

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Larry Ochalek, Senior Management Analyst, Substance Abuse
 Program Office
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Ken DeCerchio, Program Director
 of Substance Abuse, and Harry Smith, Acting Program
 Director of Mental Health
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: August 19, 2003
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: July 3, 2003, Vol. 29, No. 27
 Purchase Order No.: JE1155

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLE: Terms and Conditions of Loans
 RULE NO.: 67-43.008
 PURPOSE, EFFECT AND SUMMARY: This Rule establishes
 the procedures by which the Florida Housing Finance
 Corporation shall administer the State Apartment Incentive
 Loan Hurricane Andrew Recovery and Rehabilitation Program
 which provides funds to public entities, private not-for-profit,
 or for-profit or developer proposing to build or substantially
 rehabilitate affordable housing. Revisions to the Rule are
 required to implement technical and clarifying changes. The
 adoption of these revisions will increase the efficiency and
 effectiveness of local program service delivery and will
 provide greater clarification of the program.

SUMMARY OF ESTIMATED REGULATORY OF
ESTIMATED REGULATORY COST: None.

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: 420.507 FS.
LAW IMPLEMENTED: 420.5087 FS.; Chapter 93-186, Laws
of Florida

IF REQUESTED 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., September 22, 2003
PLACE: Florida Housing Finance Corporation, Seltzer
Meeting Room, 227 North Bronough Street., Suite 5000,
Tallahassee, Florida 32301-1329

THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULE IS: Gayle White, Housing Development
Manager, Florida Housing Finance Corporation, 227 North
Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

THE FULL TEXT OF THE PROPOSED RULE IS:

- 67-43.008 Terms and Conditions of Loans.
- (1) through (3) No change.
- (4) All loans shall be repaid from all Project income and
each year, project cash flow shall be applied to pay the
following items in order of priority:
- (a) through (d) No change.
- (e) Twelve ~~nine~~ percent Return on Equity to Sponsor.

Specific Authority 420.507 FS. Law Implemented 420.5087 FS., Chapter
93-186, Laws of Florida. History--New 1-25-94, Formerly 91-43.008,
Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Kerey Carpenter, Deputy Development Officer
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Orlando Cabrera, Executive
 Director
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: August 1, 2003
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: August 15, 2003

Section III
Notices of Changes, Corrections and
Withdrawals

**DEPARTMENT OF AGRICULTURE AND CONSUMER
SERVICES**

Division of Consumer Services

RULE NOS:	RULE TITLES:
5J-9.002	Registration, Document Submission
5J-9.006	Security Requirement

NOTICE OF CHANGE

Notice is hereby given that the following changes have been
made to the proposed amended rule in accordance with
subparagraph 120.54(3)(d)1., F.S., published in the Vol. 28,
No. 41, which is the October 11, 2002, issue of the Florida
Administrative Weekly. The changes are in response to
comments received from staff at the Joint Administrative
Procedures Committee.

The changes are as follows:

- 1) In Rule 5J-9.002(1), the first sentence is amended to
read:
 "Any person who intends to operate as a seller of travel shall
 submit form DACS 10200, Seller of Travel ~~the~~ registration,
effective 11/20/02, hereby incorporated by reference, and fee
 to the Department at the time of registration."

2) In Rule 5J-9.002(2), the first sentence is amended to read:

“Any person claiming an affiliate exemption pursuant to the provision of Section 559.935(3), Florida Statutes, shall file an affidavit of exemption with the Department using form DACS 10214, ST-10210 effective 9/95, revised 3/03, hereby incorporated by reference.”

3) In Rule 5J-9.006(1), the first paragraph, second sentence, is amended to read: “The applicant shall utilize the use Form ST-10203, Surety Bond Form, an example of which is included in form DACS 10200 Registration packet, effective 11/20/02 February 8, 1994, hereby incorporated by reference.”

4) In Rule 5J-9.006(2), the first paragraph, is amended to read:

“The amount of the security for sellers of travel that do not offer vacation certificates shall be \$25,000; however, the seller of travel may apply for a reduction by completing the Security Reduction Application, which is included in form DACS 10200 Registration packet, effective 11/20/02, filing Form 10208, Application for Reduction of Security, February 8, 1994 hereby incorporated by reference and providing. The Seller of Travel must provide copies of its federal income tax return or an audited financial statement for the immediately preceding fiscal year. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Sellers of Travel Section, 2005 Apalachee Parkway, Terry L. Rhodes Building, ~~Mayo Building, Second Floor, Tallahassee, Florida 32399-65000800~~. To apply for reduction of the security, the seller of travel must have a satisfactory consumer complaint history. The amount of the security reduction shall be determined by the seller of travel’s dollar amount of gross annual sales, as follows:”

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Dee Keck, Regulatory Program Administrator, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)410-3679

THE FULL TEXT OF THE PROPOSED RULES IS:

5J-9.002 Registration, Document Submission.

