

NAME OF PERSON ORIGINATING PROPOSED RULE: Vicky Brady, Multifamily Loans Manager
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kerey Carpenter, Deputy Development Officer
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 17, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 27, 2002

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d), F.S., published in Vol. 29, No. 3, January 17, 2003, issue of Florida Administrative Weekly.

WHEN AMENDED THE PROPOSED RULE WILL READ AS FOLLOWS:

5E-14.108 Fumigation Requirements - General Fumigation.

(2) During a general fumigation, whenever the presence of two (2) persons trained in the use of the fumigant is required by the fumigant label, at least one of these persons must be either the certified operator in charge of fumigation or his designated special fumigation cardholder, and the second trained person can be a certified fumigation operator, a special identification cardholder or an identification cardholder. Two (2) trained persons shall be present at each fumigation site for the introduction of the fumigant, entry during fumigation and from the start of aeration (first opening of the seal) until the active aeration period with all operable doors and windows open, if required by the fumigant label is completed and the structure is secured for the remaining aeration period. The certified operator in charge of fumigation or his designated special identification cardholder shall be present at those times required by the fumigant label or by subsections 5E-14.108(1), 5E-14.111(4), 5E-14.112(1), and 5E-14.113(1) and (2), FAC.

(5) When crew members are present on the fumigation site, two properly functioning, positive pressure, self-contained breathing apparatus (SCBA) must be available at the fumigation site at all times when the structure is under fumigation (fumigant release, exposure period, aeration and at other times when state law or the fumigant label requires the use or presence of a SCBA). Two SCBA do not need to be present at the fumigation site for activities that do not involve worker exposure to fumigant concentrations above thresholds permitted by the fumigant label. Such activities could include, but would not be limited to, remote monitoring, using a Fumiscope, TIF leak detection, job site cleanup, DACS inspections, and Quality Assurance Reviews.

(6) Each business licensee location when performing fumigation must possess and maintain at least two, label approved, clearance devices so that at least one is properly functioning at all times in accordance with either the device manufacturer or the fumigant label directions, whichever is more restrictive.

Specific Authority 482.051 FS. Law Implemented 482.021(7)(6), (25)(20), 482.051(1), 482.152 FS. History--New 1-1-77, Amended 6-22-83, Formerly 10D-55.108, Amended 7-5-95, _____.

Section III

Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE NO.: 2A-2.002
RULE TITLE: Claims

NOTICE OF PUBLIC HEARING

The Bureau of Victim Compensation hereby gives notice of a public hearing on the above-referenced rule to be held on:

TIME AND DATE: 2:00 p.m., March 17, 2003

PLACE: Collins Building, Room G43J, 107 West Gaines Street, Tallahassee, Florida, 32301

The rule was originally published in Vol. 29, No. 4, of the January 24, 2003, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gwen Roache, Chief, Bureau of Victim Compensation, PL-01, The Capitol, Tallahassee, Florida 32399-1050

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact Ms. Roache at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NOS.: 5E-14.108
RULE TITLES: Fumigation Requirements - General Fumigation

5E-14.112
Fumigation Requirements - Prefumigation Inspections, Evacuation, Warning Notices (Signs), Special Safety Precautions and Responsibilities

5E-14.112 Fumigation Requirements – Prefumigation Inspections, Evacuation, Warning Notices (Signs), Special Safety Precautions and Responsibilities.

(7)(d) If multi-unit dwellings with internal stairwells accessing each floor can be secondarily locked or secured, barred or barricaded at all ground level entrances, then no other secondary locking devices are necessary, provided that the requirements of subsection 5E-14.112(1), F.A.C., are met. Multi-unit dwellings with exterior stairwells or fire escapes must be secured or otherwise barricaded or barred to prevent entry from both ground and first floor levels and from any entrance to the structure accessed from the stairwell or fire escape. If neither of these conditions can be met, then all entrances to individual units and all exterior entrances must be locked or secured, barricaded or barred with secondary locking devices.

