

## Section I

### Notices of Development of Proposed Rules and Negotiated Rulemaking

#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

##### Division of Plant Industry

RULE CHAPTER TITLE: Preservation of Native Flora of Florida

RULE CHAPTER NO.: 5B-40

RULE TITLE: Regulated Plant Index

RULE NO.: 5B-40.0055

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate changes to the Regulated Plant Index Rule as a result of public meetings conducted by the Endangered Plant Advisory Council.

SUBJECT AREA TO BE ADDRESSED: This amendment revises the Regulated Plant Index. Twelve species will be added to the endangered list, *Isoetes engelmannii* will be removed from the endangered list and *Carex chapmanii* will be moved from the endangered list to the threatened list.

SPECIFIC AUTHORITY: 570.07(23), 581.185(4),(9),(11) FS.

LAW IMPLEMENTED: 570.07(13), 581.185(4),(9),(11) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., January 12, 2004

PLACE: Doyle Conner Building, 1911 S. W. 34th Street, Gainesville, FL

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5B-40.0055 Regulated Plant Index.

(1) No change.

1. *Acacia angustissima* (prairie acacia).

~~2.~~ *Acacia choriophylla* (tamarindillo).

~~3.~~ *Acacia tortuosa* (poponax) Presumed Extirpated.

~~4.~~ *Actaea pachypoda* (baneberry).

~~5.~~ *Adiantum melanoleucum* (fragrant maidenhair fern).

~~6.~~ *Adiantum tenerum* (brittle maidenhair fern).

~~7.~~ *Aeschynomene pratensis* (meadow jointvetch).

~~8.~~ *Ageratum littorale* (Cape Sable whiteweed).

~~9.~~ *Agrimonia incisa* (harvest-lice).

~~10.~~ *Aletris bracteata* (bracted colicroot).

~~11.~~ *Alvaradoa amorphoides* (alvaradoa).

~~12.~~ *Amorpha crenulata* (Miami lead plant).

~~13.~~ *Anemia wrighthii* (parsley fern).

~~14.~~ *Aquilegia canadensis* (columbine).

~~15.~~ *Arabis canadensis* (sicklepod).

~~16.~~ *Argusia gnaphalodes* (sea-lavender).

~~17.~~ *Argythamnia blodgettii* (Blodgett's wild-mercury).

~~18.~~ *Aristolochia pentandra* (Marsh's dutchman's pipe).

~~19.~~ *Aristolochia tomentosa* (pipevine).

~~20.~~ *Arnica acaulis* (leopard's-bane).

~~21.~~ *Arnoglossum album* (white-flowered Plantain).

~~22.~~ *Asclepias curtissii* (Curtiss's milkweed).

~~23.~~ *Asclepias viridiflora* (green-flower milkweed).

~~24.~~ *Asimina tetramera* (four-petal pawpaw).

~~25.~~ *Asplenium auritum* (auricled spleenwort) (fern).

~~26.~~ *Asplenium dentatum* (slender spleenwort).

~~27.~~ *Asplenium monanthes* (San Felasco spleenwort).

~~28.~~ *Asplenium pumilum* (dwarf spleenwort).

~~29.~~ *Asplenium serratum* (bird's-nest spleenwort).

~~30.~~ *Asplenium verecundum* (delicate spleenwort).

~~31.~~ *Aster hemisphericus* (aster).

~~32.~~ *Aster spinulosus* (pinewoods aster).

~~33.~~ *Baccharis dioica* (broom-bush) Presumed Extirpated.

~~34.~~ *Balduina atropurpurea* (purple balduina).

~~35.~~ *Baptisia calycosa* (Canby's wild indigo).

~~36.~~ *Baptisia megacarpa* (Apalachicola wild-indigo).

~~37.~~ *Basiphyllaea corallicola* (Carter's orchid).

~~38.~~ *Bigelovia nuttallii* (Nuttall's rayless goldenrod).

~~39.~~ *Blechnum occidentale* (sinkhole fern).

~~40.~~ *Bonamia grandiflora* (Florida bonamia).

~~41.~~ *Bourreria cassinifolia* (little strongback).

~~42.~~ *Bourreria radula* (rough strongbark).

~~43.~~ *Bourreria succulenta* (bodywood).

~~44.~~ *Brassia caudata* (spider orchid).

~~45.~~ *Brickellia cordifolia* (Flyr's nemesis).

~~46.~~ *Brickellia mosieri* (Brickell-bush).

~~47.~~ *Bulbophyllum pachyrrachis* (rat-tail orchid).

~~48.~~ *Burmanna flava* (Fakahatchee burmannia).

~~49.~~ *Caesalpinia major* (yellow nicker).

~~50.~~ *Caesalpinia pauciflora* (fewflower holdback).

~~51.~~ *Calamintha georgiana* (Georgia calamint).

~~52.~~ *Callirhoe papaver* (poppy mallow).

~~53.~~ *Calopogon multiflorus* (many-flowered grass-pink).

~~54.~~ *Calycanthus floridus* (sweet shrub).

~~55.~~ *Calyptanthes zuzygium* (myrtle of the river).

~~56.~~ *Calystegia catesbaeiana* (Catesby's bindweed).

~~57.~~ *Campanula robinsiae* (Chinsegut bellflower).

~~58.~~ *Campylocentrum pachyrrhizum* (leafless orchid).

~~59.~~ *Campyloneurum angustifolium* (narrow swamp fern).

~~60.~~ *Campyloneurum costatum* (tailed strap fern).

- ~~61.59~~: *Campyloneurum latum* (wide strap fern).  
~~62.60~~: *Canella winterana* (wild cinnamon).  
~~61~~: *Carex chapmanii* (Chapman's sedge).  
~~63.62~~: *Carex microdonta* (little-tooth sedge).  
~~64.63~~: *Cassia keyensis* (Key cassia).  
~~65.64~~: *Catesbaea parviflora* (dune lily-thorn).  
~~66.65~~: *Catopsis berteroniana* (airplant).  
~~67.66~~: *Catopsis floribunda* (many-flowered airplant).  
~~68.67~~: *Catopsis nutans* (nodding catopsis).  
~~69.68~~: *Celosia nitida* (West Indian cock's-comb).  
~~70.69~~: *Celtis iguanaea* (Iguana hackberry).  
~~71.70~~: *Celtis pallida* (spiny hackberry).  
~~72.71~~: *Centrosema arenicola* (sand butterfly pea).  
~~73.72~~: *Cereus robinii* (tree cactus).  
~~74.73~~: *Chamaesyce cumulicola* (sand dune spurge).  
~~75.74~~: *Chamaesyce deltoidea* (rockland spurge).  
~~76.75~~: *Chamaesyce garberi* (Garber's spurge).  
~~77.76~~: *Chamaesyce porteriana* (Porter's spurge).  
~~78.77~~: *Cheilanthes microphylla* (southern lip fern).  
~~79.78~~: *Chionanthus pygmaeus* (pygmy fringe-tree).  
~~80.79~~: *Chrysopsis cruiseana* (Cruise's golden-aster).  
~~81.80~~: *Chrysopsis floridana* (Florida's golden-aster).  
~~82.81~~: *Chrysopsis godfreyi* (Godfrey's golden-aster).  
~~83.82~~: *Cienfuegosia yucatanensis* (yellow-hibiscus).  
~~84.83~~: *Cissampelos pareira* (Pareira brava) Presumed Extirpated.  
~~85.84~~: *Cladonia perforata* (Florida perforate cladonia).  
~~86.85~~: *Clitoria fragrans* (pigeon wings).  
~~87.86~~: *Colubrina arborescens* (greenheart).  
~~88.87~~: *Colubrina cubensis* (colubrina).  
~~89.88~~: *Colubrina elliptica* (soldierwood).  
~~90.89~~: *Conradina brevifolia* (short-leaved rosemary).  
~~91.90~~: *Conradina etonia* (etonia rosemary).  
~~92.91~~: *Conradina glabra* (Apalachicola rosemary).  
~~93.92~~: *Corallorhiza odontorhiza* (autumn coralroot).  
~~94.93~~: *Cordia globosa* (Curacao bush).  
~~95.94~~: *Coreopsis integrifolia* (dye-flower).  
~~96.95~~: *Cornus alternifolia* (pagoda dogwood).  
~~97.96~~: *Cranichis muscosa* (moss orchid).  
~~98.97~~: *Crataegus phaenopyrum* (Washington thorn).  
~~99.98~~: *Croomia pauciflora* (croomia).  
~~100.99~~: *Crotalaria avonensis* (Avon Park harebells).  
~~101.100~~: *Croton humilis* (pepperbush).  
~~102.101~~: *Cryptotaenia canadensis* (honewort).  
~~103.102~~: *Ctenitis sloanei* (Florida tree fern/red-hair comb fern).  
~~104.103~~: *Ctenitis submarginalis* (brown-hair comb fern).  
~~105.104~~: *Ctenium floridanum* (Florida toothache grass).  
~~106.105~~: *Cucurbita okeechobeensis* (Okeechobee gourd).  
~~107.106~~: *Cupania glabra* (cupania).  
~~108.107~~: *Cuphea aspera* (tropical waxweed).  
~~109.108~~: *Cynoglossum virginianum* (wild comfrey).  
~~110.109~~: *Cyperus floridanus* (Florida flatsedge).  
~~111.110~~: *Cyperus fuliginus* (limestone flatsedge).  
~~112.111~~: *Cyrtopodium punctatum* (cowhorn or cigar orchid).  
~~113.112~~: *Dalbergia brownii* (Brown's Indian rosewood).  
~~114.113~~: *Dalea carthagenensis* (Florida prairie clover).  
~~115.114~~: *Deeringothamnus pulchellus* (white squirrel-banana).  
~~116.115~~: *Deeringothamnus rugelii* (yellow squirrel-banana).  
~~117.116~~: *Delphinium carolinianum* (Carolina larkspur).  
~~118.117~~: *Dennstaedtia bipinnata* (cuplet fern).  
~~119.118~~: *Desmodium ochroleucum* (trailing tick-trefoil).  
~~120.119~~: *Dicerandra christmanii* (Christmann's mint).  
~~121.120~~: *Dicerandra cornutissima* (Robin's mint).  
~~122.121~~: *Dicerandra frutescens* (Lloyd's mint).  
~~123.122~~: *Dicerandra immaculata* (Olga's mint).  
~~124.123~~: *Dicerandra thinicola* (Titusville balm).  
~~125.124~~: *Digitaria pauciflora* (Florida pineland crabgrass).  
~~126.125~~: *Dirca palustris* (leatherwood).  
~~127.126~~: *Dodecatheon meadia* (shooting-star).  
~~128.127~~: *Dodonaea elaeagnoides* (Keys hopbush).  
~~129.128~~: *Drosera filiformis* (dew-thread).  
~~130.129~~: *Drypetes diversifolia* (milkbark).  
~~131.130~~: *Echinacea purpurea* (purple coneflower).  
~~132~~: *Echinodorus floridanus* (Florida burhead).  
~~133.131~~: *Eleocharis rostellata* (beaked spikerush).  
~~134.132~~: *Eltroplectris calcarata*.  
~~135.133~~: *Encyclia boothiana* (*Epidendrum boothianum*) (dollar orchid).  
~~136.134~~: *Encyclia cochleata* (Florida clamshell orchid).  
~~137.135~~: *Encyclia pygmaea* (dwarf epidendrum).  
~~138.136~~: *Epidendrum acunae* (Acuna's epidendrum).  
~~139.137~~: *Epidendrum anceps* (dingy-flowered epidendrum).  
~~140.138~~: *Epidendrum difforme* (umbelled epidendrum).  
~~141.139~~: *Epidendrum nocturnum* (night-scented epidendrum).  
~~142.140~~: *Epidendrum rigidum* (rigid epidendrum).  
~~143.141~~: *Epidendrum strobiliferum* (matted epidendrum).  
~~144.142~~: *Epigaea repens* (trailing arbutus).  
~~145.143~~: *Eragrostis tracyi* (Sanibel lovegrass).  
~~146.144~~: *Eriocaulon nigrobacteatum* (dark-headed hatpins).  
~~147.145~~: *Eriogonum floridanum* (scrub buckwheat).  
~~148.146~~: *Ernodea cokeri* (one-nerved ernodea).  
~~149.147~~: *Eryngium cuneifolium* (scrub eryngium).

