

and pencil examination. Thus, for example, if a candidate has two remaining sittings under the paper and pencil examination then that candidate will have one year to complete the CPA Examination but may only sit during two of the examination windows available during that year.

(b) If a previously conditioned candidate does not pass all remaining test sections during the transition period, conditional credits earned under the paper-and-pencil CPA Examination will expire and the candidate will lose credit for the test sections earned under the paper-and-pencil CPA Examination. However, any test section(s) passed during the transition period is subject to the retention provisions of the computer-based CPA Examination as indicated in (1) above, except that a previously conditioned candidate will not lose conditional credit for a test section of the computer-based CPA Examination that is passed during the transition period, even though more than eighteen months may have elapsed from the date the test section is passed, until the end of that candidate's transition period.

(5) Translation of subjects passed on the pen and paper CPA Examination to sections on the computer-based CPA Examinations shall be as follows:

<u>Paper-Based Examination</u>	<u>Computer-Based Examination</u>
<u>Auditing</u>	<u>Auditing & Attestation</u>
<u>Financial Accounting & Reporting (FARE)</u>	<u>Financial Accounting & Reporting</u>
<u>Accounting & Reporting (ARE)</u>	<u>Regulation</u>
<u>Business Law & Professional Responsibilities (LPR)</u>	<u>Business Environment & Concepts</u>

THIS RULE SHALL TAKE EFFECT ON JANUARY 1, 2004.

Specific Authority 455.217(1), 473.304, 473.306 FS. Law Implemented 455.217(1), 473.306 FS. History—New 1-1-04.

61H1-28.006 Examination Credit from Other States.

THIS RULE REPEAL SHALL TAKE EFFECT ON JANUARY 1, 2004.

Specific Authority 473.304, 473.306 FS. Law Implemented 473.306 FS. History—New 12-4-79, Formerly 21A-28.06, 21A-28.006, Repealed 1-1-04.

61H1-28.0061 Examination Credit from Other States.

Upon application, an individual who has been granted credit by another state for any section on the CPA Examination, the specific examinations for which sections were identical to those offered in Florida, shall receive Florida credit for such out-of-state credit provided similar credit would have been granted in Florida at the time out-of-state credit was granted had the candidate met all the Florida requirements and sat for such examinations in Florida. For purposes of this rule in determining whether to transfer examination credit from another state, the Board shall consider and hold binding the examination requirements in effect in Florida at the time the

individual received out-of-state credit. An individual so receiving Florida credit shall be deemed to have been a Florida candidate for such purpose in determining future sittings and credit granting for the remaining section(s). Any person desiring to receive credit under this rule shall file an application with the Department and be certified as eligible to the Department by the Board.

THIS RULE SHALL TAKE EFFECT ON JANUARY 1, 2004.

Specific Authority 455.217(1), 473.304, 473.306 FS. Law Implemented 455.217(1), 473.306 FS. History—New 1-1-04.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Accountancy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Accountancy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 30, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 6, 2003

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE NO.:

RULE TITLE:

3F-5.010

List of Approved Forms;

Incorporation

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule published in Vol. 28, No. 48, November 27, 2002, issue of the Florida Administrative Weekly. In response to written comments submitted by the staff of the Joint Administrative Procedures Committee, the Board has voted to change the rule as follows:

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diana Evans, Executive Director, Dept. of Financial Services, Division of Consumer Services, Bureau of Funeral and Cemetery Services, 200 E. Gaines Street, Tallahassee, FL 32399-0361

3F-5.010 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 Department of Financial Services, Bureau of Funeral and Cemetery Services, 200 E. Gaines St., Tallahassee, Florida 32399-0361, or by telephoning (850)413-3039:

- (1) DBF-COA-1 effective _____, entitled "Application for Certificate of Authority."
- (2) DBF-HistS 7/01 effective _____, entitled "Historical Sketch."
- (3) DBF-COAB – 12/00 effective _____, entitled "Application for Certificate of Authority Branch Office License."
- (4) DBF-COAT1 01/01 effective _____, entitled "Application for Transfer of a Certificate of Authority."
- (5) DBF-RTF-1 effective _____, entitled "Preneed Funeral Contract Regulatory Trust Fund Remittance."
- (6) DBF-PNS-1 Rev. 04/94 effective _____, entitled "Registration of a Preneed Sales Agent."
- (7) DBF-CEMN 07/01 effective _____, entitled "Application to Organize a New Cemetery Company."
- (8) DBF-F-32 10/91 effective _____, entitled "Financial Statement."
- (9) DBF-CEM 1/96 REV 7/01 effective _____, entitled "Application to Transact Cemetery Business."
- (10) DBF-F-35 01/01 effective _____, entitled "Application for Authority to Acquire Control of an Existing Cemetery Company."
- (11) DBF-BYLAW1 6/99 effective _____, entitled "Pamphlet for Cemetery By-Law Approval."
- (12) DBF-EW-1 1/99 effective _____, entitled "Examination Workpapers – Rule 3F-6.0052."
- (13) DBF-F-43 REV 9/99 effective _____, entitled "Performance Bond."
- (14) DBF-C-1 effective _____, entitled "Application to Use a Letter of Credit or Surety Bond."
- (15) DBF-C-2 REV 9/99 effective _____, entitled "Surety Bond."
- (16) DBF-C-3 3/91 effective _____, entitled "Letter of Credit/Surety Bond Claim Form."
- (17) DBF-TFR-1 5/94 effective _____, entitled "Preneed Funeral Contract Consumer Protection Trust Fund Remittance."
- (18) DBF-TFD-1 6/01 effective _____, entitled "Preneed Funeral Contract Consumer Protection Trust Fund Proof of Claim and Disbursement Request."

Specific Authority 120.53(1)(b), 120.536, 120.54, 120.60(2), 497.003, 497.103, 497.105, 497.127, 497.201, 497.209, 497.213, 497.237, 497.245, 497.257, 497.301, 497.305, 497.309, 497.329, 497.337, 497.357, 497.405, 497.407, 497.413, 497.417, 497.419, 497.421, 497.425, 497.427, 497.429, 497.431, 497.439 FS. Law Implemented 497.103, 497.201, 497.209, 497.213, 497.237, 497.301, 497.337, 497.405, 497.407, 497.439, 497.245 FS. History—New _____.

DEPARTMENT OF INSURANCE

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

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. 16, April 18, 2003 of the Florida Administrative Weekly. A subsequent Notice of Change was published in Vol. 29, No. 23 on June 6, 2003. These changes are being made in response to jurisdictional issues expressed by the Joint Administrative Procedures Committee.

Amended language is reinserted, and subsection (2) now reads:

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

The remainder of the rule reads as previously published.

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
4A-41	Uniform Fire Safety Standards for Residential Child Care Facilities
RULE NO.:	RULE TITLE:
PART II	RESIDENTIAL CHILD CARE FACILITIES FOR FIVE OR FEWER CHILDREN
4A-41.101	Scope
4A-41.102	Definitions
4A-41.103	Standards of the National Fire Protection Association Adopted
4A-41.104	Occupancy Capacity of Each Facility
4A-41.105	Emergency Egress and Relocation Drills
4A-41.106	Inspections
4A-41.107	Cooking Equipment; Exception

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule as noticed in Vol. 29, No. 12, March 21, 2003, of the Florida Administrative Weekly, has been withdrawn.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

WATER MANAGEMENT DISTRICTS**Southwest Florida Water Management District**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
40D-2	Water Use
RULE NOS.:	RULE TITLES:
40D-2.031	Implementation
40D-2.041	Permits Required
40D-2.601	Ground Water Withdrawal Credits Permits

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 20, No. 48, Pages 8905, 8906, and 8908, on December 2, 1994, in the Florida Administrative Weekly have been withdrawn.

WATER MANAGEMENT DISTRICTS**Southwest Florida Water Management District**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
40D-8	Water Levels and Rates of Flow
RULE NO.:	RULE TITLE:
40D-8.624	Guidance and Minimum Levels of Lakes

NOTICE OF WITHDRAWAL

Notice is hereby given that paragraphs 40D-8.624(6)(l) and 40D-8.624(6)(q) in the above rule, as noticed in Vol. 23, No. 38, Pages 5055 and 5056, on September 19, 1997, in the Florida Administrative Weekly have been withdrawn.

AGENCY FOR HEALTH CARE ADMINISTRATION**Certificate of Need**

RULE NO.:	RULE TITLE:
59C-1.045	Long-Term Care Hospital Beds

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule, as noticed in Vol. 29, No. 19, Florida Administrative Weekly, May 9, 2003, has been withdrawn.