Specific Authority 482.051 FS. Law Implemented 482.051(1), 482.152 FS. History—New 1-1-77, Amended 6-27-79, Formerly 10D-55.112, Amended _____.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: RULE TITLE:
 12A-1.060 Registration
 12A-1.097 Public Use Forms

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to proposed Rules 12A-1.060 and 12A-1.097, F.A.C., as published in the November 15, 2002 edition of the Florida Administrative Weekly (Vol. 29, No. 1, pp. 13-21). These changes are in accordance with s. 120.54(3)(d)1., F.S. These changes are in response to written comments received by the Department from the Joint Administrative Procedures Committee.

The proposed amendments to subparagraph 15. of paragraph (a) of subsection (1) of Rule 12A-1.060, F.A.C. (Registration), have been changed so that, when adopted, that subparagraph will read:

15. Purchasing diesel fuel for consumption, use, or storage by a trade or business, as provided in s. 212.0501, F.S.:

The proposed amendments to subsection (4) of Rule 12A-1.097, F.A.C. (Public Use Forms), have been changed so that, when adopted, that subsection will read:

| Form Number | Title | Effective Date |
|-------------|---|------------------------|
| (4)(a) DR-5 | Application for Consumer’s Certificate of Exemption <u>with Instructions</u> (R. <u>02/03</u> 10/00) | _____ 10/01 |
| (b) DR-5N | Information and Instructions for Completing Application for Consumer’s Certificate of Exemption (R. 10/00) | 10/01 |

The proposed amendments to paragraphs (i) and (j) of subsection (6) of Rule 12A-1.097, F.A.C. (Public Use Forms), have been changed so that, when adopted, those paragraphs will read:

| Form Number | Title | Effective Date |
|--------------|---|------------------------|
| (i) DR-15SA | Sales and Use Tax Return [Semi-Annual] (R. <u>06/02</u> 06/04) | _____ 08/02 |
| (j) DR-15SAN | Annual and Semiannual Sales and Use Tax Return Instructions (R. <u>12/02</u> 04/02) | _____ 08/02 |

The following provisions of Form DR-5, Application for Consumer’s Certificate of Exemption, have been revised, so that, when adopted, those provisions will read:

Exemption category for which you are applying (check only one):

• **Citizen Support Organization**

The following provisions of the Instructions for Completing Application for Consumer’s Certificate of Exemption, have been revised, so that, when adopted, those provisions will read: On page 1, EXEMPTION CATEGORIES:

~~Citizen Support Organizations [s. 212.08(7)(hh), F.S.]~~
~~Who qualifies? Nonprofit organizations incorporated under Chapter 617, F.S., that have been designated citizen support organizations in support of state funded environmental programs or the management of state owned lands in accordance with s. 20.2551, F.S., or in support of one or more state parks in accordance with s. 258.015, F.S.~~

~~What is exempt? Purchases by and leases directly to the organization.~~

~~What must be proven? Incorporation pursuant to Ch. 617, F.S.; designation pursuant to s. 258.015, F.S.~~

~~What documents must be sent? Copy of articles of incorporation as filed with the Florida Secretary of State; certificate/letter of designation pursuant to s. 258.015, F.S.~~

Florida Fire and Emergency Services Foundation [s. 212.08(7)(~~aaa~~)(~~ddd~~), F.S.]

Florida Retired Educators Association [s. 212.08(7)(g), F.S.]

Who qualifies? The Florida Retired Educators Association and its local chapters.

What is exempt? Purchases of office supplies, equipment, and publications directly by the Association and its local chapters by and leases directly to the foundation.

Library Cooperatives [s. 212.08(7)(~~uu~~)(~~ww~~), F.S.]

Nonprofit Cooperative Hospital Laundries [s.212.08(7)(~~ii~~)(~~kk~~), F.S.]

Nonprofit Water Systems [s. 212.08(7)(~~tt~~)(~~vv~~), F.S.]

