

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF INSURANCE

RULE TITLE: Use of Credit Reports and Credit Scores by Insurers
RULE NO.: 4-125.005

PURPOSE AND EFFECT: To develop rules to implement the provisions of Section 626.9741, F.S., created by Senate Bill 40-A, which address compliance; statistical detail standards to ensure that rates or premiums associated with credit reports or scores are not unfairly discriminatory; and standards for review of models, methods, programs, or other processes that produce credit scores.

SUBJECT AREA TO BE ADDRESSED: Standards and requirements for the use of credit reports or scores by insurers.

SPECIFIC AUTHORITY: 624.308(1), 626.9741(8) FS.

LAW IMPLEMENTED: 624.307(2), 626.9741 FS.

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

TIME AND DATE: 9:00 a.m., November 14, 2003

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michael Milnes, Senior Management Analyst/Supervisor, Bureau of Property and Casualty Forms and Rates, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0330, E-mail milnesm@dfs.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed above.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE UPON PUBLICATION OF THIS NOTICE BY E-MAIL REQUEST FROM THE ABOVE CONTACT PERSON.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE CHAPTER TITLE: Plant Quarantine and Certification
RULE CHAPTER NO.: 5B-3

Entry Requirements
RULE TITLE: Definitions
RULE NO.: 5B-3.001

PURPOSE AND EFFECT: The purpose of this rule amendment is to add a definition for Shippers. The effect will define the Shipper as the producer or firm where the pest infested plant or plant products originated.

SUBJECT AREA TO BE ADDRESSED: The addition of a definition for shippers.

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

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

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

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

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5B-3.001 Definitions.

For the purpose of this chapter, the definitions in Section 581.011, Florida Statutes, and the following definitions shall apply:

(1) Agricultural inspection station. An official inspection station operated by the department to assist in monitoring the intrastate and interstate movement of agricultural commodities.

(2) Club orders. Shipments of plant material directed through an organization or club which are consigned to their individual members or clients.

(3) House plants. Plants commonly known and recognized as house plants, grown or intended to be grown indoors which may be included as part of a passenger's baggage or household effects.

(4) Interstate movement. Movement into Florida from another state, U.S. possession or territory.

(5) International movement. Movement into Florida from any country or area outside the United States.

(6) Shippers. The producer or firm where the pest infested plant or plant products originated.

(7)(6) Sugarcane. All species of the genus Saccharum and all species of its close relatives Imperata, Miscanthidium, Miscanthus, Rapidium, Erianthus, and Sorghum and all hybrids, selections, varieties, or clones thereof.

Specific Authority 570.07(23), 581.031(1),(4),(5) FS. Law Implemented 581.011, 581.031 FS. History-Repromulgated 12-31-74, Formerly 5B-3.01, Amended 3-16-92, 7-2-95, 4-1-97, _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE CHAPTER TITLE: Pests of Honeybees and Unwanted

RULE CHAPTER NO.:

Races of Honeybees 5B-54

RULE TITLES: RULE NOS.:

Regulated Honeybee Pests 5B-54.003

Registration with the Department 5B-54.010

Special Inspection and Certification Fees 5B-54.0115

Compensation for Infested or Infected Colonies 5B-54.018

PURPOSE AND EFFECT: The purpose of this rule revision is to change old scientific names to those currently in use, increase registration and certification fees to cover more of the cost and to parallel wording in the statute. The effect will be to change *Bacillus larvae* to *Paenibacillus larvae* and to change *Varroa jacobsoni* (Oudemans) to *Varroa spp.* Categories for registration will be reduced from seven to five with the following fee increases: 1-5 colonies will increase from \$5 to \$10, 6-40 colonies will increase from \$10 to \$20, 41-200 colonies will increase from \$20 to \$40, 201-500 will increase to \$70, and 501 or more will increase to \$100, which is the cap set by statute. The \$10 per yard fee for Special Inspection and Certification is eliminated and a \$25 fee per certificate issued or special inspection made for out-of-state movement of honeybee colonies is established. Tracheal mite certification is eliminated.

Under Compensation for Infested or Infected Colonies, the word “shall” is being replaced by “may” to parallel the wording of the statute. The words “per colony” are being added following the phrase “compensation shall not exceed \$30.00”. To prevent a few beekeepers who are careless from bankrupting the funds for compensation, the following is added, “Compensation will be paid in full for the first 10 diseased colonies, after which payment will be discounted as follows: If the disease rate exceeds 50 percent of the total colony inventory, then the payment will be discounted 50 percent”.

SUBJECT AREA TO BE ADDRESSED: The rule will be amended to change *Bacillus larva* to *Paenibacillus larvae* and to change *Varroa jacobsoni* (Oudemans) to *Varroa spp.* Categories for registration will be reduced from seven to five with the following fee increases: One to five colonies will increase from \$5 to \$10, six to 40 colonies will increase from \$10 to \$20, 41 to 200 colonies will increase from \$20 to \$40 and 201-500 will increase from \$35 to \$70 and 501 or more will be a flat rate of \$100, which is the cap set by statute. The \$10 per yard fee for Special Inspection and Certification is eliminated and a \$25 fee per certificate or special inspection made is issued for out-of-state movement of honeybee colonies being established. Tracheal mite certification is eliminated. Under Compensation for Infested or Infected Colonies the word “shall” is being replaced by “may” to parallel the

wording of the statute and “per colony” is being added following the phrase “compensation shall not exceed \$30.00”. Also, the following is added, “Compensation will be paid in full for the first 10 diseased colonies, after which payment will be discounted as follows: If the disease rate exceeds 50 percent of the total colony inventory, then the payment will be discounted 50 percent”.

SPECIFIC AUTHORITY: 586.10(2) FS.

LAW IMPLEMENTED: 586.025, 586.03(3), 586.035(1), 586.045, 586.09, 586.10(1),(2),(4),(6),(7),(9),(11),(12), 586.11, 586.115, 586.13(1), 586.14, 586.15 FS.

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

TIME AND DATE: 10:00 a.m., November 24, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Connie Riherd, Assistant Director, Division of Plant Industry, Post Office Box 147100, Gainesville, Florida 32614-7100, (352)372-3505

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5B-54.003 Regulated Honeybee Pests.

Each of the following honeybee pests is found to be capable of damaging or causing abnormalities to honeybees, colonies of honeybees or beeswax and is declared to constitute a nuisance:

(1) American foulbrood. The disease organism known as Paenibacillus ~~Bacillus~~ larvae.

(2) The mite *Tropilaelaps clareae*.

(3) Varroa mite, Varroa spp ~~Varroa—jacobsoni (Oudemans)~~.