The proposed rule would have established criteria to be used in review of certificate of need (CON) applications to establish or expand a long-term care hospital.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**Division of Alcoholic Beverages and Tobacco**

RULE NOS.:	RULE TITLES:
61A-5.010	Completed Application
61A-5.0105	Beverage Licenses, New Quota Issue
61A-5.011	Completed Application for Issuance of New Quota License
61A-5.700	Application for Alcoholic Beverage License
61A-5.747	Preliminary Application for New Quota Alcoholic Beverage License

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 28, No. 41, October 11, 2002, Florida Administrative Weekly has been withdrawn

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**Building Code Administrators and Inspectors Board**

RULE NO.:	RULE TITLE:
61G19-6.008	Reexamination

SECOND NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 48, of the November 27, 2002, issue of the Florida Administrative Weekly. The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee (JAPC). The Board previously published a Notice of Change for this rule in Vol. 29, No. 16, of the April 18, 2003, Florida Administrative Weekly. The Board, at its meeting held on June 6, 2003, voted to make other changes to the rule to address concerns submitted by JAPC. The changes are as follows:

All references in subsection (1) and (2) of the Rule shall be changed from "Board" to "Department."

In addition, sections 455.213(1), 468.607, and 468.627(4), F.S., shall be added to the Law Implemented citation.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH**Board of Dentistry**

RULE NOS.:	RULE TITLES:
64B5-12.013	Continuing Education Requirements
64B5-12.020	Courses Required of Licensees for Renewal and Reactivation

NOTICE OF CORRECTION

Notice is hereby given that the correct date for the Board of Dentistry's next meeting is July 17, 2003; it is not July 11, 2003 as stated in the Notices of Proposed Rulemaking, published in Vol. 29, No. 25, June 20, 2003, Florida Administrative Weekly. This correction only changes the date of the meeting and does not affect the substance of the rules.

THE PERSON TO BE CONTACTED REGARDING THIS NOTICE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

DEPARTMENT OF HEALTH**Board of Dentistry**

RULE NO.:	RULE TITLE:
64B5-13.005	Disciplinary Guidelines

NOTICE OF CORRECTION

Notice is hereby given that the correct date for the Board of Dentistry's next meeting is July 17, 2003; it is not July 11, 2003 as stated in the Notices of Proposed Rulemaking, published in Vol. 29, No. 25, June 20, 2003, Florida Administrative Weekly. This correction only changes the date of the meeting and does not affect the substance of the rules.

THE PERSON TO BE CONTACTED REGARDING THIS NOTICE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

DEPARTMENT OF HEALTH**Board of Dentistry**

RULE NO.:	RULE TITLE:
64B5-17.010	Unlicensed Practice of Dentistry

NOTICE OF CORRECTION

Notice is hereby given that the correct date for the Board of Dentistry's next meeting is July 17, 2003; it is not July 11, 2003 as stated in the Notices of Proposed Rulemaking, published in Vol. 29, No. 25, June 20, 2003, Florida Administrative Weekly. This correction only changes the date of the meeting and does not affect the substance of the rules.

THE PERSON TO BE CONTACTED REGARDING THIS NOTICE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

DEPARTMENT OF HEALTH**Board of Dentistry**

RULE NOS.:	RULE TITLES:
64B5-14.001	Definitions
64B5-14.002	Prohibitions
64B5-14.003	Training, Education, Certification, and Requirements for Issuance of Permit
64B5-14.004	Additional Requirements
64B5-14.005	Application for Permit
64B5-14.006	Reporting Adverse Occurrences
64B5-14.007	Inspection of Facilities
64B5-14.009	Parental Conscious Sedation

NOTICE OF CORRECTION

Notice is hereby given that the correct date for the Board of Dentistry's next meeting is July 17, 2003; it is not July 11, 2003 as stated in the Notice of Proposed Rulemaking, published in Vol. 29, No. 26, June 27, 2003, Florida Administrative Weekly. This correction only changes the date of the meeting and does not affect the substance of the rules.