- ~~150.148.~~ *Erythronium umbilicatum* (dimpled dogtooth-violet).
- ~~151.149.~~ *Eugenia confusa* (redberry eugenia).
- ~~152.150.~~ *Eugenia rhombea* (red stopper).
- ~~153.151.~~ *Euonymus atropurpureus* (burning bush).
- ~~154.152.~~ *Eupatorium frustratum* (Cape Sable thoroughwort).
- ~~155.153.~~ *Eupatorium villosum* (Keys thoroughwort).
- ~~156.154.~~ *Euphorbia commutata* (wood spurge).
- ~~157.155.~~ *Euphorbia telephioides* (spurge).
- ~~158.156.~~ *Evolvulus convolvuloides* (dwarf bindweed).
- ~~159.157.~~ *Evolvulus grisebachii* (Grisebach's bindweed).
- ~~160.158.~~ *Exostema caribaum* (Caribbean princewood).
- ~~161.159.~~ *Forestiera godfreyi* (Godfrey's swamp privet).
- ~~162.160.~~ *Fothergilla gardenii* (dwarf witch-alder).
- ~~163.161.~~ *Galactia smallii* (Small's milkpea).
- ~~164.162.~~ *Galeandra beyrichii* (helmet orchid).
- ~~165.163.~~ *Gentiana pennelliana* (wiregrass gentian).
- ~~166.164.~~ *Goodyera pubescens* (downy rattlesnake orchid).
- ~~167.165.~~ *Gossypium hirsutum* (wild cotton).
- ~~168.166.~~ *Govenia utriculata* (Gowen's orchid).
- ~~169.167.~~ *Guaiacum sanctum* (lignum vitae).
- ~~170.168.~~ *Guzmania monostachia* (Fuch's bromeliad).
- ~~171.169.~~ *Gyminda latifolia* (West Indian falsebox).
- ~~172.170.~~ *Habenaria distans* (distans habenaria).
- ~~173.171.~~ *Harperocallis flava* (Harper's beauty).
- ~~174.172.~~ *Harrisia eriophora* (Indian River prickly-apple).
- ~~175.173.~~ *Harrisia gracilis* (West coast prickly-apple).
- ~~176.174.~~ *Hasteola robertiorum* (Gulf hammock indian-plantain).
- ~~177.175.~~ *Helianthus carnosus* (flatwoods sunflower).
- ~~178.176.~~ *Heliotropium fruticosum* (Key West heliotrope).
- ~~179.177.~~ *Hepatica nobilis* (= *Hepatica americana*) (liverleaf).
- ~~180.178.~~ *Hexalectris spicata* (crested coral-root).
- ~~181.179.~~ *Hibiscus poeppigii* (Poeppig's rosemallow).
- ~~182.180.~~ *Hippomane mancinella* (manchineel).
- ~~183.181.~~ *Hybanthus concolor* (green violet).
- ~~184.182.~~ *Hydrangea arborescens* (wild hydrangea).
- ~~185.183.~~ *Hymenocallis godfreyi* (Godfrey's spiderlily).
- ~~186.184.~~ *Hymenocallis henryae* (Mrs. Henry's spiderlily).
- ~~187.185.~~ *Hypelate trifoliata* (inkwood).
- ~~188.186.~~ *Hypericum cumulicola* (Highlands scrub hypericum).
- ~~189.187.~~ *Hypericum edisonianum* (Edison ascyrum).
- ~~190.188.~~ *Hypericum lissophloeus* (smooth-barked St. Johns-wort).
- ~~191.189.~~ *Illicium parviflorum* (star anise).
- ~~192.190.~~ *Indigofera keyensis* (Keys' indigo).
- ~~193.191.~~ *Ionopsis utricularioides* (delicate ionopsis orchid).
- ~~194.192.~~ *Ipomoea microdactyla* (wild-potato morning-glory).
- ~~195.193.~~ *Ipomoea tenuissima* (rocklands morning-glory).
- ~~196.~~ *Isoetes appalachiana* (Appalachian quillwort).
- ~~197.~~ *Isoetes boomii* (Boom's quillwort).
- ~~194.~~ *Isoetes engelmannii* (Engelmann's quillwort).
- ~~198.~~ *Isoetes hyemalis* (winter quillwort).
- ~~199.195.~~ *Isopyrum biternatum* (false rue-anemone).
- ~~200.196.~~ *Isotria verticillata* (whorled pogonia).
- ~~201.197.~~ *Jacquemontia havanensis* (Havana clustervine).
- ~~202.198.~~ *Jacquemontia pentantha* (skyblue clustervine).
- ~~203.199.~~ *Jacquemontia reclinata* (beach jacquemontia).
- ~~204.200.~~ *Juncus gymnocarpus* (Coville's rush).
- ~~205.201.~~ *Justicia cooleyi* (Cooley's justicia).
- ~~206.202.~~ *Justicia crassifolia* (thick-leaved water-willow).
- ~~207.203.~~ *Kosteletzkya depressa* (white fen).
- ~~208.204.~~ *Lantana canescens* (hammock shrub verben).
- ~~209.205.~~ *Lantana depressa* (pineland lantana).
- ~~210.206.~~ *Lechea divaricata* (spreading pinweed).
- ~~211.207.~~ *Lechea lakelae* (Lakela's pinweed).
- ~~212.208.~~ *Leiphaimos parasitica* (parasitic ghostplant).
- ~~213.209.~~ *Leochilus labiatus* (lipped orchid).
- ~~214.210.~~ *Lepanthopsis melanantha* (tiny orchid).
- ~~215.211.~~ *Lepuropetalon spathulatum* (little-people).
- ~~216.~~ *Liatris gholsonii* (Bluff's blazing-star).
- ~~217.212.~~ *Liatris ohlingerae* (scrub blazing-star).
- ~~218.213.~~ *Liatris provincialis* (Godfrey's blazing-star).
- ~~219.214.~~ *Licaria triandra* (licaria).
- ~~220.215.~~ *Lilium iridollae* (panhandle lily).
- ~~221.216.~~ *Lilium michauxii* (Carolina lily).
- ~~222.217.~~ *Lilium superbum* (Turk's-cap lily).
- ~~223.218.~~ *Lindera melissifolia* (pondberry) Presumed Extirpated.
- ~~224.219.~~ *Lindera subcoriacea* (bog spicebush).
- ~~225.220.~~ *Linum arenicola* (sand flax).
- ~~226.221.~~ *Linum carteri* (Everglades flax).
- ~~227.~~ *Linum macrocarpum* (big-seed flax).
- ~~228.222.~~ *Linum westii* (West's flax).
- ~~229.223.~~ *Liparis nervosa* (tall twayblade).
- ~~230.224.~~ *Litsea aestivalis* (pond-spice).
- ~~231.225.~~ *Lobelia boykinii* (Boykin's lobelia).
- ~~232.226.~~ *Lomariopsis kunzeana* (climbing holly-fern).
- ~~233.227.~~ *Lupinus aridorum* (McFarlin's lupine).
- ~~234.228.~~ *Lycopodium dichotomum* (hanging clubmoss).
- ~~235.229.~~ *Lythrum curtisii* (Curtis' loosestrife).
- ~~236.230.~~ *Lythrum flagellare* (lowland loosestrife).
- ~~237.231.~~ *Macbridea alba* (white birds-in-a-nest).
- ~~238.232.~~ *Macradenia lutescens* (Trinidad macradenia).

- ~~239,233-~~ *Macranthera flammea* (hummingbird-flower).  
~~240,234-~~ *Magnolia acuminata* (cucumber-tree).  
~~241,235-~~ *Magnolia ashei* (Ashe's magnolia).  
~~242,236-~~ *Magnolia pyramidata* (pyramid magnolia).  
~~243,237-~~ *Magnolia tripetala* (umbrella magnolia).  
~~244,238-~~ *Malaxis unifolia* (green adder's-mouth orchid).  
~~245,239-~~ *Marshallia obovata* (Barbara's buttons).  
~~246,240-~~ *Marshallia ramosa* (Barbara's buttons).  
~~247,241-~~ *Matelea alabamensis* (Alabama spiny pod).  
~~248,242-~~ *Matelea baldwyniana* (Baldwin's spiny pod).  
~~249,243-~~ *Matelea flavidula* (yellow-flowered spiny pod).  
~~250,244-~~ *Matelea floridana* (Florida spiny pod).  
~~251,245-~~ *Matelea pubiflora* (sandhill spiny pod).  
~~252,246-~~ *Maxillaria crassifolia* (hidden orchid).  
~~253,247-~~ *Maxillaria parviflora* (minnie-max).  
~~254,248-~~ *Medeola virginiana* (Indian cucumber).  
~~255,249-~~ *Microgramma heterophylla* (climbing vine fern).  
~~256,250-~~ *Minuartia godfreyi* (Godfrey's sandwort).  
~~257,251-~~ *Monotropa hypopithys* (pine-sap).  
~~258,252-~~ *Monotropis reynoldsiae* (pygmy-pipes).  
~~259,253-~~ *Nemastylis floridana* (celestial lily).  
~~260,254-~~ *Neurodium lanceolatum* (ribbon fern).  
~~261,255-~~ *Nolina brittoniana* (Britton's bear-grass).  
~~262,256-~~ *Nymphaea jamesoniana* (Jameson's water lily).  
~~263,257-~~ *Ocimum campechianum* (ocimum).  
~~264,258-~~ *Okenia hypogaea* (burrowing four-o'clock).  
~~265,259-~~ *Oncidium bahamense* (dancing-lady orchid).  
~~266,260-~~ *Oncidium floridanum* (Florida oncidium).  
~~267,261-~~ *Oncidium luridum* (mule-ear orchid).  
~~268,262-~~ *Ophioglossum palmatum* (hand fern).  
~~269,263-~~ *Opuntia corallicola* (semaphore cactus).  
~~270,264-~~ *Opuntia triacantha* (Keys Joe-jumper).  
~~271,265-~~ *Oxypolis greenmanii* (giant water-dropwort).  
~~272,266-~~ *Pachysandra procumbens* (Allegheny-spurge).  
~~273,267-~~ *Panicum abscissum* (cut-throat grass).  
~~274,268-~~ *Parnassia caroliniana* (Carolina grass-of-Parnassus).  
~~275,269-~~ *Parnassia grandifolia* (grass-of-Parnassus).  
~~276,270-~~ *Paronychia chartacea* (papery whitlow-wort).  
~~277,271-~~ *Passiflora multiflora* (white-flowered passionvine).  
~~278,272-~~ *Passiflora pallens* (pineland passionvine).  
~~279,273-~~ *Passiflora sexflora* (goat's foot leaf).  
~~280,274-~~ *Pavonia paludicola* (swampbush).  
~~281,275-~~ *Pellaea atropurpurea* (hairy cliff-brake fern).  
~~282,276-~~ *Peperomia amplexicaulis* (clasping peperomia).  
~~283,277-~~ *Peperomia glabella* (cypress peperomia).  
~~284,278-~~ *Peperomia humilis* (peperomia).  
~~285,279-~~ *Peperomia magnoliifolia* (spathulate peperomia).  
~~286,280-~~ *Peperomia obtusifolia* (Florida peperomia).  
~~287,281-~~ *Peperomia rotundifolia* (round peperomia).  
~~288,282-~~ *Pharus glaber* (creeping leafstalk grass).  
~~289,283-~~ *Phoradendron rubrum* (mahogany mistletoe).  
~~290,284-~~ *Phyla stoechadifolia* (southern matchsticks).  
~~291,285-~~ *Phyllanthus leibmannianus* (pine woods dainties).  
~~292,286-~~ *Physocarpus opulifolius* (ninebark).  
~~293,287-~~ *Picramnia pentandra* (Florida bitterbush).  
~~294,288-~~ *Pilosocereus bahamensis* (Bahamian treecactus).  
~~295,289-~~ *Pinguicula ionantha* (Panhandle butterwort).  
~~296,290-~~ *Pinguicula primuliflora* (primrose-flowered butterwort).  
~~297,291-~~ *Pisonia rotundata* (devil's smooth claws).  
~~298,292-~~ *Pityopsis flexuosa* (Florida golden-aster).  
~~299,293-~~ *Platanthera clavellata* (green rein orchid).  
~~300,294-~~ *Platanthera integra* (orange rein orchid).  
~~301,295-~~ *Pleopeltis astrolepis* (star-scaled fern).  
~~302,296-~~ *Pleurothallis gelida* (frosted orchid).  
~~303,297-~~ *Podophyllum peltatum* (mayapple).  
~~304,298-~~ *Poinsettia pinetorum* (Everglades poinsettia).  
~~305,299-~~ *Polygala lewtonii* (Lewton's polygala).  
~~306,300-~~ *Polygala smallii* (tiny polygala).  
~~307,301-~~ *Polygonella basiramia* (tufted wireweed).  
~~308,302-~~ *Polygonella myriophylla* (sandlace).  
~~309,303-~~ *Polygonum meisnerianum* (Mexican tear-thumb).  
~~310,304-~~ *Polymnia laevigata* (Tennessee leaf-cup).  
~~311,305-~~ *Polypodium dispersum* (widespread polypody).  
~~312,306-~~ *Polypodium plumula* (plume polypody).  
~~313,307-~~ *Polypodium ptilodon* (swamp plume polypody).  
~~314,308-~~ *Polyrrhiza lindenii* (ghost orchid).  
~~315,309-~~ *Polystachya concreta* (pale-flowered polystachya).  
~~316,310-~~ *Ponthieva brittoniae* (Mrs. Britton's shadow witch).  
~~317,311-~~ *Potamogeton floridanus* (Florida pondweed).  
~~318,312-~~ *Prescottia oligantha* (small-flowered orchid).  
~~319,313-~~ *Prunus geniculata* (scrub plum).  
~~320,314-~~ *Pseudophoenix sargentii* (Sargent's cherry palm).  
~~321,315-~~ *Psychotria ligustrifolia* (Bahama wildcoffee).  
~~322,316-~~ *Remirea maritima* (beach-star).  
~~323,317-~~ *Rhexia parviflora* (Apalachicola meadow-beauty).  
~~324,318-~~ *Rhipsalis baccifera* (mistletoe cactus).  
~~325,319-~~ *Rhododendron alabamense* (Alabama azalea).  
~~326,320-~~ *Rhododendron austrinum* (Florida flame azalea).  
~~327,321-~~ *Rhododendron chapmanii* (Chapman's rhododendron).