The following statement in bold print:

(1) Any person who intends to operate as a seller of travel shall submit form DACS 10200, Seller of Travel the registration, effective 11/20/02, hereby incorporated by reference, and fee to the Department at the time of registration. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Sellers of Travel Section, 2005 Apalachee Parkway, Terry L. Rhodes Building, Tallahassee, Florida 32399-6500.

If the application is withdrawn or denied, the registration fee shall be retained by the Department to cover the administrative cost of implementing Sections ~~559.926-559.939~~, Florida Statutes.

(2) Any person claiming an exemption pursuant to the provision of Section 559.935(3), Florida Statutes, shall file an affidavit of exemption with the Department using form DACS 10214, ST-10210 effective 9/95, revised 3/03, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, ~~Division of Consumer Services, Attention: Sellers of Travel Section, 2005 Apalachee Parkway, Terry L. Rhodes Mayo Building, Tallahassee, Florida 32399-65000800.~~

(3) No change.

Specific Authority 559.935(3) FS. Law Implemented 559.928, 559.935(3) FS. History--New 10-6-93, Amended 1-3-95, 6-4-95, 12-27-95, 2-11-98,

5J-9.006 Security Requirement.

(1) Prior to engaging in any activities as a seller of travel, each seller of travel shall file with the Department an original performance bond in an amount determined by subsection (2) below. The applicant shall utilize the use Form ST-10203, Surety Bond Form, an example of which is included in form DACS 10200 Registration packet, effective 11/20/02 February 8, 1994, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Sellers of Travel Section, 2005 Apalachee Parkway, Terry L. Rhodes Building, ~~Mayo Building, Second Floor, Tallahassee, Florida 32399-65000800.~~

(2) The amount of the security for sellers of travel that do not offer vacation certificates shall be \$25,000; however, the seller of travel may apply for a reduction by completing the Security Reduction Application, which is included in form DACS 10200 Registration packet, effective 11/20/02 filing Form 10208, Application for Reduction of Security, February 8, 1994 hereby incorporated by reference, and providing. The Seller of Travel must provide copies of its federal income tax return or an audited financial statement for the immediately preceding fiscal year. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Sellers of Travel Section, 2005 Apalachee Parkway, Terry L. Rhodes Building, ~~Mayo Building, Second Floor, Tallahassee, Florida 32399-65000800.~~ To apply for reduction of the security, the seller of travel must have a satisfactory consumer complaint history. The amount of the security reduction shall be determined by the seller of travel’s dollar amount of gross annual sales, as follows:

(a) A business that has been in operation under the same ownership and control for at least one year with under \$500,000 in gross annual sales, may request to reduce its security to \$10,000.

(b) A business that has been in operation under the same ownership and control for at least one year with gross annual sales between \$500,000 and \$1,000,000, may request to reduce its security to \$15,000.

(c) A business that has been in operation under the same ownership and control for at least one year with gross annual sales between \$1,000,000 and \$2,000,000, may request to reduce its security to \$20,000.

(3) The amount of the security for a newly established business or a business under new ownership shall be \$25,000; however, the seller of travel may apply to reduce its security to \$10,000 by executing the Application for Reduction of Security included in form DACS 10200 Registration Packet filing Form 10208. To be eligible for a reduction in security, a newly established seller of travel must meet the following criteria:

- (a) Has not been in operation for more than one year;
- (b) None of its owners, directors, officers, or general partners have had any civil, criminal, or administrative action instituted against him in the vacation or travel business, and none of its owners, directors, officers, or general partners have been affiliated with any seller of travel that has had any civil, criminal, or administrative action instituted against it in the vacation or travel business; and

(c) None of its owners, directors, officers, or general partners have an unsatisfactory consumer complaint history with the Department or have been affiliated with any seller of travel that has had an unsatisfactory consumer complaint history with the Department.

(4) No change.