(4) Any other honeybee pest determined by the department to be a threat to the state.

Specific Authority 586.10(2) FS. Law Implemented 586.10(5) FS. History—New 11-22-88, Amended 11-4-92, 7-9-95, _____.

5B-54.010 Registration with the Department.

Each beekeeper having honeybee colonies within the state must register with the department utilizing the following procedures:

(1) Application for registration of beekeeping operations shall be made upon a form furnished by the department. The form shall contain provisions with which the applicant must comply and must be signed by the applicant or applicant’s representative. Form DACS-08176, Application for Beekeeping Registration, revised 7/03 ~~7/99~~, is hereby incorporated in this rule by reference. A copy of DACS-08176 may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100.

(2) Applicant's honeybees shall have been inspected by an authorized representative of the department within a 12-month period preceding the date of application and found to be apparently free from honeybee pests listed under Rule 5B-54.003, F.A.C., and unwanted races of honeybees listed under Rule 5B-54.004, F.A.C., and to be reasonably free from common honeybee pests.

(3) By signing the application the beekeeper agrees to comply with appropriate rules of the department. Each application for registration (DACS-08176) or renewal of registration must be accompanied by the proper registration fee based on the total number of colonies operated by the registrant as follows:

Number of Colonies	Fee
1 - 5	\$10 \$5
6 - 40	\$20 10
41 - 200	\$40 20
201 - 500	\$70 35
501 - 2000	\$100 50
2001 - 5000	75
Over 5000	100

(4) Upon approval of the application, the department will issue to the beekeeper a Certificate of Beekeeping Registration. Form DACS-08177, Certificate of Beekeeping Registration, revised 4/99, is hereby incorporated in this rule by reference. A copy of DACS-08177 may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100.

(5) Application for annual renewal of the certificate must be made not later than the anniversary date of the certificate and must be accompanied by the appropriate registration fee.

(6) An application received after the anniversary date shall be accompanied by a \$10 late filing fee.

(7) Failure to register is a violation of Section 586.045, Florida Statutes, and is subject to the penalties set forth in Section 586.15, Florida Statutes.

Specific Authority 586.10(2) FS. Law Implemented 586.045, 586.10(9),(12), 586.15 FS. History—New 11-22-88, Amended 11-4-92, 6-20-00,_____.

5B-54.0115 Special Inspection and Certification Fees.

Special inspection and certification fees shall be as follows:

Special honeybee colony inspection or certification	\$25 \$10 per certificate issued or special inspection made at apiary or location inspected plus mileage, \$10 minimum.
Tracheal mite sampling	\$10 per sample plus mileage ¹ , \$10 minimum.
Honey sampling	\$10 per sample plus mileage ¹ , \$10 minimum.

¹Mileage shall be based on the prevailing state mileage rate.

Specific Authority 586.10(2) FS. Law Implemented 586.03(3) FS. History—New 11-4-92, Amended _____.

5B-54.018 Compensation for Infested or Infected Colonies.

(1) Florida resident owners of colonies and regulated articles destroyed due to infection or infestation with American foulbrood ~~may shall~~ be compensated at the rate of 1/2 the estimated value of the honeybees and equipment, provided funding is available for this purpose; however, compensation shall not exceed \$30.00 per colony. Also, compensation will be paid in full for the first 10 diseased colonies, after which payment will be discounted as follows: If the disease rate exceeds 50 percent of the total colony inventory, then the payment will be discounted 50 percent. The condition of the equipment to be destroyed shall be rated by the inspector and the beekeeper as good, fair, or poor. Any disagreement over the condition or value of equipment to be destroyed shall be arbitrated by the Chief of Apiary Inspection, the Cooperative Extension Service Apiary Specialist, and the Chairman of the Honeybee Technical Council. A Compensation Agreement, including the owner's Social Security number, must be signed by the owner. The Compensation Agreement form, DACS-08062, Revised 7/99, is hereby incorporated in this rule by reference. A copy of DACS-08062 may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100.

(2) Other Honeybee Pests and Unwanted Races of Honeybees. Owners shall not be awarded compensation for depopulation of colonies due to the presence of honeybee pests or unwanted races of honeybees in the colonies or their possible subjection to infestation by these organisms, except by special provisions for compensation that may be established by state or federal legislation for damages incurred as a result of control or eradication procedures by the department.

Specific Authority 586.10(2) FS. Law Implemented 586.13, 586.14 FS. History—New 11-22-88, Amended 11-4-92, 6-20-00,_____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Citrus Budwood Protection Program	5B-60
RULE TITLES:	RULE NOS.:
Citrus Budwood Technical Advisory Committee	5B-60.005
Citrus Nursery Stock Propagation and Planting	5B-60.006
Scion Trees	5B-60.009
Increase Trees	5B-60.010
Procedure for Identifying and Recording Citrus Nursery Stock	5B-60.013
Fees	5B-60.015
Exemptions	5B-60.016

PURPOSE AND EFFECT: The purpose of these rule revisions is to incorporate recommendations of changes made by the Citrus Budwood Technical Advisory Committee to the Citrus Budwood Protection Program. These changes are made to protect the Florida Citrus Industry from graft-transmissible pathogens.

SUBJECT AREA TO BE ADDRESSED: Additional members are added to the Citrus Budwood Technical Advisory Committee. The dooryard nursery reporting requirements are made the same as those that the commercial citrus nurseries have been using. The "Source Tree Nursery Plat" (DACS-08073) is eliminated as it is consolidated into the "Source Tree Bud Cutting Report" (DACS-08172). The evaluation fruit on screenhouse trees is clarified. Designated scion trees are required to be screen enclosed to be used for increase trees. Language is included to clarify how long records should be kept. Fees are adjusted to reflect actual costs. The labeling of Calamondins for out of state sales is clarified. These changes necessitate updating the Citrus Budwood Protection Manual and the Citrus Budwood Testing Manual, and, therefore, changing of the rule to reflect the new revision dates of those manuals. Other changes correct rule effective dates.

SPECIFIC AUTHORITY: 570.07(23), 581.031(1),(3),(8) FS.
LAW IMPLEMENTED: 570.07(2),(13), 570.0705, 581.031(1),(14),(17),(23) FS.

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

TIME AND DATE: 10:00 a.m., November 19, 2003
PLACE: Shaw Building, 3027 Lake Alfred Road, Winter Haven, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Michael Kesinger, Chief, Bureau of Citrus Budwood Registration, Division of Plant Industry, 3027 Lake Alfred Road, Winter Haven, Florida 33881-1438, telephone (863)298-7712

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5B-60.005 Citrus Budwood Technical Advisory Committee.