- ~~328,322~~: *Rhus michauxii* (Michaux's sumac) Presumed Extirpated.
- ~~329,323~~: *Rhynchosia swartzii* (Swartz' snoutbean).
- ~~330,324~~: *Rhynchospora crinipes* (hairy peduncled beakrush).
- ~~331,325~~: *Phynchospora megaplumosa* (hairy spikelet beakrush).
- ~~332,326~~: *Ribes echinellum* (Miccosukee gooseberry).
- ~~333,327~~: *Roystonea elata* (Florida royal palm).
- ~~334,328~~: *Rudbeckia nitida* (St. John's-Susan).
- ~~335,329~~: *Rudbeckia triloba* (a browneyed Susan).
- ~~336,330~~: *Ruellia noctiflora* (night-flowering wild-petunia).
- ~~337,331~~: *Salix eriocephala* (heart-leaved willow).
- ~~338,332~~: *Salix floridana* (Florida willow).
- ~~339,333~~: *Salvia urticifolia* (nettle-leaved sage).
- ~~340,334~~: *Sarracenia leucophylla* (white-top pitcher-plant).
- ~~341,335~~: *Savia bahamensis* (Bahama maidenbush).
- ~~342,336~~: *Schaefferia frutescens* (Florida boxwood).
- ~~343,337~~: *Schisandra coccinea* (bay star vine).
- ~~344,338~~: *Schizachyrium niveum* (scrub bluestem).
- ~~345,339~~: *Schizachyrium sericatum* (silky bluestem).
- ~~346,340~~: *Schizaea germanii* (ray fern).
- ~~347~~: *Schoenolirion croceum* (yellow sunnybell).
- ~~348,341~~: *Schwalbea americana* (chaff-seed).
- ~~349,342~~: *Scleria lithosperma* (Keys' nutrush).
- ~~350,343~~: *Scutellaria floridana* (Florida skullcap).
- ~~351,344~~: *Scutellaria havanensis* (Havana skullcap).
- ~~352,345~~: *Selaginella eatonii* (pygmy spikemoss).
- ~~353,346~~: *Setaria chapmanii* (coral panic grass).
- ~~354,347~~: *Sideroxylon alachuense* Anderson (Clark's Buckthorn).
- ~~355,348~~: *Sideroxylon lycioides* (gopherwood buckthorn).
- ~~356,349~~: *Sideroxylon thornei* (Thorne's buckthorn).
- ~~357~~: *Silene caroliniana* (California catchfly).
- ~~358,350~~: *Silene polypetala* (fringed pink).
- ~~359,351~~: *Silene virginica* (fire pink).
- ~~360,352~~: *Sphenomeris clavata* (wedgelet fern).
- ~~361,353~~: *Sphenostigma coelestinum* (Bartram's ixia).
- ~~362,354~~: *Spigelia gentianoides* (gentian pinkroot).
- ~~363,355~~: *Spigelia loganioides* (Levy pinkroot).
- ~~364,356~~: *Spiranthes adnata* (pelexia).
- ~~365,357~~: *Spiranthes brevilabris* (small ladies'-tresses).
- ~~366,358~~: *Spiranthes costaricensis* (Costa Rican ladies'-tresses).
- ~~367,359~~: *Spiranthes elata* (tall neottia).
- ~~368,360~~: *Spiranthes ovalis* (lesser ladies'-tresses).
- ~~369,361~~: *Spiranthes polyantha* (Ft. George ladies'-tresses).
- ~~370,362~~: *Spiranthes torta* (southern ladies'-tresses).
- ~~371,363~~: *Stachydeoma graveolens* (mock pennyroyal).
- ~~372,364~~: *Stachys crenata* (shade betony).
- ~~373~~: *Stachys lythroides* (hyssop-leaved hedgenettle).
- ~~374,365~~: *Stachys tenuifolia* (narrow-leaved betony).
- ~~375,366~~: *Staphylea trifolia* (bladder nut).
- ~~376~~: *Stenanthium gramineum* (eastern featherbells).
- ~~377,367~~: *Stewartia malacodendron* (silky camellia).
- ~~378,368~~: *Strumpfia maritima* (pride-of-Big-Pine).
- ~~379,369~~: *Stylisma abdita* (hidden stylisma).
- ~~380,370~~: *Stylosanthes calcicola* (Everglades pencilflower).
- ~~381,371~~: *Taxus floridana* (Florida yew).
- ~~382,372~~: *Tectaria fimbriata* (least halberd fern).
- ~~383,373~~: *Tephrosia angustissima* (hoary pea).
- ~~384,374~~: *Thalictrum cooleyi* (Cooley's meadow rue).
- ~~385,375~~: *Thalictrum thalictroides* (Rue-anemone).
- ~~386,376~~: *Thelypteris grandis* (Collier County maiden fern).
- ~~387,377~~: *Thelypteris patens* (grid-scale maiden fern).
- ~~388,378~~: *Thelypteris reptans* (creeping star-hair fern).
- ~~389,379~~: *Thelypteris reticulata* (lattice-vein fern, cypress fern).
- ~~390,380~~: *Thelypteris sclerophylla* (stiff star-hair fern).
- ~~391,381~~: *Thelypteris serrata* (dentate lattice-vein fern).
- ~~392,382~~: *Thrinax morrisii* (brittle thatch palm).
- ~~393,383~~: *Thrinax radiata* (Florida thatch palm).
- ~~394,384~~: *Tillandsia fasciculata* (common or stiff-leaved wild-pine).
- ~~395,385~~: *Tillandsia pruinosa* (fuzzy-wuzzy or hoary air-plant).
- ~~396,386~~: *Tillandsia utriculata* (giant wild-pine).
- ~~397,387~~: *Torreya taxifolia* (Florida torreya).
- ~~398,388~~: *Tournefortia hirsutissima* (chiggery grapes).
- ~~399,389~~: *Trema lamarckianum* (Lamarck's trema).
- ~~400,390~~: *Trichomanes holopterum* (entire-winged bristle fern).
- ~~401,391~~: *Trichomanes krausii* (Kraus's bristle fern).
- ~~402,392~~: *Trichomanes lineolatum* (lined bristle fern).
- ~~403,393~~: *Trichomanes punctatum* (Florida bristle fern).
- ~~404,394~~: *Trichostigma octandrum* (hoop vine).
- ~~405,395~~: *Trillium lancifolium* (lance-leaved wake-robin).
- ~~406,396~~: *Triphora craigheadii* (Craigheads's orchid).
- ~~407,397~~: *Triphora latifolia* (wide-leaved triphora).
- ~~408,398~~: *Tropidia polystachya* (young-palm orchid).
- ~~409,399~~: *Uvularia floridana* (Florida merrybells).
- ~~410,400~~: *Vallesia antillana* (tear shrub).
- ~~411,401~~: *Vanilla barbellata* (worm-vine orchid).
- ~~412,402~~: *Vanilla dilloniana* (Dillon's vanilla).
- ~~413,403~~: *Vanilla mexicana* (unscented vanilla).
- ~~414,404~~: *Vanilla phaeantha* (leafy vanilla).

- ~~415.405~~: *Veratrum woodii* (false hellebore).  
~~416.406~~: *Verbena maritima* (coastal vervain).  
~~417.407~~: *Verbena tampensis* (Tampa vervain).  
~~418.408~~: *Vicia ocalensis* (Ocala vetch).  
~~419.409~~: *Viola tripartita* (yellow violet).  
~~420.410~~: *Warea amplexifolia* (clasping warea).  
~~421.411~~: *Warea carteri* (Carter's mustard).  
~~422.412~~: *Xanthorhiza simplicissima* (yellow-root).  
~~423.413~~: *Xyris chapmanii* (Chapman's yellow-eyed-grass).  
~~424.414~~: *Xyris isoetifolia* (quillwort yellow-eyed-grass).  
~~425.415~~: *Xyris longisepala* (Karst pond yellow-eyed-grass).  
~~426.416~~: *Yucca gloriosa* (moundlily yucca).  
~~427.417~~: *Zanthoxylum americanum* (prickly-ash).  
~~428.418~~: *Zanthoxylum coriaceum* (leathery prickly-ash).  
~~429.419~~: *Zanthoxylum flavum* (yellowheart).  
~~430.420~~: *Zigadenus leimanthoides* (coastal death camas).  
~~431.421~~: *Ziziphus celata* (scrub ziziphus).
- (b) Threatened Plant List. The following plants shall be included in the Threatened Plant List:
1. *Acanthocereus pentagonus* (barbed-wire cactus).
  2. *Acoelorrhaphe wrightii* (Everglades palm).
  3. *Acrostichum aureum* (golden leather fern).
  4. *Andropogon arctatus* (pine-woods bluestem).
  5. *Angadenia berteroi* (pineland golden trumpet).
  6. *Arnoglossum diversifolium* (Indian-plantain).
  7. *Asclepias viridula* (green milkweed).
  8. *Athyrium filix-femina* (southern lady fern).
  9. *Baptisia hirsuta* (hairy wild-indigo).
  10. *Baptisia simplicifolia* (scare-weed).
  11. *Bletia purpurea* (pine-pink orchid).
  12. *Byrsonima lucida* (locust berry).
  13. *Calamintha ashei* (Ashe's calamintha).
  14. *Calamintha dentata* (toothed savory).
  15. *Calamovilfa curtissii* (Curtis' sandgrass).
  16. *Calyptanthus pallens* (pale lidflower).
  17. *Carex baltzellii* (Baltzell's sedge).
  18. *Carex chapmanii* (Chapman's sedge).
  19. ~~18~~: *Chamaesyce pergamena* (rocklands spurge).
  20. ~~19~~: *Chaptalia albicans* (white sunbonnets).
  21. ~~20~~: *Chrysophyllum oliviforme* (satin leaf).
  22. ~~21~~: *Cleistes divaricata* (spreading pogonia).
  23. ~~22~~: *Coccothrinax argentata* (silver palm).
  24. ~~23~~: *Coelorachis tuberculosa* (piedmont joint grass).
  25. ~~24~~: *Conradina grandiflora* (large-flowered rosemary).
  26. ~~25~~: *Crossopetalum ilicifolium* (Christmas berry).
  27. ~~26~~: *Crossopetalum rhacoma* (rhacoma).
  28. ~~27~~: *Cynanchum blodgettii* (Blodgett's swallowwort).
  29. ~~28~~: *Digitaria dolichophylla* (Caribbean crabgrass).
  30. ~~29~~: *Drosera intermedia* (water sundew).
  31. ~~30~~: *Drypetes lateriflora* (Guiana plum).
  32. ~~31~~: *Erithalis fruticosa* (blacktorch).
  33. ~~32~~: *Eulophia ecristata* (non-crested eulophia).
  34. ~~33~~: *Garberia heterophylla* (garberia).
  35. ~~34~~: *Harrisella filiformis* (threadroot orchid).
  36. ~~35~~: *Hartwrightia floridana* (hartwrightia).
  37. ~~36~~: *Hexastylis arifolia* (heartleaf wild ginger).
  38. ~~37~~: *Ilex amelanchier* (serviceberry holly).
  39. ~~38~~: *Ilex krugiana* (Krug's holly).
  40. ~~39~~: *Jacquemontia curtissii* (pineland jacquemontia).
  41. ~~40~~: *Jacquinia keyensis* (joewood).
  42. ~~41~~: *Kalmia latifolia* (mountain laurel).
  43. ~~42~~: *Lachnocaulon digynum* (Panhandle bogbuttons).
  44. ~~43~~: *Lechea cernua* (scrub pinweed).
  45. ~~44~~: *Leitneria floridana* (corkwood).
  46. ~~45~~: *Lilium catesbaei* (Catesby lily).
  47. ~~46~~: *Listera australis* (southern twayblade).
  48. ~~47~~: *Lobelia cardinalis* (cardinal flower).
  49. ~~48~~: *Lupinus westianus* (Gulfcoast lupine).
  50. ~~49~~: *Malus angustifolia* (crabapple).
  51. ~~50~~: *Manilkara jaimiqui* (wild dilly).
  52. ~~51~~: *Matelea gonocarpos* (angle pod).
  53. ~~52~~: *Maytenus phyllanthoides* (Florida mayten).
  54. ~~53~~: *Melanthera parvifolia* (small-leaved melanthera).
  55. ~~54~~: *Myrcianthes fragrans* (Simpson's stopper).
  56. ~~55~~: *Najas filifolia* (slender naiad).
  57. ~~56~~: *Nephrolepis biserrata* (giant sword fern).
  58. ~~57~~: *Nolina atopocarpa* (Florida beargrass).
  59. ~~58~~: *Opuntia stricta* (shell mound prickly-pear).
  60. ~~59~~: *Panicum nudicaule* (naked-stemmed panic grass).
  61. ~~60~~: *Phoebanthus tenuifolius* (pineland false sunflower).
  62. ~~61~~: *Physostegia godfreyi* (Apalachicola dragonhead).
  63. ~~62~~: *Pinckneya bracteata* (fever-tree).
  64. ~~63~~: *Pinguicula caerulea* (blue-flowered butterwort).
  65. ~~64~~: *Pinguicula lutea* (yellow-flowered butterwort).
  66. ~~65~~: *Pinguicula planifolia* (swamp butterwort).
  67. ~~66~~: *Pithecellobium keyense* (Keys' blackbead).
  68. ~~67~~: *Platanthera blephariglottis* (white-fringed orchid).
  69. ~~68~~: *Platanthera ciliaris* (yellow-fringed orchid).
  70. ~~69~~: *Platanthera cristata* (crested fringed orchid).
  71. ~~70~~: *Platanthera flava* (gypsy-spikes).
  72. ~~71~~: *Platanthera nivea* (snowy orchid).
  73. ~~72~~: *Pogonia ophioglossoides* (rose pogonia).
  74. ~~73~~: *Polygonella macrophylla* (large-leaved jointweed).
  75. ~~74~~: *Prunus myrtifolia* (West Indian cherry).
  76. ~~75~~: *Psidium longipes* (mangrove berry).
  77. ~~76~~: *Pteris bahamensis* (Bahama ladder brake fern).
  78. ~~77~~: *Pycnanthemum floridanum* (Florida mountain-mint).