Parent-Teacher Organization or Association [s. 212.08(7)(~~ll~~)(~~mm~~), F.S.]

DEPARTMENT OF REVENUE

Sales and Use Tax

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|-------------------|--|
| RULE CHAPTER NO.: | RULE CHAPTER TITLE: |
| 12A-13 | Fee on the Sale or Lease of Motor Vehicles |
| RULE NOS.: | RULE TITLES: |
| 12A-13.001 | Scope of Rules |
| 12A-13.002 | Collection and Remittance of Fee |

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed amendments to Rules 12A-13.001 and 12A-13.002, F.A.C., as published in the January 3, 2003, edition of the Florida Administrative Weekly (Vol. 29, No. 1, pp. 23-25). These changes are in accordance with s. 120.54(3)(d)1., F.S., and are in response to written comments received by the Department from the Joint Administrative Procedures Committee.

The proposed amendments to Rule 12A-13.001, F.A.C. (Scope of Rules), have been changed, so that, when adopted, that rule will read:

(1) These rules govern the remittance ~~and distribution~~ of the two dollar (\$2.00) fee which is to be collected by each motor vehicle dealer and by each person engaged in the business of leasing motor vehicles, from the consumer, including business entities, at the consummation of the sale of a motor vehicle, or at the time a lease agreement for a motor vehicle is entered into pursuant to the provisions of s. Section 681.117, F.S. Florida Statutes.

(2) For purposes of this rule chapter, the term "motor vehicle" shall have the same meaning as that term is defined in s. 681.102(15), F.S.

The law implemented section of Rule 12A-13.001, F.A.C., has been changed, so that, when adopted, that section will read: Law Implemented 681.102(15), 681.117 FS.

The proposed amendments to Rule 12A-13.002, F.A.C. (Collection and Remittance of Fee), have been changed, so that, when adopted, that rule will read:

(1) Each motor vehicle dealer licensed under s. Section 320.27, F.S., and each person engaged in the business of leasing motor vehicles, is required to collect a \$2 shall remit the fee collected from the consumer at the consummation of the sale of a motor vehicle or at the time of entry into a lease agreement for a motor vehicle to the county tax collector or private tag agency acting as agent for the Department of Revenue at the time of application for certificate of title.

(2) All fees collected for motor vehicles that are titled and registered in this state must be remitted to the county tax collector or private tag agency acting as agent for the Department of Revenue.

(a) Each county tax collector is required to file a Motor Vehicle Warranty Remittance Fee Report (form DR-35) and remit such fees to the Department at or within the time or times prescribed in s. 219.07, F.S.

(b) Each private tag agent is required to file a Motor Vehicle Warranty Remittance Fee Report (form DR-35) and remit such fees to the Department not later than seven (7) working days from the close of the week in which the private tag agency received the fees.

(3) All fees collected for motor vehicles sold or leased by motor vehicle dealers in this state for titling and registering outside this state must be remitted directly to the Department. Dealers are required to file a Motor Vehicle Warranty Remittance Fee Report with the Department and remit the collected fees monthly. Dealers who have not sold or leased a motor vehicle for titling and registering outside this state during the monthly reporting period are not required to file a report for that reporting period.

(4)(2) Form DR-35, Motor Vehicle Warranty Remittance Fee Report (R. 02/03), is hereby incorporated, by reference, in this rule. Each county tax collector shall file a Motor Vehicle Warranty Remittance Fee (DR-35), dated January 1989, which is hereby incorporated in this rule and made part of the rule by reference, showing the amount of such fees received, and shall remit such fees to the Department of Revenue at or within the time or times prescribed in Section 219.07, Florida Statutes. The form entitled Motor Vehicle Warranty Remittance Fee Report (form DR-35) is 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, 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 6) 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 (800)367-8331.