The Commissioner of Agriculture shall name a Citrus Budwood Technical Advisory Committee of ~~sixteen~~ thirteen members selected as follows:

- (1) Four members who shall be owners or employees of citrus nurseries;
- (2) Four members who shall be commercial citrus fruit producers or employees of producers;

- (3) ~~Four~~ Three members who shall represent the Institute of Food and Agricultural Sciences of the University of Florida or the USDA Agricultural Research Service, and who shall be non-voting advisors to the committee;

- (4) ~~Four~~ Two members who shall be employees of the department, and who shall be non-voting advisors to the committee;

(5) Two alternate members, one who shall be from (1) and one who shall be from (2), and who shall be non-voting members to the committee and have voting rights only on the absence of members (1) or (2):

~~(6)~~ (5) The above appointed committee may meet when called by the committee chairman. This committee shall make recommendations to the department on matters pertaining to this rule chapter such as germplasm introduction, testing procedures, laboratory certification and other Citrus Budwood Protection Program procedures. In appointing the committee, the Commissioner will select members from various geographical areas who represent a broad cross-section of the industry and impacted businesses.

Specific Authority 570.07(23), 581.031(1),(3),(8) FS. Law Implemented 570.07(2),(23), 570.0705, 581.031(1),(14),(17),(23) FS. History—New 9-30-96, Amended 11-4-98, _____.

5B-60.006 Citrus Nursery Stock Propagation and Planting.

(1) ~~Effective January 1, 1997,~~ It shall be unlawful for anyone to propagate or plant citrus nursery stock which is not produced in accordance with the provisions of the Citrus Budwood Protection Program. ~~Citrus nursery stock propagated prior to January 1, 1997, shall not be subject to these provisions.~~ Participation in the Citrus Budwood Protection Program shall not imply any warranty on the part of the nurserymen, certified laboratories, the department, or any employee thereof.

(2) Prior to propagating all dooryard, own-use and commercial citrus nursery stock, unless exempted in Rule 5B-60.016, F.A.C., nurserymen and growers shall make application to produce citrus nursery stock on Form DACS-08066. Form DACS-08066, Revised 9/99, is hereby adopted and incorporated by reference herein. The form may be obtained by writing or visiting the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, FL 33881-1438. Applicants must agree to comply with all the conditions which apply to the Citrus Budwood Protection Program as specified in this rule chapter.

(3) Commercial citrus nursery stock shall be propagated according to the following provisions unless exempted in Rule 5B-60.016, F.A.C.

(a) Propagative material including budwood, air-layers, and cuttings shall be from parent trees, foundation trees, scion trees, increase or validated trees for which a Certificate of Source Tree Registration (DACS-08072) has been issued as specified in Rule 5B-60.012, F.A.C. Form DACS-08072, Revised 1/02 ~~4/00~~, is hereby adopted and incorporated by reference herein. The form may be obtained by writing or visiting the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, Florida 33881-1438.

(b) Budwood shall be taken under the direct supervision of a witness authorized by the department. Budwood from each source tree shall be wrapped separately. Each bundle shall be labeled showing variety, the tree identification number, and the number of buds counted or estimated.

(c) All propagative material data shall be recorded on a Source Tree Bud Cutting Report (DACS-08172) and submitted to the Bureau of Citrus Budwood Registration at the time of collection. Form DACS-08172, Revised 7/03 ~~10/99~~ is hereby adopted and incorporated by reference herein. Persons authorized to fill out a Source Tree Bud Cutting Report (DACS-08172), shall sign a Certification To Witness Registered Budwood form, DACS-08111, Revised 12/99, and incorporated in this rule by reference. These forms may be obtained by writing or visiting the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, Florida 33881-1438.

(d) Propagations from each source tree shall be maintained in nursery rows or on greenhouse benches so that each group can be traced back to an individual source tree. Nurserymen shall use permanent tags to label each separate group of propagation with the source tree registration number.

(e) When budding seedlings, only seedlings that previously have not had a bud inserted in them shall be used. If rebudding is necessary, buds from the same registered source as the original bud shall be used.

(f) Propagative material used for topworking shall be from parent trees, foundation trees, scion trees, increase trees, or validated trees.

(g) Seed used for propagation shall be from parent trees, foundation trees, scion trees, or from a seed source tree. Seed imported into the State for propagation shall be certified by an authorized representative of the department of agriculture of the state or country of origin as meeting the requirements of a seed source tree.

(h) The nurseryman may at his own risk propagate trees from a prospective scion tree at any time after the parent tree is registered and the prospective scion tree has been tested and found free of severe strains of citrus tristeza virus (registration pending). If the prospective scion tree is found not to be horticulturally true-to-type or to have any other genetic

deficiency that would disqualify it for registration, the progeny of the prospective scion tree shall be destroyed by and at the expense of the owner within 30 days of the detection.

(i) Commercial citrus nursery stock shall be in compliance with Rule Chapter 5B-44, F.A.C. Nematodes of Citrus and, based on a visual inspection by the department, free of psorosis.

(j) Laboratories that submit citrus tristeza virus test results to the Citrus Budwood Protection Program shall sign a Citrus Tristeza Virus Testing Laboratory Certification Compliance Agreement DACS-08031, Revised 5/99, incorporated in this rule by reference. Form DACS-08031 may be obtained from the Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, FL 33881-1438.

(4) Dooryard citrus nursery stock shall be propagated according to the following provisions unless exempted in Rule 5B-60.016, F.A.C.

(a) Propagative material including budwood, air-layers, and cuttings shall be taken from a parent, scion, foundation, increase, validated tree, or from a dooryard source tree which meets the following conditions:

1. Based on an annual visual inspection, free of recognizable symptoms of psorosis, citrus viroids, tatterleaf virus, Florida gummosis, citrus blight, decline, leprosis, and other quarantinable pests;

2. Tested within the past 12 months and found free of severe strains of citrus tristeza virus, ~~effective May 1, 1998~~;

3. Vigorous, adequately identified to horticultural type and has borne fruit;

4. Registered on a Certificate of Source Tree Registration (DACS-08072) as specified in Rule 5B-60.012, F.A.C. ~~effective January 1, 1998~~.

(b) Tests for severe strains of citrus tristeza virus as required in (a)2. shall be performed by certified laboratories or the department. The testing costs shall be the responsibility of the owner. Test results shall be provided by the certified laboratories to the office of the Bureau of Citrus Budwood Registration, Winter Haven, FL within 30 days of determination and not later than the expiration date of the Certificate of Source Tree Registration (DACS-08072).

(c) Budwood shall be taken under the direct supervision of a witness authorized by the department. Budwood from each source tree shall be wrapped separately. Each bundle shall be labeled showing variety, the tree identification number, and the number of buds counted or estimated.