- ~~79.78.~~ *Quercus arkansana* (Arkansas oak).  
~~80.79.~~ *Reynosia septentrionalis* (Darling plum).  
~~81.80.~~ *Rhexia salicifolia* (Panhandle meadow beauty).  
~~82.81.~~ *Rhynchosia parvifolia* (small-leaf snoutbean).  
~~83.82.~~ *Rhynchospora stenophylla* (narrow-leaf beakrush).  
~~84.83.~~ *Sachsia bahamensis* (Bahama sachsia).  
~~85.84.~~ *Sarracenia minor* (hooded pitcher plant).  
~~86.85.~~ *Sarracenia psittacina* (parrot pitcher plant).  
~~87.86.~~ *Sarracenia purpurea* (decumbent pitcher plant).  
~~88.87.~~ *Sarracenia rubra* (red-flowered pitcher plant).  
~~89.88.~~ *Scaevola plumieri* (inkberry).  
~~90.89.~~ *Senna mexicana* (Chapman's sensitive plant).  
~~91.90.~~ *Smilax havanensis* (Everglades greenbrier).  
~~92.91.~~ *Solanum donianum* (mullein nightshade).  
~~93.92.~~ *Spermacoce terminalis* (false buttonweed).  
~~94.93.~~ *Spiranthes laciniata* (lace-lip ladies' tresses).  
~~95.94.~~ *Spiranthes longilabris* (long-lip ladies' tresses).  
~~96.95.~~ *Spiranthes tuberosa* (little pearl-twist).  
~~97.96.~~ *Stenorrhynchos lanceolatus* (leafless beaked orchid).  
~~98.97.~~ *Swietenia mahagoni* (mahogany).  
~~99.98.~~ *Tectaria heracleifolia* (broad halberd fern).  
~~100.99.~~ *Tephrosia mohrii* (pineland hoary-pea).  
~~101.100.~~ *Tetrazygia bicolor* (tetrazygia).  
~~102.101.~~ *Thelypteris augescens* (abrupt-tipped maiden fern).  
~~103.102.~~ *Tillandsia balbisiana* (inflated & reflexed wildpine).  
~~104.103.~~ *Tillandsia flexuosa* (twisted or banded air plant).  
~~105.104.~~ *Tillandsia valenzuelana* (soft-leaved wildpine).  
~~106.105.~~ *Tipularia discolor* (crane-fly orchid).  
~~107.106.~~ *Tragia saxicola* (rocklands noseburn).  
~~108.107.~~ *Triphora trianthophora* (three-birds orchid).  
~~109.108.~~ *Tripsacum floridanum* (Florida tripsacum).  
~~110.109.~~ *Verbesina chapmanii* (Chapman's crownbeard).  
~~111.110.~~ *Xyris scabrifolia* (Harper's yellow-eyed grass).  
~~112.111.~~ *Zephyranthes atamasco* (rainlily).  
~~113.112.~~ *Zephyranthes simpsonii* (Simpson's zephyr-lily).  
~~114.113.~~ *Zephyranthes treatiae* (Treat's zephyr-lily).
- (c) Commercially Exploited Plant List. – The following plants shall be included in the Commercially Exploited Plant List:
1. *Encyclia tampensis* (butterfly orchid).
  2. *Epidendrum conopseum* (green-fly orchid).
  3. *Lycopodium cernuum* (= *Palhinhaea cernua*) (nodding club-moss).
  4. *Osmunda cinnamomea* (cinnamon fern).
  5. *Osmunda regalis* (royal fern).
  6. *Rhapidophyllum hystrix* (needle palm).
  7. *Rhododendron canescens* (pink azalea).

8. *Zamia* spp. (all native species) (coontie).

(2) Adherence to section 4 of the Endangered Species Act: The Endangered Species Act (1973 as amended) promulgated by the United States Congress classifies species of plants as endangered or threatened and places certain limitations on removal of these plants from the wilds:

(a) Those plants listed as endangered under section 4 of the Federal Endangered Species Act of 1973 as amended are restricted in movement and handling under this Rule to conform with the regulations of the Endangered Species Act, and rules and regulations of the United States Department of the Interior regarding endangered plants. Those plants listed as endangered on the federal list, and known to be established in Florida, are:

1. *Amorpha crenulata* (Miami lead plant).
2. *Asimina tetramera* (scrub pawpaw, four-petal pawpaw).
3. *Campanula robinsiae* (Chinsegut bellflower).
4. *Cereus eriophorus* (fragrant prickly-apple).
5. *Cereus robinii* (tree cactus).
6. *Chionanthus pygmaeus* (pygmy fringe-tree).
7. *Chrysopsis floridana* (Florida's golden-aster).
8. *Cladonia perforata* (Florida perforate cladonia).
9. *Conradina brevifolia* (Short-leaved rosemary).
10. *Conradina etonia* (Etonia rosemary).
11. *Conradina glabra* (Apalachicola rosemary).
12. *Crotalaria avonensis* (Avon Park harebells).
13. *Cucurbita okeechobeensis* ssp. *okeechobeensis* (Okeechobee gourd).
14. *Deeringothamnus pulchellus* (white squirrel-banana).
15. *Deeringothamnus rugelii* (yellow squirrel-banana).
16. *Dicerandra christmanii* (Christmann's mint).
17. *Dicerandra cornutissima* (Robin's mint).
18. *Dicerandra frutescens* (Lloyd's mint).
19. *Dicerandra immaculata* (Olga's mint).
20. *Eryngium cuneifolium* (scrub eryngium).
21. *Euphorbia deltoidea* (= *Chamaesyce deltoidea*) (Rockland spurge).
22. *Galactia smallii* (Small's milkpea).
23. *Harperocallis flava* (Harper's beauty).
24. *Hypericum cumulicola* (Highlands scrub hypericum).
25. *Jacquemontia reclinata* (beach jacquemontia).
26. *Justicia cooleyi* (Cooley's justicia).
27. *Liatris ohlingerae* (scrub blazing star).
28. *Lindera melissifolia* (pondberry).
29. *Lupinus aridorum* (McFarlin's lupine).
30. *Nolina brittoniana* (Britton's beargrass).
31. *Polygala lewtonii* (Lewton's polygala).
32. *Polygala smallii* (tiny polygala).
33. *Polygonella basiramia* (tufted wireweed).
34. *Polygonella myriophylla* (sandlace).
35. *Prunus geniculata* (scrub plum).

- 36. *Rhododendron chapmanii* (Chapman’s rhododendron).
- 37. *Rhus michauxii* (Michaux’s sumac).
- 38. *Schwalbea americana* (chaff seed).
- 39. *Silene polypetala* (fringed pink).
- 40. *Spigelia gentianoides* (gentian pinkroot).
- 41. *Thalictrum cooleyi* (Cooley’s meadow rue).
- 42. *Torreya taxifolia* (Florida torreya).
- 43. *Warea amplexifolia* (clasping warea).
- 44. *Warea carteri* (Carter’s mustard).
- 45. *Ziziphus celata* (scrub ziziphus).

(b) Those plants listed as threatened under section 4 of the Federal Endangered Species Act of 1973 as amended are restricted in movement and handling under this rule to conform with the regulations of the Endangered Species Act, and rules and regulations of the United States Department of the Interior regarding threatened plants. Those plants listed as threatened on the federal list, and known to be established in Florida, are:

- 1. *Bonamia grandiflora* (Florida bonamia).
- 2. *Clitoria fragrans* (pigeon wings).
- 3. *Eriogonum longifolium* var. *gnaphalifolium* (= *Eriogonum floridanum*) (scrub buckwheat).
- 4. *Euphorbia garberi* (= *Chamaesyce garberi*) (Garber’s spurge).
- 5. *Euphorbia telephioides* (Telephus spurge).
- 6. *Macbridea alba* (white birds-in-a-nest).
- 7. *Paronychia chartacea* (papery whitlow-wort).
- 8. *Pinguicula ionantha* (Godfrey’s butterwort).
- 9. *Ribes echinellum* (Miccosukee gooseberry).
- 10. *Scutellaria floridana* (Florida skullcap).

Specific Authority 570.07(23), 581.185 FS. Law Implemented 570.07(13), 581.185 FS. History—New 12-3-91, Amended 9-20-93, 5-21-96, 12-10-96, 1-7-98, 10-5-98, 9-20-00, 2-13-03.

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE TITLES:	RULE NOS.:
Tax Due at Time of Sale; Tax Returns and Regulations	12A-19.020
Public Use Forms	12A-19.100

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-19.020, F.A.C. (Tax Due at Time of Sale; Tax Returns and Regulations), is to: (1) provide that form DR-700016, Florida Communications Services Tax Return (R. 06/03), is used to report communications services tax on services billed from June 1, 2003, through September 30, 2003; (2) provide that form DR-700016 (R. 10/03) is used to report communications services tax on services billed in October 2003; (3) provide that form DR-700016 (R. 11/03) is used to report communications services tax on services billed in November 2003; (4) provide that form DR-700016 (R. 12/03) is used to report communications services tax on

services billed in December 2003; and (5) provide that form DR-700016 (R. 01/04) is used to report communications services tax on services billed on or after January 1, 2004.

The purpose of the proposed amendments to Rule 12A-19.100, F.A.C. (Public Use Forms), is to adopt, by reference, revisions to form DR-700016.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the proposed changes to form DR-700016, Florida Communications Services Tax Return, used by the Department in the administration of the communications services tax.

SPECIFIC AUTHORITY: 202.15, 202.151, 202.16(2), 202.26(3)(a),(c),(d) FS.

LAW IMPLEMENTED: 202.11(4), (11), (12), 202.12(1), 202.13(2), 202.15, 202.151, 202.16, 202.17(6), 202.19(1), 202.22(6), 202.27, 202.28(1),(2), 202.30(3), 202.33(2), 202.34(3),(4)(c), 202.35(1) FS.

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

TIME AND DATE: 10:00 a.m., January 7, 2004

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least 48 hours before such proceeding by contacting: Larry Green, (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Gary Gray, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4729

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-19.020 Tax Due at Time of Sale; Tax Returns and Regulations.

(1) through (3)(b) No change.

(c) Form DR-700016, Florida Communications Services Tax Return, contains current tax rates for each local taxing jurisdiction. These rates are also contained on the Department’s Internet site at the address shown inside the parentheses ([www.myflorida.com/dor/taxes/local\\_tax\\_rates.html](http://www.myflorida.com/dor/taxes/local_tax_rates.html)). The Department’s Internet site and form DR-700016 are revised when the tax rate in any local jurisdiction changes.

(d) The following versions of form DR-700016, Florida Communications Services Tax Return, are applicable to the reporting periods and service billing dates indicated:



REVISION DATE	REPORTING PERIODS	SERVICE BILLING DATES
01/04	January 2004 –	January 1, 2004 –
12/03	December 2003	December 1, 2003 – December 31, 2003
11/03	November 2003	November 1, 2003 – November 30, 2003
10/03	October 2003	October 1, 2003 – October 31, 2003
06/03	June 2003 – September 2003	June 1, 2003 – September 30, 2003
03/03	March 2003 – May 2003	March 1, 2003 – May 31, 2003
01/03	January 2003 – February 2003	January 1, 2003 – February 28, 2003
12/02	December 2002	December 1, 2002 – December 31, 2002
11/02	November 2002	November 1, 2002 – November 30, 2002
10/02	October 2002	October 1, 2002 – October 31, 2002
01/02	January 2002 – September 2002	January 1, 2002 – September 30, 2002
12/01	October 2001 – December 2001	October 1, 2001 – December 31, 2001

(4) through (10) No change.

Specific Authority 202.15, 202.151, 202.26(3)(a) FS. Law Implemented 202.12(1), 202.15, 202.151, 202.16, 202.19(1), 202.22(6), 202.27, 202.28(1),(2), 202.30(3), 202.33(2), 202.35(1) FS. History—New 1-31-02, Amended 4-17-03, 7-31-03, 10-1-03, \_\_\_\_\_.

12A-19.100 Public Use Forms.

(1)(a) The Department employs the following public-use forms and instructions in the administration of Chapter 202, F.S., Communications Services Tax. These forms are hereby incorporated by reference in this rule.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida ~~32399-0100~~; or, 2) faxing the Distribution Center at (850)922-2208; or, 3) ~~using a fax machine telephone handset to call the Department's automated FAX On Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 4) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 5) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.~~

Form Number	Title	Effective Date
(2)	No change.	
(3)(a)	<u>DR-700016 Florida Communications Services Tax Return (R. 01/04)</u>	_____
(b)	<u>DR-700016 Florida Communications Services Tax Return (R. 12/03)</u>	_____
(c)	<u>DR-700016 Florida Communications Services Tax Return (R. 11/03)</u>	_____
(d)	<u>DR-700016 Florida Communications Services Tax Return (R. 10/03)</u>	=====

(a) through (h) renumbered (e) through (l) No change.

(4) through (8) No change.

Specific Authority 202.151, 202.16(2), 202.26(3)(c),(d) FS. Law Implemented 202.11(4),(11),(12), 202.13(2), 202.151, 202.16(2),(4), 202.17(6), 202.34(3),(4)(c) FS. History—New 4-17-03, Amended 7-31-03, 10-1-03, \_\_\_\_\_.

**DEPARTMENT OF REVENUE**

**Miscellaneous Tax**

RULE TITLE: Payment of Tax; Reports; Public Use Forms  
 RULE NO.: 12B-6.005

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-6.005, F.A.C. (Payment of Tax; Reports; Public Use Forms), is to adopt, by reference changes to forms used by the Department in the administration of the gross receipts tax imposed on utility services.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the proposed changes to form DR-133, Gross Receipts Tax Return, and to form DR-133N, Instructions for Filing Gross Receipts Tax Return.

SPECIFIC AUTHORITY: 213.06(1) FS.

LAW IMPLEMENTED: 203.01, 213.255(1),(2),(3), 213.37, 215.26 FS.

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

TIME AND DATE: 10:00 a.m., January 7, 2004

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least 48 hours before such proceeding by contacting: Larry Green, (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Gary Gray, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4729

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12B-6.005 Payment of Tax; Reports; Public Use Forms.

(1) No change.

(2)(a) The following public-use forms and instructions are employed by the Department in its dealings with the public related to the administration of utility services. These forms are hereby incorporated by reference in this rule.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Distribution Center at (850)922-2208; or, 3) ~~using a~~

~~fax machine telephone handset to call the Department's automated Fax On Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 45) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 56) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.~~

Form Number	Title	Effective Date
<del>(3)(a)</del> DR-133	Gross Receipts Tax Return (R. <del>09/03 01/03</del> )	<u>05/03</u>
<del>(4)(b)</del> DR-133N	Instructions for Filing Gross Receipts Tax Return (R. <del>09/03 01/03</del> )	<u>05/03</u>

Specific Authority 213.06(1) FS. Law Implemented 203.01, 213.255(1),(2),(3), 213.37, 215.26 FS. History--New 11-13-78, Amended 7-1-80, 8-26-81, Formerly 12B-6.05, Amended 10-4-89, 12-19-89, 5-4-03,

**DEPARTMENT OF REVENUE**

**Miscellaneous Tax**

RULE TITLE: Tax Statement; Overpayments  
 RULE NO.: 12B-8.003

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-8.003, F.A.C. (Tax Statement; Overpayments), is to adopt changes to forms used by the Department in the administration of the insurance premium tax.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the proposed changes to forms used by the Department in the administration of the insurance premium taxes, fees, and surcharges.