Specific Authority 559.9355(3) FS. Law Implemented 559.929(1) FS. History—New 2-8-94, Amended 6-4-95, 11-6-95, 12-27-95, 2-11-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dee Keck, Regulatory Program Administrator, Division of Consumer Services, Department of Agriculture and Consumer Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James R. Kelly, Director, Division of Consumer Services, Department of Agriculture and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 1, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 13, 2002

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE NO.: 5J-10.002 RULE TITLE: Franchises

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed amended rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 28, No. 41, which is the October 11, 2002 issue of the Florida Administrative Weekly. The changes are in response to comments received from staff at the Joint Administrative Procedures Committee.

The changes are as follows:

1) In Rule 5J-10.002, the first sentence is amended to read: “Every franchisor claiming an exemption pursuant to Section 559.802, Florida Statutes, shall file form ~~number~~ DACS 10500, ~~Annual Franchise Notice of Exemption Application~~, effective 11-15-94, revised 7-20-01, 5-3-02 and 3-4-03, hereby incorporated by reference.”

2) Specific Authority, amended to read:

Specific Authority 570.07(23), 559.802(4) FS. Law Implemented 559.802 FS. History—New 11-15-94, Amended 6-4-95, _____.

THE FULL TEXT OF THE PROPOSED RULE IS:

5J-10.002 Franchises.

Every franchisor claiming an exemption pursuant to Section 559.802, Florida Statutes, shall file form ~~number~~ DACS 10500, ~~Annual Franchise Notice of Exemption Application~~, effective 11-15-94, revised 7-20-01, 5-3-02 and 3-4-03, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, 2005 Apalachee Parkway, Terry L. Rhodes Building, 407 South Calhoun Street, Mayo Building, 2nd Floor, Attention: Business Opportunities, Tallahassee, Florida 32399-~~65000800~~. The franchisor shall submit a filing fee of \$100 with ~~f~~Form DACS 10500. The filing fee shall be non-refundable. The exemption may be renewed each year by filing ~~f~~Form DACS 10500 and paying a renewal fee of \$100.

Specific Authority 570.07(23), 559.802(4) FS. Law Implemented 559.802 FS. History—New 11-15-94, Amended 6-4-95, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dee Keck, Regulatory Program Administrator, Division of Consumer Services, Department of Agriculture and Consumer Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James R. Kelly, Director, Division of Consumer Services, Department of Agriculture and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 1, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 13, 2002

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dee Keck, Regulatory Program Administrator, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)410-3679

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Dee Keck, Regulatory Program Administrator, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)410-3679

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

THE FULL TEXT OF THE PROPOSED RULES IS:

Division of Consumer Services

RULE NOS.: RULE TITLES:
5J-13.002 Licensing Requirement
5J-13.003 Security Requirement

5J-13.002 Licensing Requirement.

(1) Any person who intends to operate as a pawnbroker shall annually submit a licensing fee of \$300 to the Department, for each pawnshop location, at the time of applying for a license.

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed amended rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 28, No. 41, which is the October 11, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from staff at the Joint Administrative Procedures Committee.

(2) A person applying for a license as a pawnbroker must submit with the license application a copy of the Pawnbroker Transaction Form. Applicants for license shall use ~~f~~Form DACS ~~10111~~ ~~10-111~~, Registration Application Form, Florida Pawnbroking Act effective 12-10-96 revised 5/3/2002 and 4/03, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Pawnshops, 2005 Apalachee Parkway, Terry L. Rhodes ~~Mayo~~ Building, Tallahassee, Florida 32399-~~6500~~~~8800~~.

The changes are as follows:

Specific Authority ~~539.001(21)~~, 570.07(23) FS. Law Implemented 539.001(5)(a),(c),(8)(a) FS. History—New 12-10-96, Amended _____.

1) In Rule 5J-13.002(2), the second sentence is amended to read:

(2) “Applicants for license shall use ~~f~~Form DACS ~~10111~~ ~~10-111~~, Registration Application Form, Florida Pawnbroking Act effective 12-10-96 revised 5/3/2002 and 4/03, hereby incorporated by reference.”

5J-13.003 Security Requirement.

~~(1) Any person claiming to have a net worth of \$50,000 pursuant to Section 539.001(4)(a)2., F.S., shall file with the Department, at the time of applying for a license, a copy of their current financial statement prepared by a Florida licensed accountant. In lieu of the financial statement, a person may file a copy of their most recently filed federal income tax return.~~

2) Specific Authority is amended to read:

Specific Authority ~~539.001(21)~~, 570.07(23) FS. Law Implemented 539.001(5)(a),(c),(8)(a) FS. History—New 12-10-96, Amended _____.