(d) All propagative material data shall be recorded on a Source Tree Bud Cutting Report DACS-08172, Revised 7/03 and submitted to the Bureau of Citrus Budwood Registration at the time of collection. Persons authorized to fill out a Source Tree Bud Cutting Report DACS-08172, shall sign a Certification To Witness Registered Budwood form, DACS-08111, Revised 12/99.

(e) Propagations from each dooryard source tree shall be maintained in nursery rows or greenhouse benches so that each group can be traced back to an individual source tree. Nurserymen shall use permanent tags to label each separate group of propagation with the dooryard source tree registration number.

(5) Dooryard sources are initially recorded on a Record of Validated/Dooryard Source Trees Form DACS-08255, Revised 12/99, which is adopted and incorporated herein by reference. The form may be obtained by writing or visiting the Department of Agriculture and Consumer Services, Division of Plant Industry, Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, FL 33881-1438.

Specific Authority 570.07(23), 581.031(1),(3),(8) FS. Law Implemented 570.07(2),(13), 570.0705, 581.031(1),(14),(17),(23) FS. History--New 9-30-96, Amended 11-4-98, 2-1-00, 6-12-00, _____.

5B-60.009 Scion Trees.

Scion trees shall be propagated from selected parent or foundation trees, be registered on a Certificate of Source Tree Registration (DACS-08072) as specified in Rule 5B-60.012, F.A.C., and must meet the following requirements:

(1) The layout, design and planting of the scion grove shall meet the requirements specified in the Citrus Budwood Protection Procedure Manual and shall be done under the supervision of the department. Scion tree planting is witnessed by the department on Growers Record of Registered Scion Tree Movement Form DACS-08071, Revised 12/99, which is adopted and incorporated herein by reference. The form may be obtained by writing or visiting the Department of Agriculture and Consumer Services, Division of Plant Industry, Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, FL 33881-1438;

(2) Scion trees shall not exceed 350 trees of any one variety per registered nursery;

(3) Budwood used to propagate scion trees shall be taken under the direct supervision of the department and shall be reported on Form DACS-08172, Source Tree Bud Cutting Report, Revised 7/03 ~~10/99~~.

(4) The scion trees shall have been budded on nursery rootstocks which have not previously had a bud inserted in them. If rebudding is necessary, buds from the same registered source tree as the original shall be used;

(5) The nurseryman shall furnish the Bureau of Citrus Budwood Registration within 30 days following date of budding, the budding record location portion a nursery plat on Form DACS-08073, ~~revised 10/99, which is adopted and incorporated herein by reference.~~ 08172, Source Tree Bud Cutting Report, Revised 7/03.

The form may be obtained by writing or visiting the Department of Agriculture and Consumer Services, Division of Plant Industry, Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, FL 33881-1438. The budding record location on the Source Tree Bud Cutting

Report nursery plat shall identify the location in the nursery of the each progeny trees, indicating the variety, rootstock, and the source tree registration number of the source;

(6) The scion trees, as well as their registered parents, shall have at no time shown symptoms of graft-transmissible pathogens;

(7) The scion trees shall be tested negatively ~~effective January 1, 1998~~ for psorosis, citrus viroids, and tatterleaf virus, by the department at its expense and discretion, and shall be apparently free, based on an annual visual inspection, from Florida gummosis, citrus blight, decline, leprosis, evidence of unacceptable bud mutation, and other quarantinable pests;

(8) The scion trees shall be tested negatively by certified laboratories at the owner's expense annually for severe strains of citrus tristeza virus ~~effective May 1, 1997~~. Test results shall be provided by the certified laboratories to the office of the Bureau of Citrus Budwood Registration, Winter Haven, FL, within 30 days of determination and not later than the expiration date of the Certificate of Source Tree Registration (DACS-08072);

(9) The scion trees shall be vigorous, productive, and horticulturally true-to-type and have borne fruit. Screenhouse scion trees shall have a representative sample bear fruit.

(10) Seed used to propagate scion trees shall be from parent trees, scion trees, foundation trees, or from a seed source tree. Seed imported into the State for propagation shall be certified by an authorized representative of the department of agriculture of the state or country of origin as meeting the requirements of a seed source tree;

(11) Prospective scion trees may be propagated from prospective parent trees any time after the parent tree has passed the preliminary inspection and has been tested for citrus tristeza virus and indexing is in progress for psorosis, citrus viroids, and tatterleaf virus. The prospective scion tree shall not be eligible for registration until the tree has been planted for at least two years, negatively tested for severe strains of citrus tristeza virus, has borne fruit, and the prospective parent tree has been registered. If the prospective parent tree is found to be infested with the above pathogens, the prospective scion trees will be destroyed by and at the expense of the owner within 30 days of the detection.

Specific Authority 570.07(23), 581.031(1),(3),(8) FS. Law Implemented 570.07(2),(13), 570.0705, 581.031(1),(14),(17),(23) FS. History--New 9-30-96, Amended 11-4-98, 2-1-00, 6-12-00, _____.

5B-60.010 Increase Trees.

Increase trees shall be registered on a Certificate of Source Tree Registration (DACS-08072) as specified in Rule 5B-60.012, F.A.C., provided they have been propagated as follows:

(1) Budwood must have been obtained under the direct supervision of the department from parent, foundation, or designated screen-enclosed scion trees effective January 1, 2006; ~~(scion trees tested negatively for citrus exocortis viroid~~

within the past 6 years) and which have borne fruit and which tested negatively for severe isolates of citrus tristeza virus within the past 12 months.

(2) Seed used to propagate increase trees must have come from parent trees, scion trees, or foundation trees, or from a seed source tree. Seed imported into the State for propagation must have been certified by an authorized representative of the department of agriculture of the state or country of origin as meeting the requirements of a seed source tree.

(3) Only seedlings that previously have not had a bud inserted in them must have been used. If rebudding is necessary, buds from the same registered source tree as the original bud must be used.

(4) Increase trees must be vigorous, productive, and horticulturally true-to-type and free of recognizable symptoms of other graft-transmissible pathogens and apparently free based on an annual visual inspection from Florida gummosis, citrus blight, decline, leprosis, evidence of unacceptable bud mutation, and other quarantinable pests.

(5) Field-grown increase trees must have been propagated in single rows, separated from other propagations, and identified with plainly visible permanent markers.

(6) There must be a minimum vacant space of 24 inches between each clone of increase trees in a field grown nursery and 12 inches between each clone of plants grown on greenhouse benches with each clone individually identified.