THE PERSON TO BE CONTACTED REGARDING THIS NOTICE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

DEPARTMENT OF HEALTH**Board of Optometry**

RULE NO.:	RULE TITLE:
64B13-5.002	Criteria for Approval

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. 49, of the December 6, 2002, issue of the Florida Administrative Weekly. This matter was set for hearing as Case No. 03-0175RP and 03-0406RX entitled Florida Optometric Association (FOA) vs. Dept. of Health/Board of Optometry, on May 15, 2003, in the Division of Administrative Hearings (DOAH), on both a rule challenge to existing Rule 64B13-5.002, F.A.C., and the proposed rule amendments to that rule as set forth above.

Petitioner, FOA, and the Board, asked the administrative law judge for an opportunity to work out this challenge and a continuance was granted on May 8, 2003, for such purpose.

On June 20, 2003, the Board held a conference call to consider a compromise rule amendment that was offered by FOA. The Board voted to approve the changes. By adopting these changes to Rule 64B13-5.002, F.A.C., the litigation between the parties would be rendered moot, and the challenge

dismissed. The changes approved by the Board affect a significant number of entities offering continuing education, are acceptable to those affected, and are deemed a reasonable resolution to this matter.

The changes approved by the Board will substantially reword the rule to read as follows:

64B13-5.002 Criteria for Approval.

(1) In determining whether to approve a program of continuing professional education required by subsection 64B13-5.001(1) or (2), F.A.C., the Board shall consider whether the program contributes to the improvement, advancement, and extension of one's professional skill and knowledge to the benefit of the patient he serves. Continuing education courses in practice management and Florida jurisprudence as stated in subsection 64B13-5.001(5), F.A.C., shall be provided by an individual or organization with demonstrated competence in Florida Law pertaining to optometric practice as evidenced by the individual or organization's credentials, education and experience.

(2) A non-transcript quality continuing education program that satisfies the following criteria or course content shall be approved upon presentation of the information specified below:

(a) The course must be an organized program of learning that will contribute to the advancement and enhancement of professional competency and scientific knowledge in the practice of optometry, and must be designed to reflect the educational needs of Florida optometrists.

(b) The course must have scientific and educational integrity and must contain customary and generally accepted optometric and medical practices.

(c) The course must have an outline which demonstrates consistency with the course description and reflects the course content.

(d) A course handout/outline must be provided to all participants.

(e) The course must be taught in a manner appropriate to the educational content, objectives, and purpose of the program, and must allow suitable time to be effectively presented to the audience.

(f) The minimum credit for any qualified course is one hour. One hour of continuing education credit equals fifty (50) minutes of instructional time.

(g) Instructors must have the necessary qualifications, training and experience to present the course. Principal instructors must hold a minimum of a doctorate-level degree (O.D., M.D., Ph.D., D.O., J.D., D.D.S., D.C., Pharm.D., L.L.D., D.Ed., D.Sc., etc.) or its international equivalent. Faculties at accredited schools or colleges of optometry are exempt from this requirement. Individuals who do not hold at least a doctorate-level degree, or are not on faculty at an

accredited school or college of optometry shall only be listed as adjunct instructors for the course and only when the principal instructor holds a doctorate-level degree.

(3) A transcript-quality course that satisfies the following requirements, in addition to the criteria or course content in subsection (2) above, shall be approved upon presentation of the information specified below as well as the information specified in subsection (4) below:

(a) The course must be in consultation with or sponsored by a school or college of optometry or equivalent entity.

(b) The course must be in at least two (2) hour blocks.

(c) The course must be taught by instructors approved by the Board. Faculty members that instruct regular courses for the sponsoring school or equivalent or educational entity will automatically be approved. Instructors not fitting into this category must be approved by the Board.

(d) The course must require a Board approved examination with a passing grade. Grading and certification of examinations can be delegated by the provider to an equivalent educational entity.

(e) The examination must be monitored or mailed to the licensee after the course.

(4) To obtain Board approval, the following information must be provided by the program or course provider or by a licensed practitioner who attended the course:

(a) Information sufficient to demonstrate compliance with the criteria set forth in subsection (2) above.

(b) Date(s) and time(s) of each course.

(c) Complete outline of course, including a breakdown of hours for each subject.

(d) In the case of a transcript quality course a letter from the dean of the sponsoring school or college of optometry or equivalent educational entity certifying transcript quality credit.

(e) In the case of a transcript quality course, a copy of the examination to be given.