SPECIFIC AUTHORITY: 213.06(1) FS.

LAW IMPLEMENTED: 213.05, 213.37, 624.5092, 624.511, 624.518 FS.

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

TIME AND DATE: 10:00 a.m., January 7, 2004

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least 48 hours before such proceeding by contacting: Larry Green, (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Robert DuCasse, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4715

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12B-8.003 Tax Statement; Overpayments.

(1) Tax returns and reports shall be made by insurers on forms prescribed by the Department. These forms are hereby incorporated by reference in this rule.

(2) Copies of ~~these the forms DR-907 and DR-908~~ are available, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Distribution Center at (850)922-2208; or, 3) ~~using a fax machine telephone handset to call the Department's automated Fax On Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 45) calling the Forms Request Line during regular office hours at 4(800)352-3671 (in Florida only) or (850)488-6800; or, 56) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor). Persons with hearing or speech impairments may call the Department's TDD at 4(800)367-8331.~~

(3) through (4) No change.

Form Number	Title	Effective Date
(5)(a) DR-907	Florida Insurance Premium Installment Payment (R. <del>01/04 01/03</del> )	<u>05/03</u>
(b) DR-907N	Information for Filing Insurance Premium Installment Payment ( <del>Form form</del> DR-907) (R. <del>01/04 01/03</del> )	<u>05/03</u>
(6)(a) DR-908	Insurance Premium Taxes and Fees Return Calendar Year <del>2003 2002</del> (R. <del>01/04 01/03</del> )	<u>05/03</u>
(b) DR-908N	Instructions for Preparing Form DR-908 Florida Insurance Premium Taxes and Fees Return (R. <del>01/04 01/03</del> )	<u>05/03</u>
(7) DR-350900	<del>2003 2002</del> Insurance Premium Tax Information for Schedules XII and XIII, DR-908 (R. <del>01/04 01/03</del> )	<u>05/03</u>

Specific Authority 213.06(1) F.S. Law Implemented 213.05, 213.37, 624.5092, 624.511, 624.518 FS. History—New 2-3-80, Formerly 12B-8.03, Amended 3-25-90, 3-10-91, 2-18-93, 6-16-94, 12-9-97, 3-23-98, 7-1-99, 10-15-01, 8-1-02, 5-4-03.

**DEPARTMENT OF REVENUE**

**Corporate, Estate and Intangible Tax**

RULE TITLE: Forms  
 RULE NO.: 12C-1.051

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12C-1.051, F.A.C. (Forms), is to adopt, by reference, changes to forms used by the Department in the administration of the corporate income tax.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the proposed changes to forms used by the Department in the administration of the corporate income tax.

SPECIFIC AUTHORITY: 213.06(1), 220.51 FS.

LAW IMPLEMENTED: 220.11, 220.12, 220.13(1),(2), 220.14, 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.1895, 220.19, 220.191, 220.21, 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, 220.31, 220.32, 220.33, 220.34, 220.41, 220.42, 220.43, 220.44, 220.51, 220.721, 220.723, 220.725, 220.737, 220.801, 220.803, 220.805, 220.807, 220.809, 221.04 FS.

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

TIME AND DATE: 10:00 a.m., January 7, 2004

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least 48 hours before such proceeding by contacting: Larry Green, (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Charles Dunning, Senior Tax Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4843

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12C-1.051 Forms.

(1)(a) The following forms and instructions are used by the Department in its administration of the corporate income tax and franchise tax. These forms are hereby incorporated by reference in this rule.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, Distribution Center, 168A

Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Distribution Center at (850)922-2208; or, 3) ~~using a fax machine telephone handset to call the Department's automated Fax On Demand system at (850)922-3676;~~ or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 45) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 56) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

Form Number	Title	Effective Date
(2) through (4)	No change.	
(5) F-1120A	Florida Corporate Short Form Income Tax Return (R. <del>01/04 05/03</del> )	<u>06/03</u>
(6)(a) F-1120	Florida Corporate Income/Franchise and Emergency Excise Tax Return (R. <del>01/04 01/03</del> )	<u>06/03</u>
(b) F-1120N	F-1120 Instructions-Corporate Income/Franchise and Emergency Excise Tax Return for taxable years beginning on or after January 1, <del>2003 2002</del> (R. <del>01/04 05/03</del> )	<u>06/03</u>
(7) F-1120ES	Declaration/Installment of Florida Estimated Income/Franchise and/or Emergency Excise Tax for Taxable Year beginning on or after January 1, <del>2004 2003</del> (R. <del>01/04 01/03</del> )	<u>06/03</u>
(8)	No change.	
(9)(a) F-1120X	Amended Florida Corporate Income/Franchise and Emergency Excise Tax Return (R. <del>01/04 01/03</del> )	<u>06/03</u>
(b) F-1120XN	Instructions for Preparing Form F-1120X Amended Florida Corporate Income/Franchise and Emergency Excise Tax Return (R. <del>01/04 01/03</del> )	<u>06/03</u>
(10) through (16)	No change.	
(17) F-2220	Underpayment of Estimated Tax on Florida Corporate Income/Franchise and Emergency Excise Tax (R. <del>01/04 01/01</del> )	<u>08/02</u>

(18) F-7004 Florida Tentative  
Income/Franchise and/or  
Emergency Excise Tax  
Return and Application  
for Extension of Time to  
File Return (R. ~~01/04~~ ~~04/03~~) \_\_\_\_ ~~06/03~~

Specific Authority 213.06(1), 220.51 FS. Law Implemented 220.11, 220.12, 220.13(1),(2), 220.14, 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.1895, 220.19, 220.191, 220.21, 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, 220.31, 220.32, 220.33, 220.34, 220.41, 220.42, 220.43, 220.44, 220.51, 220.721, 220.723, 220.725, 220.737, 220.801, 220.803, 220.805, 220.807, 220.809, 221.04 FS. History—New 9-26-77, Amended 12-18-83, Formerly 12C-1.51, Amended 12-21-88, 12-31-89, 1-31-91, 4-8-92, 12-7-92, 1-3-96, 3-18-96, 3-13-00, 6-19-01, 8-1-02, 6-19-03,\_\_\_\_\_.

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Contractors – Highway	
Qualification to Bid	14-22
RULE TITLES:	RULE NOS.:
General Procedural Requirements	14-22.0011
Regulations Covering Qualification of Contractors	14-22.002
Rating the Applicant	14-22.003
Procedure for Qualification and Issuance of	
Certificate of Qualification	14-22.0041
Period of Validity of Qualification	14-22.005
Suspension, Revocation, or Denial	
of Qualification	14-22.012
Contractor Non-Responsibility	14-22.0141
Forms	14-22.015

PURPOSE AND EFFECT: The definition of affiliate is being amended to clarify the inclusion of family members of directors and officers. Paragraph 14-22.002(1)(h), F.A.C., is amended to include a 30 day provision for the Department to act upon the application for qualification after determining the application is complete. Rule 14-22.003, F.A.C., is amended to include qualification factors in establishing the maximum capacity rating. Subsection 14-22.0041(2), F.A.C., is amended to clarify the language regarding 30 days after the Department determining an application is complete as opposed to “receipt of a complete application.” Rule 14-22.005, F.A.C., is being amended to include provisions for a period of contractor qualification of less than 18 months, based upon an amendment of Section 337.14, Florida Statutes. Rule 14-22.012, F.A.C., is amended to include further clarification regarding suspensions. Subparagraph 14-22.0141(2)(b)1., F.A.C., is being amended to clarify language regarding extending a suspension, revocation, or denial until all required documentation is provided. A revised version of the Contractor Past Performance Report form also is being incorporated by reference under Rule 14-22.015, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Rules 14-22.0011, 14-22.002, 14-22.003, 14-22.0041, 14-22.005, 14-22.012, 14-22.014, 14-22.0141 and 14-22.015, F.A.C., are being amended.

SPECIFIC AUTHORITY: 334.044(2) FS.  
LAW IMPLEMENTED: 337.16(2) 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 IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 14-22.0011 General Procedural Requirements.
  - (1) through (4) No change.
  - (5) Definitions.
    - (a) The following terms shall have the meanings set forth in Section 337.165, Florida Statutes: “contractor,” “contract crime,” “convicted” or “conviction,” and “affiliate.”
    - (b) The term “affiliates” also shall include two or more business entities if, directly or indirectly, either one controls or has the power to control the other, or a third party controls or has the power to control both regardless of whether the business entity was organized following the denial or revocation, or proposed denial or revocation, of a contractor’s certificate of qualification, or after a contractor or an individual has been convicted of a contract crime, and the new entity is controlled by the convicted individual. In determining whether affiliation exists, consideration is given to the following factors relating to common ownership, common management, and contractual relationships, those companies which:
      - 1. Control through common ownership exists where entities: Have the same person or entity holding at least five percent ownership interest in both companies:
        - a. Have any person or entity subscribing to five percent or more of the capital stock of the other entity;
        - b. Have any person or entity holding five percent or more ownership interest in both entities;
        - c. Have any person or entity directly or indirectly owning, controlling, or holding power to vote five percent or more of the outstanding voting securities of such person or entity; or
        - d. Have any person or entity, five percent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by such other person or entity.
      - 2. Control through common management exists where entities: Have a common director(s) or officer(s):

~~a. Have executives, officers, or directors, including spouses, parents, and children of such executives, officers, or directors, of one entity serve as a working majority of the board of directors or officers of another entity; or~~

~~b. Have executive, officers, or directors, including spouses, parents, and children of such executives, officers, or directors, of one entity directing the actions of the executives, directors or officers of the other entity, so that the executives, directors or officers of each entity do not act independently of each other.~~

~~3. Control through contractual relationships exists where entities: Have one company financing the other, or otherwise making financial advances to the other.~~

~~a. Have one entity so closely allied with another entity through an established course of dealings, such as engaging in a number of joint ventures, or the existence of service agreements, Joint Participation Agreements, Memorandum of Understanding, or other similar agreements between both entities, as to cause a public perception that the two entities are one entity; or~~

~~b. Have one entity, through an established course of dealings, lending financial assistance or advances to the other entity or paying fifty percent or more of the salaries, expenses, or losses of the other entity.~~

~~4. Have one company subscribing to all the capital stock of the other, or otherwise causing the incorporation of the other.~~

~~5. Have one company paying the salaries, expenses, or losses of the other.~~

~~6. Have the directors of one company directing the actions of the directors or officers of the other, so that the directors or officers of each company do not act independently of each other.~~

~~7. Have one business entity so closely allied with another business entity through an established course of dealings, such as lending of financial assistance or engaging in joint ventures, as to cause a public perception that the two firms are one entity.~~

(c) through (h) No change.

Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 120.569, 337.11(3)(b), 337.11(5)(a)1.-3., 337.11(7)(b)1., 337.11(7)(c), 337.14, 337.16, 337.165, 337.167 FS. History--New 11-10-82, Amended 8-25-83, Formerly 14-22.011, Amended 12-20-89, 1-4-94, 7-1-95, Amended 8-6-96, 1-17-99, 7-8-01,\_\_\_\_\_.

14-22.002 Regulations Covering Qualification of Contractors.

(1) Application for Qualification.

(a) through (g) No change.

(h) In those instances when the Department requests additional information, the Department shall process the application within 30 days after timely receipt of the requested additional information or correction of errors or omissions. The Department shall act upon the application for qualification within 30 days after the Department determines that the application is complete.

(2) through (4) No change.

Specific Authority 334.044(2), 337.14(1), 337.167 FS. Law Implemented 337.14, 337.164, 337.167 FS. History--Formerly 14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 9-24-75, Formerly 14-22.01(1),(2),(3), Amended 3-23-79, 11-10-82, 8-25-83, 10-1-85, Formerly 14-22.02, Amended 12-20-89, 6-27-90, 1-4-94, 7-1-95,\_\_\_\_\_.

14-22.003 Rating the Applicant.

(1) No change.

(2) MCR.

(a) Definition and Formula. The MCR shall be the total aggregate dollar amount of uncompleted work an applicant may have under contract at any one time as prime contractor and/or subcontractor, regardless of its location and with whom contracted. ~~The MCR shall be established is determined~~ by the Department using the following formula, and consideration of general qualification factors listed in subsection 14-22.004(1), F.A.C.:

MCR = AF x CRF x ANW, in which

MCR = Maximum Capacity Rating

AF = Ability Factor (determined from the Ability Score as provided below)

CRF = Current Ratio Factor (determined as provided below)

ANW = Adjusted Net Worth (for rating purpose, determined as provided below).

1. through (b)2. No change.

3. Except for the provisions of sub-subparagraph 14-22.003(2)(a)2.a., F.A.C., above, use of a surety commitment letter to increase an applicant's MCR will only be considered if at the time of application the applicant's CRF is at least 1.00, as defined in subparagraph 14-22.003(2)(a)3., F.A.C., and the applicant has an Ability Score of 80 or higher. No event(s) during the qualification period subsequent to the ending date of the audited financial statements used for qualification will be considered in determining an applicant's CRF. However, the Department will consider the general qualification factors listed in subsection 14-22.004(1), F.A.C. in consideration of an increase to the applicant's MCR through the use of a surety commitment letter.

(3) No change.

Specific Authority 120.53(1)(a), 334.044(2), 337.14(1) FS. Law Implemented 337.11(3)(b), 337.11(5)(a)1.-3., 337.11(7)(b)1., 337.11(7)(c), 337.14, 337.167 FS. History--Formerly Chapter 14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 9-24-75, Formerly 14-22.01(4), Amended 3-23-79, 11-10-82, 8-25-83, 1-9-84, 10-1-85, Formerly 14-22.03, Amended 12-20-89, 4-22-92, 1-4-94, 7-1-95, 7-2-95, 7-8-01,\_\_\_\_\_.

14-22.0041 Procedure for Qualification and Issuance of Certificate of Qualification.

- (1) No change.
- (2) Certificate of Qualification.