(7) The nurseryman must furnish the Bureau of Citrus Budwood Registration within 30 days following the date of budding, a Source Tree Bud Cutting Report, DACS-08172 Revised 7/03 ~~nursery plat (DACS-08073)~~, indicating the variety, rootstock, number of trees budded, registration number of source, location of block, and date of budding.

(8) Trees propagated as increase trees under this rule chapter must only serve as registered sources of budwood with no testing required for a period of up to 24 months from budding. Increase trees can be used for twelve additional ~~more~~ months if tested negatively between the 22nd and 24th month for severe strains of citrus tristeza virus. Test samples must be as follows:

(a) A 10 percent systematic composite sample that results in a 90 percent probability of detection of a one percent citrus tristeza virus infection rate is required;

(b) If over one percent severe isolate infection rate is found, then all individual trees being used for budwood must be tested prior to budwood being removed;

(c) All trees not tested will not qualify as source trees and shall be removed and destroyed by and at the expense of the owner within 30 days of the detection;

(d) Tests must be performed by certified laboratories or the department. The testing costs shall be the responsibility of the owner. Test results must be provided by the certified laboratories to the office of the Bureau of Citrus Budwood Registration, Winter Haven, FL not later than the expiration date of the Certificate of Source Tree Registration (DACS-08072).

(9) Nursery stock propagated from increase trees shall not serve as further sources of registered budwood.

(10) Increase trees from foundation or parent trees used for increase budwood shall qualify for scion grove planting in accordance with Rule 5B-60.009, F.A.C.

(11) Increase trees grown under protected screen enclosures can be used as budwood sources for 48 months if tested as required in (8) and then again between the 34th and 36th month.

Specific Authority 570.07(23), 581.031(1),(3),(8) FS. Law Implemented 570.07(2),(13), 570.0705, 581.031(1),(14),(17),(23) FS. History—New 9-30-96, Amended 11-4-98, 2-1-00, 3-31-02, _____.

5B-60.013 Procedure for Identifying and Recording Citrus Nursery Stock.

(1) Identification and record of movement for commercial citrus nursery stock. For the benefit of the buyer, the nurseryman or grower shall identify registered nursery stock as being the progeny of registered source trees by completing the Citrus Nursery Stock Inspection Tag (DACS-08038) at the time of delivery. If the nursery stock was propagated from a validated tree, the Citrus Nursery Stock Inspection Tag (DACS-08038) must contain this information and the statement that the validated tree was only tested for citrus tristeza virus. The nurseryman or grower shall keep a systematic record of the movement of citrus trees (DACS-08038) which shall be available for examination by the department for a period of three years. All movements of nursery stock shall comply with all department requirements pertaining to the inspection and certification as to freedom from plant pests, as well as the use and recording of citrus invoice certificates (tags) (DACS-08038). Form DACS-08038, Revised 6/03 ~~7/99~~, is hereby adopted and incorporated by reference herein. The form may be obtained by writing or visiting the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Bureau of Plant and Apiary Inspection, P. O. Box 147100, Gainesville, Florida 32614-7100.

(2) Dooryard citrus nursery stock shall have each individual tree identified with a slip-on label bearing the producing nursery's certificate of nursery registration number issued by the department.

Specific Authority 570.07(23), 581.031(1),(3),(8) FS. Law Implemented 570.07(2),(13), 570.0705, 581.031(1),(14),(17),(23) FS. History—New 9-30-96, Amended 2-1-00, _____.

5B-60.015 Fees.

An annual source tree registration fee shall be paid as follows:

Parent tree	\$ 2.00 5.00 per tree per year
Scion tree	\$2.00 per tree per year
Dooryard source tree	\$ 2.00 4.00 per tree per year
Validated source tree	\$ 2.00 4.00 per tree per year
Seed source tree	\$ 2.00 4.00 per tree per year
Additional fee:	
Reinstate a tree	\$ 2.00 5.00 plus the back annual registration fee

Miscellaneous fees for division services:

Witnessing budwood cutting	Mileage ¹ and \$5.00 per 1000 budeyes cut, \$10 minimum, <u>\$50 maximum</u>
Citrus viroid or psorosis testing	\$60 per test
Parent tree indexing	\$175 per tree
Shoot-tip grafting	\$500 <u>per selection</u>
Budwood ²	25 cents/eye, \$5.00 minimum
Cut from Citrus Budwood Foundation Groves, Screenhouses and/or Florida Citrus Arboretum	
Tip cuttings (6 inches)	\$ <u>1.00</u> each 50 cents
Tip cuttings (6 inches)	\$ <u>2.00</u> each (Out-of-State) \$1.50 cents
New Division of Plant Industry releases	\$1.00/eye (first two years)
Budwood shipment	\$ 2.00 75 cents /eye, <u>plus a \$100 processing fee</u> \$50.00 minimum

(Out-of-State/Foreign)

Shipping and handling fee for budwood and seed in Florida.	Actual cost
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¹ Mileage shall be based on the prevailing State mileage rate.
² Requests for budwood are submitted on a Budwood Order Form DACS-08218, Revised ~~4/03~~ ~~12/99~~, which is adopted and incorporated herein by reference. The form may be obtained by writing or visiting the Department of Agriculture and Consumer Services, Division of Plant Industry, Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, FL 33881-1438.

(1) Fees shall be paid prior to obtaining a Certificate of Source Tree Registration (DACs-08072) and annually thereafter on the anniversary date of the certificate.

(2) Fees not paid within 30 days of billing shall be considered past-due. A penalty of \$10.00 or 20 percent of the unpaid balance, whichever is greater, shall be assessed on all past-due fees.

(3) Cooperating research agencies whose registered citrus trees are used exclusively for planting on government property are exempt from payment of an annual registration fee.

Specific Authority 570.07(23), 581.031(1),(3),(8) FS. Law Implemented 570.07(2),(13), 570.0705, 581.031(1),(14),(17),(23) FS. History—New 9-30-96, Amended 11-4-98, 2-1-00, 6-12-00,_____.

5B-60.016 Exemptions.

(1) Calamondins and other citrus produced from cuttings or seed for out-of-state shipment shall be exempt from the provisions of this rule chapter. All plants propagated under this exemption must be labeled “not for sale or planting in Florida”.

(2) Citrus trees produced for research purposes in field plantings shall not be exempt from the program requirements contained in this rule chapter. Research facilities shall sign a Citrus Budwood Protection Program Research Facility Compliance Agreement, DACS-08031, Revised 5/99, incorporated in this rule by reference. Form DACS-08031 may be obtained from the Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, FL 33881-1438. Requests to plant pathogen infected material for research projects shall be made on an Application and Permit To Plant Citrus Pathogen Infected Stock, DACS-08274, Revised 1/00, and incorporated in this rule by reference. Form DACS-08274 may be obtained from the Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, FL 33881-1438.

