

(a) through (g) No change.

(h) For family planning services only, persons with net family incomes between ~~101~~ 100 and 200 percent of the Federal Office of Management and Budget poverty guidelines shall be charged a sliding fee scale as outlined in (1)(a)-(g) above, and persons with net family incomes between 200 and 250 percent shall be charged a fee on a sliding scale based on the following increments:

- 1. through 3. No change.
- (4) No change.

Specific Authority 154.011(5) FS. Law Implemented 154.011 FS. History--New 10-14-93, Amended 8-2-94, 4-29-96, 6-24-02, Formerly 10D-121.007, Amended _____.

64F-16.007 Waiver of Charges.

(1) CHD directors/administrators and their subcontractors have the authority to reduce or waive charges in situations where a person with an income ~~at or~~ above 100 percent of poverty is unable to pay.

(2) through (3) No change.

Specific Authority 154.011(5) FS. Law Implemented 154.011 FS. History--New 10-14-93, Amended 8-2-94, Formerly 10D-121.008, Amended _____.

64F-16.008 Limitation of Income Eligibility.

CHDs have the authority to limit eligibility for integrated family health services for persons with net family incomes ~~at or~~ above 100 percent of the OMB poverty level, with the following exceptions:

(1) through (4) No change.

(5) Once a client has initiated prenatal care with a CHD or its subcontractors, she may not be declared ineligible for continuation of such care because of a change in income status during her pregnancy. Prenatal care clients with incomes ~~at or~~ above 100 percent of poverty may be charged fees if they are not eligible for Medicaid.

(6) Any eligibility limits for integrated family health services for persons with incomes ~~at or~~ above 100 percent of poverty established by a CHD must be specified in the annual CHD contract. No limits on eligibility can be established which would deny eligibility to a client who is receiving Medicaid.

Specific Authority 154.011(5) FS. Law Implemented 154.011 FS. History--New 10-14-93, Amended 8-2-94, 4-29-96, Formerly 10D-121.009, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bob Peck, Bin #A-13 (HSFFM), 4052 Bald Cypress Way, Tallahassee, FL 32399-1723, (850)245-4444, Ext. 2965

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Annette Phelps, Director, Family Health Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 28, 2003

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

Section III
Notices of Changes, Corrections and
Withdrawals

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

RULE NO.:
12D-10.0044

RULE TITLE:
Uniform Procedures for Hearings;
Procedures for Information and
Evidence Exchange Between the
Petitioner and Property
Appraiser, Consistent with s.
194.032, F.S.; Organizational
Meeting; Uniform Procedures to
be Available to Petitioners

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to this proposed rule, as published in Vol. 28, No. 48, pp. 5351-5352, November 27, 2002, Vol. 29, No. 3, p. 191, January 17, 2003 and Vol. 29, No. 9, p. 872, February 28, 2003 issues of the Florida Administrative Weekly. These changes are in accordance with s. 120.54(3)(d)1., F.S.

Subsection (11) of Rule 12D-10.0044, F.A.C., will be changed so that, when adopted, this subsection will read:

(11) The value adjustment board shall hold an organizational meeting and must make the uniform procedures available to petitioners. Such procedures shall be available a reasonable time following the organizational meeting and shall be available a reasonable time before the commencement of hearings in conformance with this rule. The Board shall be deemed to have complied if it causes petitioners to be notified in writing, along with or as part of the notice of hearing, of the existence and availability of its the procedures and include notice as to for the exchange of information contained in this rule. The Board is authorized to use other additional or alternative means of notification directed to the general public or specific taxpayers, as it may determine.

DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION

Building Code Administrators and Inspectors Board

RULE NO.:
61G19-6.0105

RULE TITLE:
Simultaneous Qualification for
Inspector and Plans Examiner
Certification

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 29, No. 6, of the Florida Administrative Weekly on February 7, 2003, has been withdrawn.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 03-07R

RULE CHAPTER NO.: RULE CHAPTER TITLE:

62-621 Generic Permits

RULE NO.: RULE TITLE:

62-621.100 Scope/Applicability

NOTICE OF CHANGE

Notice is hereby given that changes have been made to the above proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., pursuant to Sec. 120.551, F.S., in the Department's official notice Internet site at www.dep.state.fl.us and a summary published in Vol. 29, No. 9, February 28, 2003, issue of the Florida Administrative Weekly.

The changes address only language that is not newly proposed in subsection 62-621.100(3), F.A.C., and is to be deleted but was not included in the notice on February 28, 2003.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Fred Noble, P.E., NPDES Stormwater Section, Florida Department of Environmental Protection, Mail Station 2500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: RULE TITLE:
64B9-15.005 Standards for Certified Nursing
 Assistant Training Programs

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.