(a) Within 30 days after the Department determines an application for qualification is receipt of a complete application for qualification, the Department shall examine the application and grant a Certificate of Qualification, or issue an intent to deny the application.

- (b) No change.
- (3) No change.

Specific Authority 334.044(2), 337.14(1), 337.164, 337.165, 337.167 FS. Law Implemented 120.53(1)(a), 120.57, 120.62, 337.14, 337.164, 337.165, 337.167 FS. History--New 11-10-82, Amended 8-25-83, 10-1-85, Formerly 14-22.041, Amended 12-20-89, 1-4-94, 7-1-95,\_\_\_\_\_.

14-22.005 Period of Validity of Qualification.

(1) The applicant's period of qualification shall ~~be 18 not exceed 16~~ months from the ending date ~~represented by~~ of the audited annual financial statements ~~or audited interim financial statements~~ included in the application. For good cause, the Department will approve a period of qualification less than 18 months. Prior to expiration of such period of qualification less than 18 months, the Contractor may request an extension of the period of qualification to 18 months, to which the Department will respond within 30 days of the request. An applicant must submit a new application 30 days prior to the expiration of its ~~their~~ current Certificate of Qualification to ensure no interruption in its ~~their~~ qualification to bid. The Certificate of Qualification shall expire no later than the expiration date of the certificate, regardless of whether or not a hearing has been requested concerning the Department's action on the application. Submission of an application shall not affect expiration of the Certificate of Qualification.

(2) Qualified applicants in good standing shall be notified of the impending deadline date for submittal ~~expiration~~ of their application for qualification at least 45 days prior to that ~~before~~ the expiration date. Failure of notification shall not affect the deadline date for submittal of applications for qualification.

- (3) through (4) No change.

Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 337.14, 337.164 FS. History--Formerly Chapter 14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 9-24-75, Formerly 14-22.01(7), Amended 3-23-79, 11-10-82, 8-25-83, 10-1-85, Formerly 14-22.05, Amended 12-20-89, 1-4-94,\_\_\_\_\_.

14-22.012 Suspension, Revocation, or Denial of Qualification.

(1) The Department will, for good cause, suspend, revoke, or deny any contractor's qualification to bid. A suspension, revocation, or denial for good cause pursuant to this rule shall prohibit the contractor from bidding on any Department construction contract for which qualification is required by Section 337.14, Florida Statutes, shall constitute a determination of non-responsibility to bid on any other Department construction or maintenance contract, and shall

prohibit the contractor from acting as a material supplier or subcontractor on any Department contract or project during the period of suspension, revocation, or denial. As provided in Section 337.16(2), Florida Statutes, such good cause shall include, but shall not be limited to, the provisions of paragraphs (a) and (b) below. When a specific period of revocation, denial, or suspension is not specified by this rule, the period shall be based on the criteria set forth in Rule subsection 14-22.0141(2), F.A.C.

(a) The contractor's Certificate of Qualification shall be suspended, revoked, or denied for at least one year when it is determined by the Department that any one of the following has occurred:

1. One of the circumstances specified under Section 337.16(2)(a), (b), (d), or (e), Florida Statutes, has occurred.
2. Affiliated contractors submitted more than one proposal for the same work. In this event the Certificate of Qualification of all of the affiliated bidders will be revoked or denied. All bids of affiliated bidders will be rejected.
3. The contractor made or submitted to the Department false, deceptive, or fraudulent statements, certifications, or materials in any claim for payment or any information required by any Department contract, including the Certification of Current Capacity to the Department.
4. The contractor defaulted on any contract, or a contract surety assumed control of financial responsibility for, any contract of the contractor.

(b) A contractor's Certificate of Qualification shall be suspended, revoked, or denied for a period of 90 days upon a first occurrence, 180 days upon a second occurrence within three years of the first occurrence, or one year upon a third occurrence within three years of the first occurrence, when it is determined by the Department that one of the following has occurred:

1. The contractor failed to timely furnish all contract documents required by the contract specifications or special provisions, or by any state or federal statutes or regulations. If the contractor fails to furnish any of the subject contract documents by the expiration of the period of suspension, revocation, or denial set forth above, the contractor's Certificate of Qualification shall remain suspended, revoked, or denied until the documents are furnished by the contractor.
2. The contractor failed to register, pursuant to Chapter 320, Florida Statutes, all motor vehicles operated in this state.
3. The contractor failed to notify the Department's Contracts Administration Office within 10 days of the contractor or any of its affiliates being declared in default or otherwise not completing work on a contract, or being suspended from qualification to bid or denied qualification to bid by any other public agency, semi-public agency, or private entity. This suspension will be in addition to any period of denial or revocation resulting from violation of (a) above.

(2) through (6) No change.

Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 334.044(27), 337.11, 337.14, 337.16, 337.165, 337.167 FS. History—Formerly Chapter 14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 9-24-75, Formerly 14-22.01(11), Amended 3-23-79, 11-10-82, 8-25-83, 10-1-85, Formerly 14-22.12, Amended 12-20-89, 1-4-94, 7-1-95, 7-2-95, 2-16-99, 7-8-01,\_\_\_\_\_.

14-22.0141 Contractor Non-Responsibility.

(1) No change.

(2) Determination of Contractor Non-Responsibility. The Contractor will be determined to be non-responsible and ineligible to bid on Department contracts for a period of time, based on the seriousness of the deficiency.

(a) Examples of factors affecting the seriousness of a deficiency are:

1. Impacts on project schedule, cost, or quality of work;
2. Unsafe conditions allowed to exist;
3. Complaints from the public;
4. Delay or interference with the bidding process
5. The potential for repetition;
6. Integrity of the public construction process; and
7. Effect on the health, safety, and welfare of the public.

(b) This rule does not limit the Department’s ability to reject a bid submitted by a contractor, or cancel an award, for a particular contract based upon the contractor being non-responsible.

(3) No change.

Specific Authority 334.044(2) FS. Law Implemented 337.16(2) FS. History—New 4-11-95, Amended 12-7-97, 7-8-01,\_\_\_\_\_.

14-22.015 Forms.

The following forms are incorporated by reference as part of the rules of the Department and are available from the Contracts Administration Office, 605 Suwannee Street, Mail Station 55, Room 1-B, Tallahassee, Florida 32399-0455:

Form Number	Date	Title
375-020-32	12/98	Application for Qualification
375-020-21	10/93	Status of Contracts on Hand
375-020-22	08/00	Certification of Current Capacity
700-010-25	<u>11/03</u> <del>03/04</del>	Contractor Past Performance Report

Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 120.53(1)(b), 337.14, 337.167 FS. History—New 11-10-82, Amended 8-25-83, Formerly 14-22.15, Amended 12-20-89, 1-4-94, 7-1-95, 7-2-95, 7-8-01,\_\_\_\_\_.

**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.”

**REGIONAL PLANNING COUNCILS**

**South Florida Regional Planning Council**

RULE TITLE: Strategic Regional Policy Plan for South Florida  
 RULE NO.: 29J-2.009

PURPOSE AND EFFECT: The South Florida Regional Planning Council announces a public meeting for the purpose of the development of rule amendment for the Strategic Regional Policy Plan (SRPP) for South Florida.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment will address all aspects of the Strategic Regional Policy Plan (SRPP) for South Florida, including natural resources, land use and public facilities, regional transportation, economic development, affordable housing, and emergency planning.

SPECIFIC AUTHORITY: 120.54, 186.507 FS.

LAW IMPLEMENTED: 120.54, 186.507, 186.508 FS., Chapter 93-206, Laws of Florida.

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

TIME AND DATE: 10:30 a.m., January 5, 2004

PLACE: South Florida Regional Planning Council, 3440 Hollywood Blvd., Suite 140, Hollywood, Florida 33021

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite #140, Hollywood, Florida 33021.

Anyone deciding to appeal any decision made by the South Florida Regional Planning Council with respect to any matter considered at these meetings, will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Allyn L. Childress, South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021, (954)985-4416

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT CAN BE OBTAINED AT WWW.SFRPC.COM.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: Land Acquisition  
 RULE CHAPTER NO.: 40D-9

PURPOSE AND EFFECT: The purpose and effect is to implement the District's policies for public use of District owned lands.

SUBJECT AREA TO BE ADDRESSED: Recreational land use rules.

SPECIFIC AUTHORITY: 279.101, 373.016, 373.044, 373.056, 373.069, 373.0693, 373.073, 373.079, 373.083, 373.103, 373.113, 373.139, 373.1391, 373.149, 373.171 FS.

LAW IMPLEMENTED: 259.101, 373.016, 373.056, 373.083, 373.088, 373.089, 373.093, 373.096, 373.099, 373.103, 373.129, 373.139, 373.1391, 373.1395, 373.140, 373.149, 373.1401, 373.199, 373.59, 373.591, 373.609, 373.613 FS.

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

TIME AND DATE: 6:00 p.m. – 8:00 p.m., Thursday, January 8, 2004

PLACE: Southwest Florida Water Management District governing board room in Brooksville, 2379 Broad Street, Brooksville, FL 34604-6899

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public workshop on Chapter 40D-9, Land Use Rules.

TIME AND DATE: 6:00 p.m. – 8:00 p.m., Thursday, January 15, 2004

PLACE: Southwest Florida Water Management District governing board room in the Sarasota service office, 6750 Fruitville Road, Sarasota, FL 34232

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public workshop on Chapter 40D-9, Land Use Rules.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Delaney Faircloth, Senior Land Use Specialist, Land Resources, Department, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

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

**LAND AND WATER ADJUDICATORY COMMISSION  
Lakewood Ranch Community Development District 5**

RULE CHAPTER TITLE: Lakewood Ranch Community Development District 5

RULE CHAPTER NO.: 42EE-1

RULE TITLE: Boundary

RULE NO.: 42EE-1.002

PURPOSE, EFFECT AND SUMMARY: The purpose of this proposed rule amendment is to amend the boundaries of the Lakewood Ranch Community Development District 5 (District). The petition submitted by the District's governing Board of Supervisors requests that the Florida Land and Water Adjudicatory Commission (Commission) amend Chapter 42EE-1, Florida Administrative Code, to amend the District's boundaries to delete one contraction parcel consisting of approximately 40.22 acres and one contraction parcel

consisting of approximately 0.77 acres for a total of approximately 41 acres from the lands to be served by the District. After amendment as proposed, the District will consist of and continue to serve approximately 1,132.20 acres located wholly within the boundaries of Manatee County. The contraction parcels are generally located south of the Braden River, north of the Manatee/Sarasota County line, east of Lakewood Ranch Boulevard, and west of Lorraine Road, within the unincorporated area of Manatee County, Florida. The contraction parcels have no infrastructure and are not planned to include any of the residential units or golf course planned for the District. The land area to be served by the District after contraction will be approximately 1,132.20 acres, more or less. In the future, the contraction parcels may be proposed for inclusion in a future community development district not yet established.

SUBJECT AREA TO BE ADDRESSED: Amendment to the boundaries of the Lakewood Ranch Community Development District 5.

SPECIFIC AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 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 (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m. – 12:00 Noon, Monday, December 29, 2003

PLACE: Room 1802, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)487-1884, at least two (2) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Erin McCormick Larrinaga, Fowler White Boggs Banker P.A., 501 E. Kennedy Boulevard, Suite 1700, Tampa, Florida 33602, (813)222-1180 or Barbara Leighty, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, (850)487-1884

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

**AGENCY FOR HEALTH CARE ADMINISTRATION  
Medicaid**

RULE TITLE: Medicaid Providers Who Bill on the CMS-1500

RULE NO.: 59G-4.001

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Provider Reimbursement Handbook, CMS-1500, October 2003, in Rule 59G-4.001, F.A.C. The handbook contains the revised Medically Needy Billing Authorization



form, corrects the time limit on submission of claims with third party liability, and corrects instructions for Child Health Check-Up claim completion. The effect will be to incorporate by reference in the rule the revised Florida Medicaid Provider Reimbursement Handbook, CMS-1500, October 2003.

SUBJECT AREA TO BE ADDRESSED: Medicaid Providers Who Bill on the CMS-1500.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.905, 409.906, 409.907, 409.908, 409.912 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: 9:30 a.m., Tuesday, January 6, 2004

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Karen Girard, Medicaid Contract Management, 2308 Killearn Center Blvd., Building B, Suite 200, Tallahassee, Florida 32309, (850)922-2726

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.001 Medicaid Providers Who Bill on the CMS-1500.

All Medicaid providers and their billing agents who submit claims on behalf of an enrolled Medicaid provider who are required by their service specific coverage and limitations handbook or other notification by the Medicaid Program to bill the Florida Medicaid Program on a paper CMS-1500 claim form for reimbursement of services performed on a Medicaid eligible recipient, must be in compliance with the provisions of the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, October 2003, which is incorporated by reference and available from the fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.906, 409.907, 409.908, 409.912 FS. History–New 10-1-03, Amended

**DEPARTMENT OF MANAGEMENT SERVICES**

**Commission on Human Relations**

RULE TITLE: Definitions RULE NO.: 60Y-3.001

PURPOSE AND EFFECT: The rule provides for the definitions used by the Florida Commission on Human Relations in conducting its business.

SUBJECT AREA TO BE ADDRESSED: Definition of days whenever the Commission is required to take action pursuant to the Florida Civil Rights Act and the Fair Housing Act.

SPECIFIC AUTHORITY: 760.06(12) FS.

LAW IMPLEMENTED: 760.06, 760.10 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. (EDT) – completion of comments by interested parties, Monday, December 29, 2003

PLACE: The Commission’s Main Conference Room, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jim Tait, Staff Attorney, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301, (850)488-7082, Ext. 1071

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60Y-3.001 Definitions.

(1) through (31) No change.

(32) Whenever the Commission is required to take action within a certain time period, the term “days” shall refer to business days which are to be Monday-Friday, excluding legal holidays. If the time period for Commission action ends on a Saturday, Sunday or legal holiday, the time shall extend to the close of the next regular business day.