(f) In the case of a transcript quality course, identification of the entity responsible for grading and certifying the examination(s).

(g) Evidence that the fee specified in subsections 64B13-6.001(18) and (19), F.A.C., has been paid; provided however, should the provider not seek approval of the course, the licensed practitioner seeking approval of the course shall pay the fee.

(h) Notwithstanding paragraphs (3)(a)-(c) above, if the program is non-transcript quality and has been previously approved by the Council on Optometric Practitioner Education (COPE) or by any recognized optometric organization that sponsors optometric education utilizing the criteria set forth in subsection (2) above, the Board shall approve the program

upon submission of the approved course number issued by COPE or other recognized optometric organization and in compliance with paragraph (g) above.

(5) In order for a course to be considered transcript quality, it must be approved by the Board as transcript quality prior to the time it is taken.

(6) A course needs to be approved only once during the biennium in which it is presented so long as the presenter and the course outline do not change.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety Program

RULE CHAPTER NO.: RULE CHAPTER TITLE:

65C-16 Adoptions

RULE NOS.: RULE TITLES:

65C-16.001 Definitions

65C-16.002 Adoptive Family Selection

65C-16.004 Recruitment, Screening and

Application Process for

Adoptive Applicants

65C-16.005 Evaluation of Applicants

65C-16.008 Dispute Resolutions and Appeals

65C-16.012 Types of Adoption Assistance

65C-16.017 Florida Adoption Reunion Registry

NOTICE OF CHANGE

Notice is hereby given that that 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. 17, April 25, 2003, issue of the Florida Administrative Weekly.

65C-16.001(4) "Adoption Entity" means "adoption entity" as defined in 63.032(3)(2), F.S.

65C-16.001(20) "Lead Agency" means "eligible lead community based provider" as defined in Section 409.1671(1)(c)(b), Florida Statutes.

65C-16.002(1) ~~The authority of the Department facilitates the regarding adoption is limited to facilitating the~~ adoption of children with special needs. Persons seeking to adopt non-special needs children will be referred to private adoption agencies. Any non-special needs children in the care of the department for whom adoption is the goal, will be referred to private adoption agencies for placement planning, unless there is a plan for adoption by the current custodian.

65C-16.002(5) Occasionally a child whose parent's parental rights have been terminated, for whom there is a plan for foster parent adoption, has relatives who indicate an interest in adopting after the termination process is completed. The following factors must be considered in making a decision that represents the best interest of the child in this situation.

65C-16.002(5)(b) Kinship. Children who have a shared history with extended family and cultural values and traditions are more likely to be passed on to the child when there is opportunity to grow up in the care of family members. Consideration must be given to the quality of the relationships with the relative. Some children will already know and trust the relative seeking to adopt. If not, the willingness of the relative to participate in pre-placement activities to promote the development of a relationship must be considered.

65C-16.004(5) An application to adopt must be made on a form CF-FSP 5071, PDF 09/2000, Adoptive Home Application approved by the department, which includes necessary identifying information and information required by statute. If a community based provider chooses to use its own form, that form must contain all of the elements of CF-FSP 5071, PDF 09/2000, which is incorporated by reference. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Bldg 7, Tallahassee, FL.

65C-16.005(6)(h) Extended Family and Neighbors. How the previous adoption has been perceived, received or rejected by family and/or neighbors, ~~and if applicable, the coping skills of the adoptive family in dealing with adverse reactions to the adoption.~~

65C-16.008(1) When an adoptive applicant or parent is adversely affected by a decision or action taken by the department, or by a community based agency acting for the department, efforts should be made to settle the dispute at the counselor/supervisor level. If this attempt is unsuccessful, the Adoptive Review Committee will be convened as outlined in 65C-16.005(9), F.A.C. If this review results in a decision by the district administrator that supports the department's/agency's original decision, the applicant or parent must be told of that decision in writing and advised of their judicial option as described in the Administrative Procedures Act, Chapter ~~120.68~~ 100.68, F.S., and of their right to a hearing pursuant to s. 120.57, F.S.

65C-16.012 History – New 2-14-84, Formerly 10M-8.18, 10M-8.018.

65C-16.017(9) Fee for Service.

(a) The registry ~~shall establish a fee~~ for initial filing of identifying information with the registry shall be \$35.00. This fee shall be submitted in the form of a money order, bank draft, or personal check by the registrant and shall be deposited in a trust account specified by the department. These fees shall be used to defray the direct and indirect costs of operating the registry.