The changes are as follows:

1. Proposed subsection (1) shall be deleted in its entirety. All remaining subsections shall be renumbered accordingly.
2. Proposed subsection (2)(d) the following phrase shall be deleted "if any, and that meet federal, state, and if applicable, private postsecondary requirements"
3. Proposed subsection (3)(a) the phrase " , i.e., care of the elderly or chronically ill of any age," shall be added after the word "services."
4. Proposed subsection (5)(i) shall be deleted in its entirety.

5. Proposed subsection (6) the phrase "within 90 days" shall replace the phrase "within a specified period."

6. Proposed subsection (7) the phrase "two consecutive years" shall be replaced with "12 months."

7. Proposed subsection (7) the sentence "The board shall take action to assist the program to return to compliance, place the program on probation or rescind the program approval" shall be replaced with "The board shall place the program on probation, and if the passing rate does not meet the standard within one year, the board shall rescind the program approval."

8. Proposed subsection (8) the phrases " , or a state agency designated by the Board," and "as deemed necessary by the Board" shall be deleted.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dan Coble, Executive Director, Board of Nursing, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: RULE TITLE:
64B9-15.007 Approval of New Certified Nursing
 Assistant Training Programs

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.

The changes are as follows:

1. Proposed subsection (2) shall be deleted in its entirety. All remaining subsections shall be renumbered accordingly.
2. Proposed subsection (3)(e) shall be deleted in its entirety. All remaining subsections shall be renumbered accordingly.
3. Proposed subsection (4) shall be deleted in its entirety. All remaining subsections shall be renumbered accordingly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dan Coble, Executive Director, Board of Nursing, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: RULE TITLE:
64B9-15.008 Testing and Competency
 Evaluation

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.

The changes are as follows:

1. Proposed subsection (3) shall now read as "The minimum passing level of the Written Exam varies depending on the difficulty of the items for each form of the examination and will be established by the board."

2. Proposed subsection (6) the phrase "within five years" shall be deleted.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dan Coble, Executive Director, Board of Nursing, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-15.011
RULE TITLE: In-Service Training
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.

The changes are as follows:

1. Proposed subsection (4) shall add the phrase ", and was in good standing with the board at the time active duty began" after the phrase "calendar year."

2. Proposed Law Implemented shall include the citation Section 456.024, F.S.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dan Coble, Executive Director, Board of Nursing, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF HEALTH

Optical Establishments

RULE NO.: 64B29-1.002
RULE TITLE: Optical Establishment Inspection
ADDITIONAL 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. 38, September 20, 2002 and Vol. 28, No. 43, October 25, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and a request from the public for a rule hearing which was held on February 12, 2003.

The rule shall now read as follows:

64B29-1.002 Optical Establishment Inspection.

(1) Each optical establishment registered by the Department of Health to operate in the State of Florida shall be subject to periodic inspections at least once every other year by department personnel or agents. Each establishment where regulated optical devices are sold, whether or not registered by the Department, is subject to inspection for violations. Such

inspections shall be conducted at reasonable hours considering the regular business hours of the establishment and may occur without notice when the establishment is occupied.

(2) The inspection of the optical establishment shall include the following:

(a) Notation of possible errors or discrepancies with regard to the registration information provided to the department.

(b) Determination whether a change of ownership occurred and if so whether the permit was returned to the department for cancellation within 30 days after a change in ownership of the establishment.

(c) Determination if any provisions of Chapter 484, Part 1, Florida Statutes, or the rules promulgated pursuant thereto have been violated including:

1. Whether prescriptions written by a physician or optometrist for any lenses, spectacles, eyeglasses, contact lenses, or other optical devices are kept on file for a period of 2 years; and

2. Whether a violation of Sections 484.014 or 456.072, Florida Statutes, has occurred.

(d) Determination that the minimum equipment required by Rule 64B12-10.007, Florida Administrative Code, is maintained in each office in which an optician practices opticianry. The equipment required is pupillary gauges, thickness gauge, one set of hand tools necessary for fitting of eye glasses, one lensometer or vertometer or similar instrument, one colmascope or similar instrument, one frame heater, one lens measure, set of sample frames and mountings, keratometer or similar instrument and slit lamp or similar instrument if fitting and adapting contact lenses, and a set of trial soft contact lenses, if fitting and adapting contact lenses.

(e) Determination of whether a licensed optician is on the premises when optical devices are prepared or dispensed, not including their fabrication.