Specific Authority 760.06(12) FS. Law Implemented 92.525, 760.02, 760.03, 760.04, 760.05, 760.06, 760.10, 760.11 FS. History–New 11-2-78, Amended 8-12-85, Formerly 22T-7.01, 22T-7.001, Amended 9-1-93, 4-17-01,

**DEPARTMENT OF MANAGEMENT SERVICES**

**Commission on Human Relations**

RULE TITLE: Petitions for Relief from an Unlawful Employment Practice RULE NO.: 60Y-5.008

PURPOSE AND EFFECT: The rule provides for Petitions for Relief under the Florida laws relating to discrimination in employment and public accommodations.

SUBJECT AREA TO BE ADDRESSED: Filing fee to file a Petition for Relief.

SPECIFIC AUTHORITY: 760.06(12) FS.

LAW IMPLEMENTED: 760.06, 760.10 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. (EDT) – completion of comments by interested parties, Monday, December 29, 2003

PLACE: The Commission’s Main Conference Room, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jim Tait, Staff Attorney, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301, (850)488-7082, Ext. 1071

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60Y-5.008 Petition for Relief from an Unlawful Employment Practice.

(1) No change.

(2) A fee of \$62.50 is required to be submitted to the Clerk of the Commission upon filing any Petition pursuant to this Section.

(2) through (10) renumbered (3) through (11) No change.

Specific Authority 760.06(13) FS. Law Implemented 760.06, 760.10 FS. History--New 11-2-78, Amended 2-4-82, 6-16-83, 8-29-84, 8-12-85, Formerly 22T-9.08, 22T-9.008, Amended \_\_\_\_\_

**DEPARTMENT OF MANAGEMENT SERVICES**

**Commission on Human Relations**

RULE TITLE: Petitions for Relief from a Discriminatory Housing Practice

RULE NO.: 60Y-8.001

PURPOSE AND EFFECT: The rule provides for Petitions for Relief under the Fair Housing Act.

SUBJECT AREA TO BE ADDRESSED: Filing fee to file a Petition for Relief.

SPECIFIC AUTHORITY: 760.06(12) FS.

LAW IMPLEMENTED: 760.34, 760.3 FS.

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

TIME AND DATE: 9:00 a.m. (EDT) – completion of comments by interested parties, Monday, December 29, 2003

PLACE: The Commission’s main conference room, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Florida Commission on Human Relations, Attn.: Jim Tait, Staff Attorney, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301, (850)488-7082, Ext. 1071

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60Y-8.001 Petition for Relief from a Discriminatory Housing Practice.

(1) No change.

(2) A fee of \$62.50 is required to be submitted to the Clerk of the Commission upon filing any Petition pursuant to this Section.

(2) through (7) renumbered (3) through (8) No change.

Specific Authority 120.53, 760.31(5) FS. Law Implemented 120.53, 760.34, 760.35 FS. History--New 1-25-90, Formerly 22T-22.001, Amended 11-18-92, \_\_\_\_\_

**DEPARTMENT OF MANAGEMENT SERVICES**

**Commission on Human Relations**

RULE TITLES: Covered Entities and Facilities

RULE NO.: 60Y-10.002

PURPOSE AND EFFECT: The proposed amendment to this rule section provides for the addition of a new definition of covered entities and facilities under Chapter 60Y-10, F.A.C., relating to prohibition against discrimination by public lodging, entertainment, food service and related establishments in respect to refusing accommodations and services.

SUBJECT AREA TO BE ADDRESSED: Defining covered entities and facilities.

SPECIFIC AUTHORITY: 760.06(12) FS.

LAW IMPLEMENTED: 760.02(11) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. (EDT) – completion of comments by interested parties, Monday, December 29, 2003

PLACE: The Commission’s Main Conference Room, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301

Text of the proposed revisions to subsection 60Y-10.002(2), F.A.C., may be obtained from the Commission’s website at <http://fchr.state.fl.us>, click on the publications icon, or by contacting: Commission’s Clerk, Denise Crawford, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301, (850)488-7082

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jim Tait, Staff Attorney, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301, (850)488-7082, Ext. 1071

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60Y-10.002 Covered Entities and Facilities.

The public lodging establishments covered by these rules are those defined in Sections 509.013(4) and 760.02(11), Florida Statutes (~~1991~~). The public food service establishments covered by these rules are those defined in Sections 509.013(5) and 760.02(11), Florida Statutes (~~1991~~). All other establishments defined in Section 760.02(11), Florida Statutes, are also covered by these rules.

Specific Authority 120.53, 760.06(12), 760.11 FS. Law Implemented 120.53, 760.11 FS. History--New 12-14-93, Amended \_\_\_\_\_

**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 Optometry**

RULE TITLE: Minimum Procedures for Vision Analysis  
 RULE NO.: 64B13-3.007

PURPOSE AND EFFECT: The Board proposes an amendment to the rule to clarify the minimum procedures for an examination for vision analysis.

SUBJECT AREA TO BE ADDRESSED: Minimum Procedures for Vision Analysis.

SPECIFIC AUTHORITY: 463.005(1) FS.

LAW IMPLEMENTED: 463.005(1), 463.0135, 463.016(1)(g),(k) 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: Joe R. Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-3.007 Minimum Procedures for Vision Analysis.

- (1) No change.
- (2) An examination for vision analysis shall include the following minimum procedures, which shall be recorded on the patient’s case record:
  - (a) Patient’s history (personal and family medical history, personal and family ocular history, and chief complaint);
  - (b) Visual acuity (unaided and with present correction);
  - (c) through (l) No change.
  - (3) through (7) No change.

Specific Authority 463.005(1) FS. Law Implemented 463.005(1), 463.0135, 463.016(1)(g),(k) FS. History–New 11-13-79, Amended 4-17-80, 7-29-85, Formerly 21Q-3.07, Amended 7-18-90, Formerly 21Q-3.007, 61F8-3.007, 59V-3.007, Amended 4-3-00, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE TITLE: Address of Record  
 RULE NO.: 64B13-3.019

PURPOSE AND EFFECT: The Board proposes an amendment to the rule to delete language.

SUBJECT AREA TO BE ADDRESSED: Address of Record.

SPECIFIC AUTHORITY: 456.035, 463.005(1) FS.

LAW IMPLEMENTED: 456.035, 463.011 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: Joe R. Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-3.019 Address of Record.

It shall be the duty of each licensee to provide to the Department of Health written notification by certified mail of the licensee’s current mailing address and place of practice within 10 days upon change thereof ~~and during license renewal~~. The term “place of practice” means the address(es) of the physical location(s) where the licensee practices optometry.

Specific Authority 456.035, 463.005(1) FS. Law Implemented 456.035, 463.011 FS. History–New 12-22-94, Formerly 59V-3.019, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE TITLE: Examination Requirements  
 RULE NO.: 64B13-4.001

PURPOSE AND EFFECT: The Board proposes an amendment to the rule to update the passing grade requirements.

SUBJECT AREA TO BE ADDRESSED: Examination requirements.

SPECIFIC AUTHORITY: 456.017(2), 463.005, 463.006(2) FS.

LAW IMPLEMENTED: 456.017(2), 463.006(2) 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: Joe R. Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-4.001 Examination Requirements.

The examination for licensure shall consist of the National Board of Examiners in Optometry examination (hereafter NBEO examination), and Parts I and II of the state examination for licensure. The examination for certification of a licensee shall consist of the Treatment and Management of Ocular Disease (hereafter TMOD) part of the NBEO.

64B13-4.005 Criteria for Selection of Examiners and Consultants.

The following criteria are hereby established for the selection of examiners and consultants:

- (1) No change.
- (2)(a) through (c) No change.
- (d) Part II of the state examination shall consist of a clinical portion and a pharmacology/ocular disease portion.
  - 1. through 3. No change.
  - 4. An applicant must attain a score of 80 percent ~~75 points~~ or better in order to secure a passing grade on the clinical portion of the practical examination.
  - 5. through 6. No change.
- (3) No change.

- (1) through (2) No change.
- (3) In addition to the minimum requirements, a licensee may not serve as an examiner if the licensee ~~has externs at his/her place of practice, currently supervises doctors in a residency or fellowship, or is a full-time faculty member at an adjunct professor in a college school~~ of optometry.
- (4) The examination of patients for the purpose of determining findings against which the performance of candidates will be compared must be conducted by certified optometrists licensed in this State who meet the requirements stated in subsections (1),(2)(b) and (3) of this rule.

Specific Authority 456.017(2), 463.005, 463.006(2) FS. Law Implemented 456.017(2), 463.006(2) FS. History—New 11-13-79, Amended 5-28-80, 7-10-80, 8-20-81, 2-14-82, 6-6-82, 10-3-82, 4-10-84, 5-29-85, Formerly 21Q-4.01, Amended 7-21-86, 11-20-86, 7-27-87, 7-11-88, 7-18-91, 4-14-92, Formerly 21Q-4.001, Amended 2-14-94, Formerly 61F8-4.001, Amended 8-8-94, 11-21-94, 4-21-96, Formerly 59V-4.001, Amended 7-27-99, 7-15-02,

Specific Authority 456.017(1)(b) FS. Law Implemented 456.017(1)(a),(b) FS. History—New 10-6-81, Formerly 21Q-4.05, Amended 7-21-86, 11-20-86, Formerly 21Q-4.005, 61F8-4.005, 59V-4.005, Amended 2-7-01, 8-7-01,

**DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH**

**Board of Optometry**

**Board of Optometry**

RULE TITLE: Criteria for Selection of Examiners and Consultants

RULE NO.: 64B13-4.005

PURPOSE AND EFFECT: The Board proposes an amendment to the rule to clarify the minimum requirements for a licensee to serve as an examiner.

SUBJECT AREA TO BE ADDRESSED: Criteria for Selection of Examiners and Consultants.

SPECIFIC AUTHORITY: 456.017(1)(b) FS.

LAW IMPLEMENTED: 456.017(1)(a),(b) 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.

RULE NO.: 64B13-11.001

PURPOSE AND EFFECT: The Board proposes an amendment to the rule to remove language to clarify the fee amount for licensee.

SUBJECT AREA TO BE ADDRESSED: Inactive Status.

SPECIFIC AUTHORITY: 456.036, 463.005(1), 463.007, 463.008 FS.

LAW IMPLEMENTED: 456.036, 463.007, 463.008 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: Joe R. Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-11.001 Inactive Status.

(1) through (2)(a) No change.

~~(b) Pays the active status fee of subsection 64B13-6.001(4), F.A.C., for each biennium during which the license was inactive;~~

~~(b)(e)~~ Pays the reactivation fee of subsection 64B13-6.001(4)(5), F.A.C.; and

~~(d) If applicable, the change of status fee in subsection 64B13-6.001(14), F.A.C.~~

(3) No change.

(a) through (c) No change.

(d) Pays the ~~active—status~~ fee of subsection 64B13-6.001(4)(3), F.A.C., for each biennium during which the license was inactive;

(e) Pays the reactivation fee of subsection 64B13-6.001(4)(5), F.A.C.; and

~~(f) If the request to change licensure status is made at any time other than at the beginning of a licensure cycle, pays the change of status fee of subsection 64B13-6.001(14), F.A.C.; and~~

(4) No change.

Specific Authority 456.036, 463.005(1), 463.007, 463.008 FS. Law Implemented 456.036, 463.007, 463.008 FS. History—New 11-20-86, Formerly 21Q-11.001, 61F8-11.001, Amended 12-22-94, Formerly 59V-11.001, Amended 1-22-03, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE TITLE: Delinquent License  
 RULE NO.: 64B13-11.004

PURPOSE AND EFFECT: The Board proposes an amendment to the rule to remove language regarding a non-existing term.

SUBJECT AREA TO BE ADDRESSED: Delinquent Status License.

SPECIFIC AUTHORITY: 456.036, 463.005(1) FS.

LAW IMPLEMENTED: 456.036 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: Joe R. Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-11.004 Delinquent ~~Status~~ License.

(1) No change.

(2) The delinquent ~~status~~ licensee must affirmatively apply for active or inactive status during the biennium in which the license becomes delinquent. The failure by the delinquent ~~status~~ licensee to cause the license to become active or inactive before the expiration of the biennium in which the license becomes delinquent shall render the license null and void without further action by the board or the Department of Health.

(3) The delinquent ~~status~~ licensee who applies for an active or inactive license status shall pay to the board ~~either the active status fee of subsection 64B13-6.001(3)(4), F.A.C., or the inactive status license fee of subsection 64B13-6.001(8), F.A.C., and~~ the delinquent ~~status~~ license fee of subsection 64B13-6.001(13)(15), F.A.C., and, if applicable, the change of status fee of subsection 64B13-6.001(14), F.A.C.

(4) The delinquent ~~status~~ licensee who applies for active status license shall, in addition to complying with subsection (3) immediately above, affirm compliance with the continuing education requirements of Rule 64B13-5.001, F.A.C., for the years the licensee has been inactive or delinquent.

Specific Authority 456.036, 463.005(1) FS. Law Implemented 456.036 FS. History—New 12-22-94, Formerly 59V-11.004, Amended 8-29-99, 1-22-03, \_\_\_\_\_.

**Section II  
 Proposed Rules**

**DEPARTMENT OF STATE**

**Division of Elections**

RULE TITLE: Provisional Ballots  
 RULE NO.: 1S-2.037

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide a uniform provisional ballot envelope form as required by changes in Florida Law.

SUMMARY: This rule provides the content and the substantial form required for the provisional ballot envelope to be used in the state.

SUMMARY OF STATEMENT 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: 101.048 FS.

LAW IMPLEMENTED: 101.048, 101.049 FS.

HEARINGS WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:00 p.m., January 5, 2004  
 PLACE: 107 West Gaines Street, Suite 100, Tallahassee, Florida 32399-0250

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should contact Sarah Jane Bradshaw, (850)245-6200, at least three days in advance of the meeting.

Proposed Form DS DE 49 (Eff. \_\_/\_\_/\_\_) is available on the Division of Elections' website or you may contact the Division.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sarah Jane Bradshaw, Division of Elections, Department of State, 107 West Gaines Street, Tallahassee, Florida 32399, (850)245-6200

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.037 Provisional Ballots.