3) Rule 5J-13.003, subsection (1) is deleted:

~~(1) Any person claiming to have a net worth of \$50,000 pursuant to Section 539.001(4)(a)2., F.S., shall file with the Department, at the time of applying for a license, a copy of their current financial statement prepared by a Florida licensed accountant. In lieu of the financial statement, a person may file a copy of their most recently filed federal income tax return.~~

~~(1)(2)~~ If filing a surety bond pursuant to Section 539.001(4)(a)2., F.S., the applicant shall utilize the use Form DACS 10111, ~~10113~~, Surety Bond example form included in form DACS 10111, effective 12-10-96, revised 5/3/02 and 4/03, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Pawnshops, 2005 Apalachee Parkway, Terry L. Rhodes ~~Mayo~~ Building, Tallahassee, Florida 32399-~~6500~~~~8800~~.

Specific Authority ~~539.001(21)~~, 570.07(23) FS. Law Implemented 539.001(4)(a)2. FS. History—New 12-10-96, Amended _____.

4) Rule 5J-13.003, subsection (2) is amended to read:

“(1)(2) If filing a surety bond pursuant to Section 539.001(4)(a)2., F.S., the applicant shall utilize the use Form DACS 10111, ~~10113~~, Surety Bond example form included in form DACS 10111, effective 12-10-96, revised 5/3/02 and 4/03, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Pawnshops, 2005 Apalachee Parkway, Terry L. Rhodes ~~Mayo~~ Building, Tallahassee, Florida 32399-~~6500~~~~8800~~.”

NAME OF PERSON ORIGINATING PROPOSED RULE: Dee Keck, Regulatory Program Administrator, Division of Consumer Services, Department of Agriculture and Consumer Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James R. Kelly, Director, Division of Consumer Services, Department of Agriculture and Consumer Services

Specific Authority ~~539.001(21)~~, 570.07(23) FS. Law Implemented 539.001(4)(a)2. FS. History—New 12-10-96, Amended _____.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 1, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 13, 2002

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.”

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-12.011 RULE TITLE: Definitions

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 29, No. 27, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE NO.: 61G17-3.004 RULE TITLE: Application for Retired Status

NOTICE OF CORRECTION

The above-proposed rule was published in the January 24, 2003 issue of the Florida Administrative Weekly, Vol. 29, No. 4, on page 293. A Notice of Change was published in the August 1, 2003 issue of the Florida Administrative Weekly, Vol. 29, No. 31. A Second Notice of Change was published in the August 22, 2003 Florida Administrative Weekly, Vol. 29, No. 34, in error. The Second Notice is an exact duplication of the first notice.

The person to be contacted regarding the above change(s) is: Juanita Chastain, Executive Director, Board of Professional Surveyors and Mappers, 1940 N. Monroe Street, Tallahassee, FL 32399-0750.

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 Medicine

RULE NO.: 64B8-30.005 RULE TITLE: Physician Assistant Licensure
Renewal and Reactivation

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. 29, No. 4, of the January 24, 2003, issue of the Florida Administrative Weekly. A Notice of Change was previously published for this rule on August 22, 2003. However, the Notice of Change inadvertently omitted additional concerns submitted by the staff of the Joint Administrative Procedures Committee. The additional changes are as follows:

1. Subsection (5)(a) shall be reworded to read as follows: “Application for renewal as a licensed Physician Assistant and as a Prescribing Physician Assistant or for reactivation must be made upon forms supplied by the Council, and incorporated in Rule 64B8-1.007, F.A.C.”

2. Subsection (7) shall be reworded to read as follows:

“(7) The failure of any license holder to either renew the license or elect inactive status before the license expires shall cause the license to become delinquent.

(a) The delinquent status licensee must affirmatively apply for active or inactive status during the licensure cycle in which the license becomes delinquent. The failure by the delinquent status licensee to cause the license to be reactivated or made inactive before the expiration of the licensure cycle in which the license became delinquent shall render the license null and void without further action by the Board or the Department.

(b) The delinquent status licensee who applies for license reactivation or inactive status shall:

1. File with the Department the completed application for either license reactivation as required by Section 458.347, F.S., or inactive status as required by Section 456.036, F.S.;

2. Pay to the Board either the license reactivation fee or the inactive status fee, the delinquency fee, and if applicable, the processing fee; and

3. If reactivation is elected, demonstrate compliance with the continuing education requirements found in Rule 64B8-30.005, F.A.C.”

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253