(f) Verification that the establishment is permitted pursuant to s. 484.007, F.S.

THE PERSON OR AGENCY TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Department of Health, General Counsel's Office, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-15.061
RULE TITLE: Specific Regulations for Wildlife Management Areas – Southwest Region

NOTICE OF CHANGE TO PROPOSED RULE

Notice is hereby given that the following change, in accordance with subparagraph 120.54(3)(d)1., F.S., has been made to subparagraphs 68A-15.061(1)(a)4.; (2)(a)1.; (5)(a)4.; (6)(a)4.; (7)(a)5.; (8)(a)8.; (10)(a)2.; (11)(a)5. of this proposed

rule which was published on February 21, 2003, in Vol. 29, No. 8, Florida Administrative Weekly, so that when adopted, it will read as follows:

- (1)(a)4. Spring turkey – March 20 through April 25.
- (2)(a)1. Special-opportunity turkey – March 20-23, March 29 through April 1, April 3-6, 12-15, and 17-20.
- (5)(a)4. Spring turkey – March 24-25, March 31 through April 1, April 7-8, 14-15, and 21-22.
- (6)(a)4. Spring turkey – March 23-25, April 6-8, and April 20-22.
- (7)(a)5. Spring turkey – March 20 through April 25, Saturdays and Sundays only.
- (8)(a)8. Spring turkey – March 25-27 and April 15-17.
- (10)(a)2. Spring turkey – March 26-28 and April 9-11.
- (11)(a)5. Spring turkey – March 20-22, April 2-4, and April 16-18.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-15.062 RULE TITLE:
 Specific Regulations for Wildlife Management Areas – North Central Region

NOTICE OF CHANGE TO PROPOSED RULE

Notice is hereby given that the following change, in accordance with subparagraph 120.54(3)(d)1., F.S., has been made to subparagraphs 68A-15.062(28)(a)4.,(29)(a)7. of this proposed rule which was published on February 21, 2003, in Vol. 29, No. 8, Florida Administrative Weekly, so that when adopted, it will read as follows:

- (28)(a)4. Spring turkey – March 23-25, April 6-8, and April 20-22.
- (29)(a)7. Spring turkey – March 27-30 and March 31 through April 4.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-17.005 RULE TITLE:
 Specific Regulations for Wildlife and Environmental Areas

NOTICE OF CHANGE TO PROPOSED RULE

Notice is hereby given that the following change, in accordance with subparagraph 120.54(3)(d)1., F.S., has been made to subparagraph 68A-17.005(1)(f)1.c. of this proposed rule which was published on February 21, 2003, in Vol. 29, No. 8, Florida Administrative Weekly, so that when adopted, it will read as follows:

- (1)(f)1.c. Spring turkey – March 20-22 and April 2-4.

FISH AND WILDLIFE CONSERVATION COMMISSION

Vessel Registration and Boating Safety

RULE NO.: 68D-24.136 RULE TITLE:
 Lee County Boating Restricted Areas

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule, as noticed in Vol. 28, No. 43, on October 25, 2003, Florida Administrative Weekly, has been withdrawn.

**Section IV
Emergency Rules**

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLES:	RULE NOS.:
Assignment of Service Addresses to Local Taxing Jurisdictions; Liability for Errors; Avoidance of Liability Through Use of Specified Methods; Reduction in Collection Allowance for Failure to Use Specified Methods	12BER03-1
Department of Revenue Electronic Database	12BER03-2
Certification of Service Address Databases	12BER03-3
Use of Enhanced Zip Code Method to Assign Service Addresses to Local Taxing Jurisdictions	12BER03-4

SPECIFIC FACTS AND REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY, OR WELFARE: The Communications Services Tax Simplification Law (Chapter 202, F.S.) requires that communications services dealers must collect and remit local communications services taxes based on the rate of the local taxing jurisdiction in which customer service addresses are located. The Department of Revenue is required to develop and maintain an electronic database in which local service addresses are assigned to local jurisdictions, and local governments are required to provide information for inclusion in the database. The initial electronic database has been developed, and the announcement concerning its availability and initial effective date was included in the April 5, 2002, issue of the Florida Administrative Weekly. Use of certain methods to assign service addresses, including use of a database that has been certified by the Department of Revenue as meeting statutory accuracy standards, entitles a dealer to a higher collection allowance and to protection against liability for taxes, interest, and penalties resulting from erroneous service address assignments. The promulgation of these emergency rules ensures the following: 1) that communications services tax dealers are informed of their obligations concerning the assignment of customer service