(b) The registry ~~shall establish a fee~~ for updating information previously filed or for changing, limiting or withdrawing consent to release identifying information shall be \$10.00 for each occurrence. These fees shall be deposited in a trust fund specified by the department. These fees shall be used to defray the direct and indirect costs of operating the registry.

(c) Receipts will be mailed to registrants to acknowledge the processing of fees. Accompanying letters of acknowledgement will state the status of the applicant's registration.

(d) Fees are collected to offset costs of researching birth information, processing applications, and providing staff to service client information and other requests. When an application has been accepted by the registry for processing, fees will be deposited and will not be returned to the applicants, even if registration proves to be impossible.

(e) Fees for counseling services shall be set and collected by the department, licensed agency, or other professional who provides the service.

(f) The department shall waive fees in cases where need and hardship can be documented. Acceptable documentation of hardship includes verification that applicant is receiving unemployment benefits, public assistance, social security income or food stamps.

(10) CF1490, PDF 09/2000 Application for Adoption Registry Services, and CF1491, PDF 09/2000 Application to Update Information on File with Adoption Registry, which are incorporated by reference, are available upon request from the Department's Office of Family Safety, Interstate Compact Office at 1317 Winewood Blvd., Tallahassee, FL.

Section IV Emergency Rules

DEPARTMENT OF CITRUS

RULE TITLE:

Competition Announcement

RULE NO.:

20ER03-1

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Section 120.54(4)(b), Florida Statutes, states that those rules pertaining to perishable agricultural commodities shall be included in the definition of rules relating to the public health, safety, or welfare.

The Department's expenditures for promotional and advertising service contracts, on an annual basis, exceed \$40 million and, according to the University of Florida, the Florida citrus industry accounts for a \$9.1 billion economic impact and provides 90,000 jobs statewide. Florida's Legislature has determined that the advertising and promotion of the Florida citrus industry is related to the public welfare, and has expressed the intent that the industry be promoted through various provisions of Chapter 601, Florida Statutes. The State of Florida Department of Management Services (DMS) has promulgated rules under the authorities contained in §287.042(12) and 287.057(23), Florida Statutes, which have an effective date of July 1, 2003, imposing a registration requirement and fee for vendors providing goods or services to the state of Florida. Such registration and fee requirement

would impose a cost of \$400,000 on Department's operating costs and create vast administrative uncertainty in the bid, proposal and contracting activities of the Department for the coming fiscal year, 2003-04.

After taking testimony and discussing the matter at a public meeting and hearing in Lakeland, Florida on June 18, 2003, the Florida Citrus Commission voted to adopt Emergency Rule 20ER03-1, F.A.C., exempting all promotional and/or advertising contracts from the registration and fee required by the new DMS rule.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Adequate notice procedures were used by the Department of Citrus to inform the public and the Florida citrus industry of the pending adoption of Emergency Rule 20ER03-1, exempting all promotional and/or advertising contracts from the registration and fee required by the new DMS rule, was made via mailing of the meeting notice on June 10, 2003, to members of the Florida Citrus Commission, all industry organizations, the Florida Press Corp and other interested persons.

SUMMARY: Emergency Rule 20ER03-1, F.A.C., exempts all Department of Citrus promotional and/or advertising contracts from the registration and fee required by the new DMS rule.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Ken Keck, General Counsel, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE EMERGENCY RULE IS:

20ER03-1 Competition Announcement.

(1) Requests for proposals and invitations to bid for contractual services shall be provided by mail, facsimile or electronic mail, using source lists obtained from associations, professional organizations, yellow pages or other available sources. Such announcement shall:

(a) Solicit bids where the Department is capable of specifically defining the scope of the work required, or

(b) Solicit proposals when it is impractical or the Department is incapable of specifically defining the scope of the work required, and

(c) Solicit from the provider information relating to the professional responsibility and capabilities of the provider as relevant. Such information may include gross billing and account mix, capability in art production, copy production and media purchasing, backgrounds of key creative people, marketing and research capabilities, previous government accounts, conflict of interest accounts and credit sufficiency.

(2) No fee shall be imposed nor registration required of vendors responding to bids or proposals solicited under this rule.