~~(3) Lime trees until five (5) years following the effective date of this Rule Chapter.~~

~~(3)(4)~~ Citrus nursery stock produced north of the Suwannee and St. Mary’s Rivers, provided it is not moved south of these rivers.

Specific Authority 570.07(23), 581.031(1),(3),(8) FS. Law Implemented 570.07(2),(13), 570.0705, 581.031(1),(14),(17),(23) FS. History—New 9-30-96, Amended 11-4-98, 2-1-00, 6-12-00,_____.

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Product Approval	9B-72
RULE TITLES:	RULE NOS.:
Local Product Approval Generally	9B-72.030
Approval of Product Evaluation Entities, Product Validation Entities, Testing Laboratories, Certification Agencies, Quality Assurance Agencies and Accreditation Bodies	9B-72.100
Equivalence of Standards	9B-72.180

PURPOSE AND EFFECT: Eliminate statement as to products not subject to the requirements of the rule; recognize a product evaluation entity as a successor entity to those already listed in rule and thereby authorize the successor entity to participate in the product approval system; and to provide for standards recognized as equivalent to those adopted in the Florida Building Code and this rule.

SUBJECT AREA TO BE ADDRESSED: Product evaluation and approval by local jurisdictions and the Commission.

SPECIFIC AUTHORITY: 553.842(1),(9) FS.

LAW IMPLEMENTED: 553.842(1),(2),(5),(6),(8),(9) FS.

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

TIME AND DATE: 9:00 a.m., November 18, 2003

PLACE: Rosen Plaza, 9700 International Drive, Orlando, Florida 32819

Any person requiring special accommodations at the workshop because of a disability of physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824, at least seven days prior to the date of the workshop using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

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 CORRECTIONS

RULE TITLE: Substance Abuse Program Services –

RULE NO.: 33-507.201

Determination of Need

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to update a form incorporated by reference.

SUBJECT AREA TO BE ADDRESSED: Refusal of mandatory substance abuse services.

SPECIFIC AUTHORITY: 397.754, 944.09 FS.

LAW IMPLEMENTED: 397.754, 944.09 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-507.201 Substance Abuse Program Services – Determination of Need.

(1) through (4) No change.

(5) If an inmate refuses to participate in mandatory substance abuse program services, the classification officer shall ensure that this refusal is documented on Form DC5-705, ~~Statement of Refusal of Mandatory to Participate in Substance Abuse Program Services.~~ Form DC5-705 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is ~~July 1, 2000.~~ July 1, 2000. Inmates who refuse to participate in mandated substance abuse services shall be subject to disciplinary action.

(a) through (9) No change.

Specific Authority 397.754, 944.09 FS. Law Implemented 397.754, 944.09 FS. History–New 1-18-95, Formerly 33-37.003, Amended 7-1-00, 4-1-01, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Discharge Gratuity

RULE NO.: 33-601.502

PURPOSE AND EFFECT: The purpose of the proposed rule is to clarify the purpose of the discharge gratuity. The effect is to specify that the inmate’s discharge transportation cost cannot be subtracted from the discharge gratuity.

SUBJECT AREA TO BE ADDRESSED: Discharge gratuity.

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.502 Discharge Gratuity.

(1) through (3) No change.

(4) An inmate’s discharge gratuity shall not be used to pay for any amount of an inmate’s discharge transportation.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History–New 10-8-76, Formerly 33-7.06, Amended 1-4-87, 1-1-89, 1-18-89, 12-20-91, 4-14-92, 4-28-99, Formerly 33-7.006, Amended 8-28-01, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Community Release Programs
 RULE NO.: 33-601.602
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify requirements for transportation of inmates in community release programs.
 SUBJECT AREA TO BE ADDRESSED: Community release programs – transportation.
 SPECIFIC AUTHORITY: 945.091 FS.
 LAW IMPLEMENTED: 945.091 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.602 Community Release Programs.

(1) through (8) No change.

(9) Transportation.

(a) Transportation for inmates engaged in community release programs shall will be secured by the following means depending upon safety concerns and which method or combination of methods is most feasible in the given situation:

1. through 6. No change.

~~(b) Transportation by motorized enclosed vehicle shall be mandatory after dark unless an exception is granted. For the purpose of this rule, “after dark” is defined as 30 minutes after sunset and extends until 30 minutes before sunrise. Exceptions to this requirement shall be granted on a case by case basis following review and approval by the warden over the work release center who shall assess whether the rehabilitative benefit to the inmate outweighs the risks to public safety. In making this assessment, the following factors shall be taken into account:~~

~~1. The type of employment, the salary, and the probability of keeping the employment upon release;~~

~~2. Criminal history of the inmate;~~

~~3. Circumstances of current and prior convictions; and~~

~~4. Time of departure and return to the community release facility.~~

(b)(e) In order to ensure that inmates are not working long distances from the center, the warden over the work release center shall establish maximum boundaries for employment sites by center geographic location. The maximum boundaries

shall not exceed one hour travel time to the employment site from the facility unless an exception has been granted. Any exceptions must be reviewed and approved on a case by case basis by the warden over the work release center, who shall assess whether the rehabilitative benefit to the inmate outweighs risks to public safety. ~~In making the assessment, the factors listed in paragraph 33-601.602(9)(b), F.A.C., shall be taken into account.~~

(10) through (16) No change.

Specific Authority 945.091 FS. Law Implemented 945.091 FS. History—New 12-7-97, Amended 4-13-98, 10-20-98, Formerly 33-9.023, Amended 3-14-01, 9-2-01, 10-27-03, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Outpatient Hospital Services
 RULE NO.: 59G-4.160

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Hospital Services Coverage and Limitations Handbook, October 2003. The October 2003 update is for the purpose of incorporating the Health Insurance Portability and Accountability Act (HIPAA) policy and coding changes to comply with the HIPAA requirements. The update is also for the purpose of incorporating the narrative for the newborn hearing screening policy, the inpatient prior authorization program policy, rewrite other sections of policy already incorporated, and update codes in Appendices A through J. The effect will be to incorporate in the rule the current Florida Medicaid Hospital Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Outpatient Hospital Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908, 409.9081 FS.

IF REQUESTED IN WRITING WITHIN 14 DAYS AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW.

TIME AND DATE: 9:00 a.m. – 10:00 a.m., November 17, 2003

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 20, Conference Room C, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ouida Mazzoccoli, Bureau of Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7351

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.160 Outpatient Hospital Services.

(1) This rule applies to all hospital providers enrolled in the Medicaid program.