~~(3) Each private tag agent shall file a Motor Vehicle Warranty Remittance Fee (DR-35), showing the amount of such fees received, and shall remit such fees to the Department of Revenue not later than seven (7) working days from the close of the week in which the private tag agency received the fees.~~

The following provisions of Form DR-35, Motor Vehicle Warranty Remittance Fee Report, have been revised, so that, when adopted, those provisions will read:

Warranty fees collected and remitted from Motor Vehicle Dealers on Sales/Leases of ~~specified new~~ Motor Vehicles.

Motor Vehicle Warranty Fee: Each motor vehicle dealer and each person engaged in the business of selling or leasing ~~new~~ motor vehicles shall collect a \$2.00 fee at the time of sale or

upon entering into a lease agreement. Motor vehicles dealers, who sell or lease a ~~new~~ motor vehicle in this state, must collect the fee from the purchaser or lessee at the time of sale or lease. Who must file this form: For ~~new~~ vehicles sold or leased to be titled in Florida, the fee is remitted by the seller or lessor to the county tax collector or private tag agency at the time of application for certificate of title. The county tax collector or private tag agency shall remit total fees collected to the Department of Revenue using this form.

Effective July 1, 2002, for ~~new~~ vehicles sold or leased and removed from Florida for titling or registration in another state, the selling dealer or lessor will remit the fee collected directly to the Department of Revenue using this form. This payment method can only be used by motor vehicle dealers when the sale or lease of a ~~new~~ motor vehicle occurs in Florida and the purchaser or lessee removes the motor vehicle from Florida to be titled and registered in another state.

DEPARTMENT OF REVENUE

Sales and Use Tax

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| RULE NO.: | RULE TITLE: |
| 12A-15.003 | Admissions; Tangible Personal Property; Services; Service Warranties; Real Property and Transient Accommodations; Use Tax |

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed amendments to Rule 12A-15.003, F.A.C., as published in the January 3, 2003, edition of the Florida Administrative Weekly (Vol. 29, No. 1, pp. 25-36). These changes are in accordance with s. 120.54(3)(d)1., F.S., and are in response to written comments received by the Department from the Joint Administrative Procedures Committee.

The proposed amendments to subsection (7) of Rule 12A-15.003, F.A.C., have been changed, so that, when adopted, that subsection will read:

(7) SERVICE WARRANTIES.

(a) Any person who is located within a surtax county and who receives consideration for the issuance of a service warranty from the agreement holder is required to collect surtax at the rate imposed by the county where the tangible personal property indemnified by the service warranty is delivered or located.

(b)1. Example: The person receiving consideration for the issuance of a service warranty is located in County A (a county imposing a 1% surtax). The service warranty covers a television located within County B (a county not imposing the surtax). The person receiving consideration for the service warranty is required to collect sales tax on the sales price of the service warranty at the rate of 6%. The person receiving the consideration is not required to collect surtax.

2. Example: The person receiving consideration for the issuance of a service warranty is located in County A (a county imposing a 1/2% surtax). The service warranty covers a motor vehicle, and the resident address of the owner identified on the title document is located in County B (a county imposing a 1% surtax). The person receiving consideration for the service warranty is required to collect sales tax and surtax on the sales price of the service warranty at the rate of 7% (6% state sales tax and 1% surtax).

DEPARTMENT OF CITRUS

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| RULE CHAPTER NO.: | RULE CHAPTER TITLE: |
| 20-2 | Identification When Transporting Citrus Fruit and Records to be Kept on Citrus Fruit Received; Bond Disclaimer |
| RULE NOS.: | RULE TITLES: |
| 20-2.002 | Form of Required Trip Ticket |
| 20-2.003 | Trip Ticket Required for Each Load of Citrus Fruit |

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d), F.S., published in Vol. 29, No. 1, January 3, 2003, issue of the Florida Administrative Weekly:

20-2.002 Form of Required Trip Ticket.

