4) If the address of the practitioner authorizing the prescription is outside of the State of Florida, the pharmacist shall presume that said practitioner is not licensed in Florida but is instead licensed under the laws of the state on the address, unless the pharmacist has actual knowledge otherwise.

(5) Reasons to suspect that a prescription may have been authorized in the absence of a valid physician patient relationship or in violation of the practitioner's standard of practice include the number of prescriptions authorized on a daily basis by the practitioner; the manner in which the prescriptions are authorized by the practitioner or received by the pharmacy (i.e. electronically); the geographical distance between the practitioner and the patient(s); knowledge by the pharmacist that the prescription was issued solely as a result of the answers to an electronic medical questionnaire; or knowledge by the pharmacist that the pharmacy he or she works for directly or indirectly participates in an internet site that markets prescription drugs to the public.

(6) Any pharmacist that has reasons to suspect that a prescription has been authorized based solely on the results of an electronic medical questionnaire and in the absence of a documented patient evaluation, including a physical examination, shall not fill such prescription until either:

(a) Having first ascertained if the applicable standard of practice allows the practitioner to authorize the prescription under said circumstances, or

(b) Obtaining proof to a reasonable certainty of the validity of such prescription. A current copy of any statute, regulation or policy statement from the applicable regulatory Board which authorizes the practice shall constitute proof of the standard of practice. A fax signed by the practitioner indicating that the practitioner has a documented physician-patient relationship that predates the prescription shall constitute proof to a reasonable certainty of the validity of the prescription.

(7) A pharmacist who dispenses prescription medications in violation of the standards established by this rule is not acting in the best interest of the patient and is dispensing outside the course of the professional practice of pharmacy.

(8) Pharmacy permittees shall not knowingly assist or participate in the violation of any Florida statute pertaining to the practice of pharmacy. Section 465.015(3)(b), F.S., provides that it is unlawful for any person other than the owner of a pharmacy registered under Florida law to display any sign or take any other action that would lead the public to believe that such person is engaged in the business of dispensing or retailing any medicinal drugs. Section 465.024(2), F.S., prohibits any pharmacist, owner, or employee from using any communications media to promote or advertise the sale of any controlled substance. Any Florida pharmacy that maintains a contractual relationship with an internet site that directly markets prescription drugs to the public and that is not registered as a pharmacy, or that advertises the sale of controlled substances, shall be subject to discipline pursuant to section 456.072(1)(j), F.S.

Specific Authority 465.005, 465.0155 FS. Law Implemented 465.003(14), 465.015(2)(c), 465.0155, 465.026 FS. History--New _____.

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE TITLE: Continuing Education Required for License Renewal

RULE NO.: 64B18-17.001

PURPOSE AND EFFECT: The Board proposes the rule amendment to address an overlap in time between completion of a licensee's professional education at initial licensure and the continuing education requirements for the first renewal period.

SUBJECT AREA TO BE ADDRESSED: The Board's proposed rule amendment adds an exemption from certain continuing education requirements in the first renewal period after initial licensure.

SPECIFIC AUTHORITY: 456.013(6), 456.033, 461.005, 461.007(3) FS.

LAW IMPLEMENTED: 456.013(6), 456.033, 461.007 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AT THE BOARD'S NEXT MEETING TO BE HELD ON APRIL 4, 2003 IN JACKSONVILLE, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B18-17.001 Continuing Education Required for License Renewal.

(1) though (8) No change.

(9) For the first renewal period after initial licensure, the licensee is exempt from the continuing education requirements of subsection 64B18-17.001(2), F.A.C., except for hours mandated by statute for medical errors.

Specific Authority 456.013(6), 456.033, 461.005, 461.007(3) FS. Law Implemented 456.013(6), 456.033, 461.007 FS. History--New 11-24-80, Formerly 21T-17.01, Amended 10-14-86, 2-21-88, 5-16-89, Formerly 21T-17.001, Amended 7-6-94, Formerly 61F12-17.001, Amended 1-1-96, 1-2-97, 6-1-97, Formerly 59Z-17.001, Amended 4-25-00, 9-27-01, _____.

DEPARTMENT OF HEALTH

School Psychology

RULE CHAPTER TITLE: Disciplinary Guidelines

RULE CHAPTER NO.: 64B21-504

PURPOSE AND EFFECT: The Department of Health proposes to promulgate a new chapter relating to all matters pertaining to school psychology discipline.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines.

SPECIFIC AUTHORITY: 456.079 FS.

LAW IMPLEMENTED: 456.072, 456.079, 490.009 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, 4052 Bald Cypress Way, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE TITLE: Licensure by Endorsement

RULE NO.: 64B24-2.004

PURPOSE AND EFFECT: The Department of Health proposes to review the existing language in this rule to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Licensure by endorsement.

SPECIFIC AUTHORITY: 467.005 FS.

LAW IMPLEMENTED: 467.0125 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela King, Executive Director, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE CHAPTER TITLE: Training Programs RULE CHAPTER NO.: 64B24-4

PURPOSE AND EFFECT: The Department of Health proposes to review the existing language in the entirety of this chapter to determine if amendments are necessary and/or new language should be promulgated in all matters pertaining to training programs.

SUBJECT AREA TO BE ADDRESSED: Training programs.

SPECIFIC AUTHORITY: 456.004(5), 467.205(2) FS.

LAW IMPLEMENTED: 467.009(3), 467.0125, 467.205 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela King, Executive Director, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE CHAPTER TITLE: Midwifery Practice RULE CHAPTER NO.: 64B24-7

PURPOSE AND EFFECT: The Department of Health proposes to review the existing language in the entirety of this chapter to determine if amendments are necessary and/or new language should be promulgated in all matters pertaining to midwifery practice.

SUBJECT AREA TO BE ADDRESSED: Midwifery practice.

SPECIFIC AUTHORITY: 409.908(12), 456.004(5), 467.005, 467.203(1)(e),(f) FS.

LAW IMPLEMENTED: 382.013, 409.908(12), 467.005, 467.006(2), 467.014, 467.015, 467.016, 467.019, 467.203(1)(f) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela King, Executive Director, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3256

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

**Section II
Proposed Rules**

DEPARTMENT OF INSURANCE

Residual Markets and Special Risk Pools

RULE TITLE: Medical Panel Advisory Review RULE NO.: 4J-6.001

PURPOSE, EFFECT AND SUMMARY: The specific authority for the rule, Section 766.308, F.S., was repealed by Chapter 2001-277, Laws of Florida. Therefore, the rule, regarding the Florida Birth-Related Neurological Injury Compensation Plan, is being repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No SERC has been 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: 624.308, 766.308(2) FS.

LAW IMPLEMENTED: 766.301-.316 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: 10:00 a.m., Tuesday, March 25, 2003

PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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 the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Eugenia Tyus, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0326, (850)413-2552