(2) All hospital providers enrolled in the Medicaid program must comply with the Florida Medicaid Hospital Services Coverage and Limitations Handbook, ~~October March~~ 2003, and the Florida Medicaid Provider Reimbursement Handbook, UB-92, October 1998, both incorporated by reference in this rule. Both handbooks are available from the Medicaid fiscal agent ~~contractor~~.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908, 409.9081 FS. History—New 1-1-77, Revised 12-7-78, 1-18-82, Amended 7-1-83, 7-16-84, 7-1-85, 10-31-85, Formerly 10C-7.40, Amended 9-16-86, 2-28-89, 5-21-91, 5-13-92, 7-12-92, 1-5-93, 6-30-93, 7-20-93, 12-21-93, Formerly 10C-7.040, Amended 6-13-94, 12-27-94, 2-21-95, 9-11-95, 11-12-95, 2-20-96, 10-27-98, 5-12-99, 10-18-99, 3-22-01, 8-12-01, 2-25-03, 8-14-03, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Requirements for Certification and Registration
 RULE NO.: 61G4-15.005

PURPOSE AND EFFECT: The Board proposes a review of this rule to determine whether amendments to the net worth amounts is necessary.

SUBJECT AREA TO BE ADDRESSED: Requirements for Certification and Registration.

SPECIFIC AUTHORITY: 489.115(5),(6), 489.129(1), 489.132(5) FS.

LAW IMPLEMENTED: 489.113(1), 489.115(5),(6), 589.129(1), 489.132(5) FS.

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

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

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

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 Nursing Home Administrators

RULE TITLE: Criteria for Approved Continuing Education
 RULE NO.: 64B10-15.002

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine if amendment(s) are necessary.

SUBJECT AREA TO BE ADDRESSED: Criteria for approved continuing education.

SPECIFIC AUTHORITY: 468.1685(1), 468.1715(3) FS.

LAW IMPLEMENTED: 456.013, 468.1715, 468.1725 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Interim Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

School Psychology

RULE TITLE: Exemption of Spouses of Members of
 RULE NO.: 64B21-502.006

Armed Forces from Licensure
 Renewal Requirements

PURPOSE AND EFFECT: To set forth the requirement of Section 456.024, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Exemption of spouses of members of armed forces from licensure renewal requirements.

SPECIFIC AUTHORITY: 456.024, 490.015 FS.

LAW IMPLEMENTED: 456.024 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Department of Health, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Division of Health Awareness and Tobacco

RULE TITLE: General Regulations; Definitions
 RULE NO.: 64F-12.001

PURPOSE AND EFFECT: The proposed rule adds the prescription drug, Lipitor, to the specified list of prescription drugs for which a pedigree paper back to the manufacturer is required for the wholesale distribution of Lipitor to a wholesale distributor pursuant to Section 499.0121(6)(e), F.S.

SUBJECT AREA TO BE ADDRESSED: The proposed rule will amend the definition of a specified drug by adding the prescription drug Lipitor, in all strengths and sizes, to the list of prescription drugs qualifying as a specified drug. The Prescription Drug Advisory Council recommended to the Secretary of the Department of Health, by unanimous vote on October 8, 2003, to place Lipitor on the list of specified drugs in accordance with the procedures established in Section 499.0121(6)(e), F.S., in order to protect the public health.

SPECIFIC AUTHORITY: 499.0121(6)(e), 499.05 FS.

LAW IMPLEMENTED: 499.0121 FS.

A RULE DEVELOPMENT WORKSHOP WILL NOT BE HELD. THE AGENCY HEAD HAS DETERMINED THAT A RULE DEVELOPMENT WORKSHOP IS UNNECESSARY DUE TO THE EXTENSIVE INPUT THE DEPARTMENT RECEIVED ON THE SUBJECT AS PART OF THE DRUG WHOLESALER ADVISORY COUNCIL MEETING ON OCTOBER 8, 2003, TO WHICH THE PUBLIC WAS NOTICED. IN ADDITION, THIS AMENDMENT ADDRESSES AN URGENT NEED TO HELP DETECT AND DETER COUNTERFEIT AND DIVERTED PRESCRIPTION DRUGS IN THE FLORIDA MARKETPLACE THAT POSE A SIGNIFICANT HEALTH RISK TO PERSONS IN FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sandra Stovall, Compliance Officer, 2818-A Mahan Drive, Tallahassee, Florida 32308; (850)487-1257 ext. 210; sandra_stovall@doh.state.fl.us.fl.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64F-12.001 General Regulations; Definitions.

(1) No change.

(2) In addition to definitions contained in Sections 499.003, 499.012(1), 499.0122(1), 499.028(1), and 499.61, F.S., the following definitions apply to Rule Chapter 64F-12, F.A.C.:

(a) through (u) No change.

(v) "Specified drug" means all dosage forms, strengths and container sizes of the following prescription drugs:

1. through 9. No change.

10. Lipitor (atorvastatin calcium).

10. through 30. renumbered 11. through 31. No change.

(w) through (x) No change.

Specific Authority 499.05, 499.61, 499.701 FS. Law Implemented 499.003, 499.004, 499.005, 499.0054, 499.0057, 499.006, 499.007, 499.008, 499.009, 499.01, 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.015, 499.023, 499.024, 499.025, 499.028, 499.03, 499.033, 499.035, 499.039, 499.041, 499.05, 499.051, 499.052, 499.06, 499.066, 499.067, 499.069, 499.61, 499.62, 499.63, 499.64, 499.65, 499.66, 499.67, 499.71, 499.75 FS. History—New 1-1-77, Amended 12-12-82, 1-30-85, Formerly 10D-45.31, Amended 11-26-86, 2-4-93, 7-1-96, Formerly 10D-45.031, Amended 1-26-99, 4-17-01, 6-30-03, 10-7-03.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE: Form for Client Notice and Contact
 RULE NO.: 65A-1.400

PURPOSE AND EFFECT: This proposed amendment of Rule 65A-1.400, F.A.C., replaces an outdated edition of form CF-ES 2514, Authorization to Release Medical Information, with a revised edition.

SUBJECT AREA TO BE ADDRESSED: This rule amendment will incorporate a new edition of form CF-ES 2514 by reference to advise clients of requirements for the Health Insurance Portability and Accountability Act (HIPAA) of 1996.

SPECIFIC AUTHORITY: 409.919, 410.033, 414.45 FS.

LAW IMPLEMENTED: 400.903, 409.904, 410.033, 414.065, 414.075, 414.085, 414.095, 414.105, 414.115, 414.122, 414.125, 414.13, 414.16, 414.21, 414.28, 414.31 FS.