The documentation required to be in possession of anyone operating a motor vehicle hauling citrus fruit in bulk or in unclosed containers for commercial purposes on the highways of this State shall be either:

(a) Numbered in sequence and in a form approved by the Division of Fruit and Vegetable Inspection; or

(b) For ~~organic organically-certified~~ citrus fruit, numbered in sequence and in a form approved and issued by the Florida Department of Agriculture, Division of Fruit & Vegetables. Such form shall contain the following statement in bold type in a conspicuous place: **“IN ADDITION TO THE PENALTIES PROVIDED FOR IN CHAPTER 601, FLORIDA STATUTES, ANY PERSON WHO MAKES A FALSE STATEMENT OR WHO KNOWINGLY SELLS OR LABELS A PRODUCT AS ORGANIC IN VIOLATION OF THE FEDERAL ORGANIC FOODS PRODUCTION ACT AND/OR USDA NATIONAL ORGANIC PROGRAM IS SUBJECT TO A FEDERAL PENALTY OF UP TO \$10,000 PER VIOLATION.”**

Specific Authority 601.731(2) FS. Law Implemented 601.731(2) FS. History—Formerly 105-1.16(2), Revised 1-1-75, Formerly 20-2.02, Amended

20-2.003 Trip Ticket Required for Each Load of Citrus Fruit.

(1) through (5) No change.

(6) Prior to hauling any organic organically-certified citrus fruit for commercial purposes on the highways of this State, an organic trip ticket ~~shall must~~ be completed in quadruplicate.

(a) The trip ticket shall indicate the USDA accredited certifying agent name approved certifying agency name, organic certificate number grove registration number, grove owner's name grower name, name of the handler dealer, trailer number, driver's name and such other information as deemed necessary.

(b) No organic fruit shall be commingled with non organic fruit in a mixed load.

(c) Each load made up of lots from more than one grove shall be accompanied by organic trip tickets from each respective grove.

(d)(b) One copy of the trip ticket shall be given to the grower, one copy retained by harvester/handler dealer, one copy delivered to the Florida Department of Agriculture, Division of Fruit & Vegetables and one copy delivered to the scale operator.

(e)(e) The trip ticket shall be completed prior to the hauling of citrus fruit on the highways of this state.

Specific Authority 601.10(1),(7), 601.69, 601.731(2) FS. Law Implemented 601.731(2) FS. History—Formerly 105-1.16(2), Revised 1-1-75, Formerly 20-2.03, Amended _____.

DEPARTMENT OF CITRUS

RULE CHAPTER NO.: 20-15
 RULE CHAPTER TITLE: Equalization Tax on Non-Florida, United States Juice

RULE NOS.: 20-15.001
 RULE TITLES: Intent
 20-15.003 Collection

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d), F.S., published in Vol. 28, No. 46, November 15, 2002, issue of the Florida Administrative Weekly:

20-15.001 Intent.

(1) No change.

(2) It is the Florida Department of Citrus' intent by promulgating the following remedial rule, ~~20ER02-01~~ and chapter 20-15, F.A.C., to implement a non-discriminatory tax scheme, which does not impose a significant tax burden that is so harsh and oppressive as to transgress constitutional limitations. These rules shall be applicable to those previously favored persons who received favorable tax treatment under the statutory sections cited above.

20-15.003 Collection.

(1) The Florida Department of Citrus shall calculate the tax liability for each person or entity that exercised an enumerated Equalization Tax privilege outlined in section 601.155, Florida Statutes, upon non-Florida, United States juice based upon inspection records maintained by Florida Department of Agriculture and Consumer Services and the United States Department of Agriculture. ~~Additionally, the Florida Department of Citrus will provide notice of the calculation to the previously favored persons by certified mail. The notice of the calculation shall contain a statement including the following categories:~~

- ~~(a) Tax liability;~~
 - ~~(b) Gallons;~~
 - ~~(c) Brix;~~
 - ~~(d) Type of product;~~
 - ~~(e) Total solids;~~
 - ~~(f) Conversion rate;~~
 - ~~(g) Total boxes;~~
 - ~~(h) Delineation of non-Florida, United States juice.~~
- (2) through (3) No change.