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

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

PLACE: Building 3, Room 100, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Nathan Lewis, Program Administrator, Economic Self-Sufficiency Services, Program Policy Bureau, 1317 Winewood Boulevard, Building 3, Room 448, Tallahassee, Florida 32399-0700, (850)414-5927

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

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-21.002
Application and Selection Process for Loans	67-21.003
Applicant Administrative Appeal Procedures	67-21.0035
Federal Set-Aside	67-21.004
Public Policy Criteria Requirements and Qualified Resident Programs	67-21.0041
Determination of Method of Bond Sale	67-21.0045
Selection of Qualified Lending Institutions as Credit Underwriters, Originators and Servicers	67-21.005
Development Requirements	67-21.006
Fees	67-21.007
Terms and Conditions of Loans	67-21.008
Interest Rate on Mortgage Loans	67-21.009
Issuance of Revenue Bonds	67-21.010
No Discrimination	67-21.011
Advertisements	67-21.012
Private Placements of Multifamily Mortgage Revenue Bonds	67-21.013
Credit Underwriting Procedures	67-21.014
Use of Bonds with Other Affordable Housing Finance Programs	67-21.015
Compliance Procedures	67-21.016
Transfer of Ownership	67-21.017
Refundings and Troubled Development Review	67-21.018
Issuance of Bonds for 501(c)(3) Entities	67-21.019

PURPOSE AND EFFECT: The purpose of this Rule is to establish the procedures by which the Corporation shall administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the Multifamily Mortgage Revenue Bond (MMRB) Program authorized by Section 42 of the Code and Section 420.509, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to the development of the 2004 application and program requirements for the MMRB Program, as specified in Rule Chapter 67-21, Florida Administrative Code (F.A.C.).

SPECIFIC AUTHORITY: 420.507, 420.508 FS.

LAW IMPLEMENTED: 420.502, 420.503, 420.507, 420.508, 420.509 FS.

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

TIME AND DATE: 11:00 a.m., November 18, 2003

PLACE: Tallahassee City Hall, Commission Chambers, 891 South Adams Street, Tallahassee, Florida 32301

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact: Jean Salmonsens, (850)488-4197. If you are hearing or speech impaired, please use the Florida Dual Party Relay System, 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Wayne Conner, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON FLORIDA HOUSING'S WEB SITE www.floridahousing.org.

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-39.002
Guarantee Program	67-39.0025
Feasibility Studies	67-39.003
Eligibility Criteria for Qualified Obligations	67-39.004
Required Submissions for Qualified Lending Institutions	67-39.0045
Fees and Rates	67-39.005
Contractual Provisions of Qualified Obligation Documents	67-39.006
Reimbursable Costs	67-39.008
Program Documents	67-39.010
Guarantee Program	67-39.011
Guarantee Coverage	67-39.012
Guarantee Program Payments	67-39.014
Audit Requirement	67-39.015

PURPOSE AND EFFECT: The purpose of this Rule is to establish the procedures by which the Corporation shall administer its provision of credit enhancement through the Florida Affordable Housing Guarantee Program (Guarantee Program) authorized by Section 420.5092, Florida Statutes (F.S.).

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to the development of the program requirements for the Guarantee Program, as specified in Rule Chapter 67-39, Florida Administrative Code (F.A.C.).

SPECIFIC AUTHORITY: 420.507(25), 420.5092(4) FS.

LAW IMPLEMENTED: 420.5092 FS.

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

TIME AND DATE: 11:00 a.m., Tuesday, November 18, 2003

PLACE: Tallahassee City Hall, Commission Chambers, 891 South Adams Street, Tallahassee, Florida 32301

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact Donna Light at (850)488-4197. If you are hearing or speech impaired, please use the Florida Dual Party Relay system which can be reached at 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Junious D. Brown III, Director of Asset Management and Guarantee Program, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON FLORIDA HOUSING'S WEB SITE www.floridahousing.org.

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Purpose and Intent	67-48.001
Definitions	67-48.002
Application and Selection Procedures for Developments	67-48.004
Applicant Administrative Appeal Procedures	67-48.005
Compliance and Reporting Requirements	67-48.006
Fees	67-48.007
SAIL General Program Procedures and Restrictions	67-48.009
Additional SAIL Application Ranking and Selection Procedures	67-48.0095
Terms and Conditions of SAIL Loans	67-48.010
Sale, Refinancing or Transfer of a SAIL Development	67-48.0105
SAIL Credit Underwriting and Loan Procedures	67-48.012
SAIL Construction Disbursements and Permanent Loan Servicing	67-48.013
HOME General Program Procedures and Restrictions	67-48.014
Match Contribution Requirement for HOME Allocation	67-48.015
Eligible HOME Activities	67-48.017
Eligible HOME Applicants	67-48.018
Eligible and Ineligible HOME Development Costs	67-48.019
Terms and Conditions of Loans for HOME Rental Developments	67-48.020
Sale or Transfer of a HOME Development	67-48.0205
HOME Credit Underwriting and Loan Procedures	67-48.021
HOME Disbursements Procedures and Loan Servicing	67-48.022
Housing Credits General Program Procedures and Requirements	67-48.023
Qualified Allocation Plan	67-48.025
Housing Credit Underwriting Procedures	67-48.026

Tax-Exempt Bond-Financed Developments	67-48.027
Carryover Allocation Provisions	67-48.028
Extended Use Agreement	67-48.029
Sale or Transfer of a Housing Credit Development	67-48.030

Termination of Extended Use Agreement and
Disposition of Housing Credit Developments 67-48.031

PURPOSE AND EFFECT: The purpose of this Rule is to establish the procedures by which the Corporation shall: (1) administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the State Apartment Incentive Loan (SAIL) Program authorized by Section 420.5087, Florida Statutes (F.S.), and the HOME Investment Partnerships (HOME) Program authorized by Section 420.5089, Florida Statutes; and (2) administer the Application process, determine Housing Credit (HC) amounts and implement the provisions of the Housing Credit Program authorized by Section 42 of the Code and Section 420.5099, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to (1) the development of the 2004 application and program requirements for the SAIL, HOME, HC Programs, as specified in Rule Chapter 67-48, Florida Administrative Code (F.A.C.) and (2) amendments to the Florida Housing Finance Corporation's 2003 Qualified Allocation Plan (QAP).

SPECIFIC AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.5087, 420.5089, 420.5099 FS.

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

TIME AND DATE: 11:00 a.m., November 18, 2003

PLACE: Tallahassee City Hall, Commission Chambers, 891 South Adams Street, Tallahassee, Florida 32301

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact: Jean Salmons, (850)488-4197. If you are hearing or speech impaired, please use the Florida Dual Party Relay system which can be reached at 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kerey Carpenter, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON FLORIDA HOUSING'S WEB SITE www.floridahousing.org.