DEPARTMENT OF CITRUS

RULE CHAPTER NO.: 20-39
 RULE CHAPTER TITLE: Containers, Packs, Stamping and Labeling of Fresh Fruit
 RULE NO.: 20-39.017
 RULE TITLE: Organic Grove Registration Program

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d), F.S., published in Vol. 29, No. 1, January 3, 2003, issue of the Florida Administrative Weekly:

20-39.017 Organic Grove Registration Program.

To aid enforcement of proper citrus fruit labeling and to assist with estimates of organic citrus fruit volumes, an Organic Grove Registration Program shall be established as herein provided.

(1) All groves from which organic citrus fruit is placed placing certified organic citrus fruit into commercial channels shall, upon certification and by August 1, 2003 and August 1 of each year thereafter, be registered with Division of Fruit & Vegetables, License and Bond ~~as an organic grove by August 1 of each year.~~

(2) The registration form shall include documentation of current organic certification proof of organic certification, the USDA accredited certifying agent name approved certifying agency name, organic certificate number grove registration number, the name of the grove property owner, the grove location referenced in as established by Global Positioning System G.P.S. coordinates, the varieties of citrus fruit, an

estimate of current season production in boxes ~~production by volume~~, and such other information as may be deemed necessary by Florida Department of Citrus.

(3) All organic citrus fruit placed in commercial channels shall be harvested from groves certified by a USDA accredited certifying agent and shall be accompanied by an organic trip ticket when transported on highways of this state. ~~Any citrus fruit placed in commercial channels as certified organic citrus fruit shall come from a registered organic grove and shall be moved on an organic trip ticket.~~

Specific Authority 601.10(7), 601.99, 601.731 FS. Law Implemented 601.10(7), 601.99, 601.731 FS. History—New _____.

DEPARTMENT OF CITRUS

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| RULE CHAPTER NO.: | RULE CHAPTER TITLE: |
| 20-114 | Ownership and Use of “Florida Xtra Sweet” Certification Mark |
| RULE NOS.: | RULE TITLES: |
| 20-114.001 | Ownership |
| 20-114.002 | Permission Required for Use |
| 20-114.003 | General Restrictions and Standards on the Use of “Florida Xtra Sweet” Mark |
| 20-114.004 | Use on Fruit, Containers and Merchandise |
| 20-114.005 | Withdrawal of License or Permission |

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rules published in the Florida Administrative Weekly, Vol. 29, No. 1, January 3, 2003 has been withdrawn.

LAND AND WATER ADJUDICATORY COMMISSION

Bellalago Community Development District

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| RULE CHAPTER NO.: | RULE CHAPTER TITLE: |
| 42II-1 | Bellalago Community Development District |
| RULE NOS.: | RULE TITLES: |
| 42II-1.001 | Establishment |
| 42II-1.002 | Boundary |
| 42II-1.003 | Supervisors |

NOTICE OF WITHDRAWAL

Notice is hereby given that the Notice of Proposed Rulemaking regarding the above rules, as noticed in Vol. 28, No. 43, October 25, 2002, Florida Administrative Weekly, has been withdrawn.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

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|-----------|---------------------|
| RULE NO.: | RULE TITLE: |
| 59G-5.010 | Provider Enrollment |

NOTICE OF CHANGE

Notice is hereby given that the following correction has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 8, February 21, 2003, issue of the Florida Administrative Weekly.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 26, 2002 and August 2, 2002

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

| | |
|------------|---|
| RULE NO.: | RULE TITLE: |
| 59G-11.003 | Florida 211 Provider Certification Requirements |

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 29, No. 1, January 3, 2003, issue of the Florida Administrative Weekly.

59G-11.003(2)(a) is changed to: provides 24-hour coverage, 7 days a week either on-site or through written arrangements with organizations for after hours coverage, that shall be provided by personnel monitoring the 211 phone line and shall not be answered through an answering service or answering machine. 59G-11.003(2)(d) is changed to: works collaboratively and has written agreements with specialized information and referral systems which shall include crisis centers, child care resource and referral programs, elder help-lines, homeless coalitions, designated emergency management systems, 911 and 311 systems. 59G-11.003(2)(e) is changed to: has an established automated information tracking system that maintains call center data that shall include the following statistics: call volume, number of abandoned calls, average speed of answering, and the average call length. 59G-11.003(2)(j) is changed to: has formal agreements with clearing house agencies that provide volunteer or donation management services. 59G-11.003(2)(k) is changed to: ensures quality of service and caller and customer satisfaction through follow-up and written outcome evaluations. 59G-11.003(11) is changed to: Any dispute related to the Agency’s certification of a Florida 211 Network Provider shall be resolved pursuant to Chapter 120, Florida Statutes.

AHCA form 5700-0001, Sept 02, second paragraph, second sentence on page 2 is changed to: Documentation must include signed written agreements with collaborating agencies which must be submitted with this application. AHCA form 5700-0001, Sept 02, page 2, first standard is changed to: provides 24-hour coverage, 7 days a week either on-site or through written arrangements with organizations for after hours coverage, that shall be provided by personnel monitoring the 211 phone line and shall not be answered through an answering service or answering machine. AHCA form 5700-0001, Sept 02, page 2 last standard is changed to: works

collaboratively and has written agreements with specialized information and referral systems which shall include crisis centers, child care resource and referral programs, elder help-lines, homeless coalitions, designated emergency management systems, 911 and 311 system. AHCA form 5700-0001, Sept 02, page 3, first standard is changed to: has an established automated information tracking system that maintains call center data that shall include the following statistics: call volume, number of abandoned calls, average speed of answering, and average call length. AHCA form 5700-0001, Sept 02, page 3, last standard is changed to: has formal agreements with clearinghouse agencies that provide volunteer or donation management services. AHCA form 5700-0001, Sept 02, page 4, first standard is changed to: ensures quality of service and caller and customer satisfaction through follow-up and written outcome evaluations. AHCA form 5700-0001, Sept 02, page 4, fifth standard is changed to: submits to the Agency an annual report documenting the information and referral services provided. The annual report shall include: geographical areas served, call volume, number of abandoned calls, average speed of answering, average call length, information on inquirer needs, unmet needs, and barriers to services. This report shall cover the previous year's activities and shall follow the state's fiscal year from July 1st through June 30th. The report shall be due to the Division of Medicaid in the Agency on or before August 1st of each year.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 01-59R
 RULE CHAPTER NO.: RULE CHAPTER TITLE:
 62-621 Generic Permits
 RULE NO.: RULE TITLE:
 62-621.300 Permits

NOTICE OF WITHDRAWAL

Notice is hereby given that the above referenced rule amendments published on December 27, 2002 in Vol. 28, No. 52, of the Florida Administrative Weekly, and on the Department's official notice internet site, www.dep.state.fl.us, under the link entitled "Official Notices," has been withdrawn.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 01-57R
 RULE CHAPTER NO.: RULE CHAPTER TITLE:
 62-624 Municipal Separate Storm Sewer System
 RULE NOS.: RULE TITLES:
 62-624.100 Policy and Purpose
 62-624.200 Definitions
 62-624.300 General Provisions
 62-624.310 General Conditions, Individual Permits
 62-624.400 Application Procedures for New Individual MS4 Permits

62-624.420 Re-application Procedures for Individual MS4 Permits
 62-624.440 Contents of Re-application for Individual MS4 Permits
 62-624.460 Application Processing, Individual Permits
 62-624.500 Standards for Issuing or Denying Individual Permits
 62-624.600 Annual Reports, Individual Permits
 62-624.700 Transfer of Operational Authority
 62-624.800 Regulated Phase II MS4s
 62-624.810 Permit Application Procedures for Phase II MS4s

NOTICE OF WITHDRAWAL

Notice is hereby given that the above referenced rule proposed rule amendments published on December 27, 2002 in Vol. 28, No. 52, of the Florida Administrative Weekly, and on the Department's official notice internet site, www.dep.state.fl.us, under the link entitled "Official Notices," has been withdrawn.

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.: RULE TITLE:
 64B12-9.0016 Demonstrating Knowledge of Laws and Rules for Licensure

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 28, No. 47, November 22, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held on February 12, 2003.

New subsection (6) shall now read as follows:

64B12-9.0016 Demonstrating Knowledge of Laws and Rules for Licensure.

(1) through (5) No change.

(6) A Board approved course is one that meets the criteria set forth herein and is offered by a course provider who has requested approved provider status as set forth in the applicable portions of Rule 64B12-15.004, F.A.C.

Specific Authority 484.005, 484.002(6) FS. Law Implemented 456.017(6) FS. History-New _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.: RULE TITLE:
 64B12-15.003 Standards for Continuing Professional Education

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 45, November 8, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Subsections (f) and (g) of the rule shall now read as follows:

(f) Two hours of continuing education in risk management per biennium shall be granted for attendance at a regularly scheduled board meeting where disciplinary action is being taken except that licensees appearing before the board on any disciplinary proceeding shall not be entitled to claim two hours of continuing education for that particular board meeting. Any licensee claiming two hours of continuing education under this section shall prepare a written statement detailing the date and location of said board meeting and the hours attended at said board meeting. Said written statement shall be used to report continuing education pursuant to Rule 64B12-5.001, F.A.C.

(g) Two (2) hours shall be electives consisting of courses in one or more of the subjects of categories (a) through (c) above or subjects relating to management of a practice from a business perspective including sales and marketing, business and finance, personnel management, stress management, risk management, fire prevention or disaster planning, or for attending a board meeting as provided herein.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way Bin #C08, Tallahassee, Florida 32399-3258

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-15.003 RULE TITLE: Costs of Reproducing Medical Records

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 2, January 10, 2003, issue of the Florida Administrative Weekly. The changes are the result of comments from the Joint Administrative Procedures Committee.

The changes are in Paragraph (1) which shall read as follows:

(1) Any Osteopathic Physician who makes an examination of or administers treatment to any person shall upon request of such person or his/her legal representative release copies of all reports and patient medical records made of such examination or treatment, including x-rays and insurance information. The furnishing of such copies shall not be conditioned upon payment of an unpaid or disputed fee for services rendered, but may be conditioned upon payment by the requesting party of the reasonable costs of reproducing the records.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pam King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

**Section IV
Emergency Rules**

NONE

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

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on February 14, 2003, South Florida Water Management District (District) received a petition for waiver from Harbor 1 Realty d/b/a Harbor 1, aka American Offshore Marina, Application No. 02-0205-2M, for utilization of Works or Lands of the District known as the C-10 Canal, Broward County, for existing chain-link fence, roof overhang, concrete slab with step and ramp, and concrete wall enclosure. The petition seeks relief from subsections 40E-6.011(4), (5) and (6) and paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which govern the placement of permanent and semi-permanent above-ground structures within forty feet of the top of canal bank within Works or Lands of the District.

A copy of the petition may be obtained from: Jan Sluth, (561)682-6299 or e-mail: jsluth@sfwmd.gov.

The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

NOTICE IS HEREBY GIVEN that on February 13, 2003, South Florida Water Management District (District) received a petition for waiver from Merrell United Methodist Church, Application No. 03-0211-2, for utilization of Works or Lands of the District known as the C-13 Canal, Broward County, for placement of a parking lot within the District's right of way. The petition seeks relief from subsections 40E-6.011(4), (5) and (6) and paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in