The Department of State, Division of Elections, is required to establish a Provisional Ballot Envelope to be used statewide. Form DS DE 49 (Eff. \_\_/\_\_/\_\_), which is hereby incorporated by reference and available from the Division of Elections, The Collins Building, Room 100, 107 West Gaines Street, Tallahassee, Florida 32399.

Specific Authority 101.048 FS. Law Implemented 101.048, 101.049 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sarah Jane Bradshaw, Assistant Division Director  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Edward C. Kast, Director, Division of Elections, Department of State  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 3, 2003  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 7, 2003

**DEPARTMENT OF STATE**

**Division of Elections**

RULE TITLE: HAVA Violations – Complaints  
 RULE NO.: 1S-2.038  
 PURPOSE, EFFECT AND SUMMARY: The Florida Help America Vote Act Implementation Bill required that the Division of Elections prescribe a form for complaints filed under Section 97.028, F.S. A rule needs to be promulgated to prescribe the aforementioned form and create a process by which the Division will process these types of complaints.

SUMMARY OF STATEMENT 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: 97.028 FS.

LAW IMPLEMENTED: 97.028 FS.

HEARINGS WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:00 p.m., January 5, 2004  
 PLACE: 107 West Gaines Street, Suite 100, Tallahassee, Florida 32399-0250

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should contact Sarah Jane Bradshaw, (850)245-6200, at least three days in advance of the meeting.

Proposed Form DS DE 59 (Eff. \_\_/\_\_/\_\_) is available on the Division of Elections' website or you may contact the Division.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sarah Jane Bradshaw, Division of Elections, Department of State, 107 West Gaines Street, Tallahassee, Florida 32399, (850)245-6200

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.038 HAVA Violations – Complaints.

The Department of State, Division of Elections, is required to establish a complaint form to be used for HAVA violations. Form DS DE 59 (Eff. \_\_/\_\_/\_\_), which is hereby incorporated by reference and available from the Division of Elections, The Collins Building, Room 100, 107 West Gaines Street, Tallahassee, Florida 32399.

Specific Authority 97.028 FS. Law Implemented 97.028 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sarah Jane Bradshaw, Assistant Division Director  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Edward C. Kast, Director, Division of Elections, Department of State  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 3, 2003  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 7, 2003

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Plant Industry**

RULE CHAPTER TITLE: Florida Nursery Stock and Certification Fees  
 RULE CHAPTER NO.: 5B-2

RULE TITLES: Definitions 5B-2.001  
 Registering with the Division 5B-2.002

PURPOSE AND EFFECT: The purpose of this rule revision is to provide a definition for stock dealer garden center. The effect will provide the ability to charge a registration fee that is based on the different levels of inspection workloads associated with a stock dealer such as a florist shop with a minimum number of plants as opposed to a stock dealer garden center that has several times the number of plants to be inspected. In addition, this proposed rule revision will require each stock dealer, stock dealer garden center, plant broker, and agent to obtain a certificate of registration for each outlet and pay an appropriate fee for each outlet.

SUMMARY: To provide a different fee schedule for stock dealers that have garden centers which require more inspection time than a small stock dealer such as a florist shop and to require a certificate of registration along with the appropriate fee for each outlet.

SPECIFIC AUTHORITY: 570.07(13),(23), 581.031(1) FS.  
 LAW IMPLEMENTED: 581.031(1),(4),(5),(6),(7), 581.083, 581.101, 581.131, 581.141 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., Tuesday, January 6, 2004  
 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, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, FL 32614-7100

THE FULL TEXT OF THE PROPOSED RULE IS:

5B-2.001 Definitions.

For the purpose of this chapter, the definitions in Section 581.011, F.S., and the following definitions shall apply:

(1) Balled and burlapped. A term used to describe a horticultural practice whereby plants are extracted from the soil with a portion of the roots and the growing medium intact forming the ball. The ball is wrapped with burlap or other materials appropriate for supporting the ball during handling.

(2) Bare-root. Plants with roots from which the growing medium in which it was grown has been removed.

(3) Certified turfgrass. Turfgrass produced for purposes of ornamental ground cover by an individual who has requested certification in order to comply with plant quarantine restrictions or phytosanitary requirements. Pasture or forage grasses are specifically excluded from this definition.

(4) Container nursery stock. Plants established in growing media contained in containers such as clay pots, plastic pots, cans, etc.

(5) Exposed. Subject to infestation because of proximity to or contact with a plant pest.

(6) Outlet. A nursery, stock dealer, stock dealer garden center, plant broker or agent offering nursery stock for sale or distribution under the control of a parent organization, corporation, partnership, personal business, cooperative, or other legal business entity.

(7) Propagating material. Unrooted scions and cuttings in the process of developing root systems; seedlings and asexually produced plants which are being developed to a saleable size.

(8) Psorosis complex of viruses. A combination of viruses (psorosis-A, psorosis-B, and ringspot) that induce bark-scaling, internal wood staining, ringspots or irregular chlorotic patterns in the foliage, or eventual tree decline. The disease is spread primarily by propagation using infected budwood.

(9) Stock Dealer Garden Center. A stock dealer who maintains nursery stock as part of a home improvement store or other store selling garden supplies.

Specific Authority 570.07(23), 581.031(1) FS. Law Implemented 581.031 FS. History—Repromulgated 12-31-74, Amended 6-15-81, 10-28-85, Formerly 5B-2.01, Amended 6-7-95, 8-26-03,\_\_\_\_\_.

5B-2.002 Registering with the Division.

Every nurseryman, stock dealer, plant broker, and agent shall register with the division before moving, distributing or offering nursery stock for sale. All aquatic plants offered for sale or distribution at the retail level, seeds, cut flowers, cut fern, cut foliage (greens) not for propagation, and lawn and pasture grasses not produced as certified turfgrass are specifically exempted from nursery stock classification for registration purposes, when apparently free from injurious plant pests.

(1) NURSERY REGISTRATION REQUIREMENTS.

(a) Application for registration of nurseries shall be made upon a form, DACS-08004, revised 6/03, incorporated herein by reference, to be furnished by the division, which shall contain provisions with which the applicant must comply, and must be signed by the applicant or applicant's representative. Application form DACS-08004, revised 6/03, is supplied by the division for this purpose and is incorporated herein by reference. Copies of DACS-08004, Application For Certificate of Registration, may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, P. O. Box 147100, Gainesville, Florida 32614-7100.

(b) Nurserymen desiring to move, sell, distribute, or offer nursery stock for sale and obtain a certificate of registration shall request an inspection by the division at least thirty (30) days in advance of the date upon which they desire to move or offer nursery stock for sale. Nurserymen requesting immediate inspection may be charged an additional fee sufficient to defray the cost of inspection.

(c) The nursery stock must be inspected by an authorized representative of the division and found to be apparently free from plant pests of quarantine significance and to be reasonably free from common plant pests.

(d) The nursery must be in such condition, in regard to spacing, growth, and weed control, as to permit an efficient inspection for plant pests.

(e) The nurseryman must agree to comply with all rules of the division.

(f) Nurserymen, unless exempted under paragraph 5B-2.002(1)(g), F.A.C., must pay an annual certificate of registration fee. Such fee shall be determined by the amount of nursery stock inventoried in the nursery by an authorized representative during the first inspection after July 1; or for field-produced vegetable transplants, field-produced bulbs, and field-produced corms and tubers, the certificate of registration fee shall be based on the amount of planted acreage provided that the total fee does not exceed four hundred and sixty dollars (\$460). Upon meeting registration requirements, a certificate of registration may be issued by the division which shall expire twelve (12) months following date of issue. For fee purposes nursery stock shall be grouped into two categories, except for field-produced vegetable transplants, field-produced bulbs, and field-produced corms and tubers which shall be determined by planted acreage. The two categories for nursery stock shall include standard stock and propagating material. Standard stock shall include all nursery stock inventoried by unit for sale or distribution; i.e., pot, balled and burlapped, or tray (for seedlings and liners). Propagating material shall include breeding stock, stock plants, rooting beds or other growing units, production beds for seeds and aquatic plants. The fee for nurseries having both standard stock and propagating material shall be determined by converting propagative material to standard stock at a ratio of 10 to 1. The figure so determined will be added to the standard stock inventory and the fee shall be determined on the combined total. Nurseries having

standard stock, propagating material and field-produced vegetable transplants, field-produced bulbs, and field-produced corms or tubers shall have the planted acreage fee added to the fee determined for standard stock and propagating material. The combined fees shall not exceed four hundred and sixty dollars (\$460).

1. Schedule of fees determined by nursery stock inventory shall be as follows:

Number of Plant	Amount of Fee
1 – 1,000	\$25.00
1,001 – 2,500	35.00
2,501 – 5,000	46.00
5,001 – 10,000	69.00
10,001 – 25,000	92.00
25,001 – 50,000	115.00
50,001 – 100,000	173.00
100,001 – 150,000	219.00
150,001 – 200,000	265.00
200,001 – 250,000	311.00
250,001 – 300,000	357.00
300,001 – 350,000	403.00
350,001 – 400,000	449.00
Over 400,000	460.00

2. Schedule of fees determined by planted acreage for field-produced vegetable transplants, field-produced bulbs, and field-produced corms and tubers shall be as follows:

Number of Acres	Amount of Fee
1 – 5	\$25.00
6 – 10	35.00
11 – 15	46.00
16 – 20	69.00
21 – 25	92.00
26 – 30	115.00
31 – 35	172.00
36 – 40	218.00
41 – 45	265.00
46 – 50	311.00
51 – 60	357.00
61 – 70	403.00
71 – 80	449.00
Over 81	460.00



3. Schedule of fees determined by planted acreage for certified turfgrass shall be as follows:

Number of Acres	Amount of Fee
1 – 50	25.00
51 – 100	35.00
101 – 200	46.00
201 – 300	69.00
301 – 400	92.00
401 – 500	115.00
501 – 600	172.00
601 – 700	218.00
701 – 800	265.00
801 – 900	311.00
901 – 1000	357.00
1001 – 2000	403.00
2001 – 3000	449.00
Over 3000	460.00

(g) Governmental agency nurseries whose nursery stock is used exclusively for planting on government property are exempt from payment of a certificate of registration fee.

(h) All annual renewal documents for certificate of registration shall be returned not later than the anniversary date of the certificate being renewed, and accompanied by the appropriate fee.

(2) STOCK DEALERS, STOCK DEALER GARDEN CENTERS, PLANT BROKERS, AND AGENTS. Stock dealers, stock dealer garden centers, plant brokers, and agents shall comply with the following stipulations to meet certification requirements:

(a) Those persons who desire to apply for certification and registration as a stock dealer, stock dealer garden center, plant broker, or agent may make application by completing division form DACS-08004, revised 6/03. This application form should be filed with the division thirty (30) days prior to the date the stock dealer, stock dealer garden center, plant broker, or agent desires to begin operation. The completed application shall be accompanied by payment of the fee as designated in paragraph 5B-2.002(2)(e), F.A.C.;

(b) All annual renewal documents for certificate of registration shall be returned not later than the anniversary date of the certificate being renewed, and accompanied by the appropriate fee;

(c) ~~Stock dealers with more than one outlet supplied with nursery stock from a central location may register outlets by listing or attaching a list of outlets, with complete mailing address and geographical location, to the application or document for renewal form (DACs 08004, revised 6/03 or DACs 08022, revised 6/03) and remitting of the total fee payment for all outlets to be registered.~~ Application for Renewal of Nursery Stock Dealer's Certificate of Registration form, DACS-08022, revised 6/03, is supplied by the division for this purpose and are incorporated herein by reference.

Copies of DACS-08022, may be obtained from the Division of Plant Industry, Bureau of Plant & Apiary Inspection, P. O. Box 147100, Gainesville, Florida 32614-7100;

~~(d) Stock dealers with an independent source of nursery stock supply, regardless of their affiliation with a parent person, shall apply for a certificate of registration as a separate unit and shall remit the designated fee payment;~~

~~(d)(e)~~ The certificate of registration fee for stock dealer, plant broker, and agent establishments shall be \$25.00 per outlet ~~with a \$460 maximum charge.~~ The certificate of registration fee for a stock dealer garden center shall be \$69.00 per outlet.

~~(e)(f)~~ A stock dealer, stock dealer garden center, plant broker, or agent shall comply with all the provisions of Chapter 581, Florida Statutes, and the rules of the department and shall obtain nursery stock only from certified nurseries;

~~(f)(g)~~ Stock dealer, stock dealer garden center, plant broker, and agent certificate of registration shall expire twelve (12) months from after the original registration or annual renewal date ~~date of issuance.~~

Specific Authority 570.07(23), 581.031(1) FS. Law Implemented 581.131, 581.141 FS. History—Amended 12-31-74, 6-24-75, 3-25-79, 6-15-81, 10-28-85, Formerly 5B-2.02, Amended 5-17-92, 6-7-95, 11-29-95, 6-12-00, 8-26-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Constance C. Riherd, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, Doyle Conner Building, 1911 S. W. 34th Street, Gainesville, Florida 32614-7100, (352)372-3505

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Craig Meyer, Deputy Commissioner for Agricultural Services, Commissioner's Office Staff, Florida Department of Agriculture and Consumer Services, PL 10, The Capitol, Tallahassee, FL 32399-0810

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 20, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 10, 2003

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Plant Industry**

RULE CHAPTER TITLE: Plant Quarantine and Certification

Entry Requirements 5B-3

RULE TITLE: Definitions 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.

SUMMARY: The addition of a definition for shippers.

**SUMMARY OF STATEMENT 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:** 570.07(23), 581.031(4), 581.091, 581.101 FS.

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

**IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:**

**TIME AND DATE:** 10:00 a.m., January 5, 2004

**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, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, FL 32614-7100

**THE FULL TEXT OF THE PROPOSED RULE 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)~~ 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, \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Constance C. Riherd, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, Post Office Box 147100, Gainesville, Florida 32614-7100

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Craig Meyer, Deputy Commissioner for Agricultural Services, Commissioner's Office Staff, Florida Department of Agriculture and Consumer Services, PL-10, The Capitol, Tallahassee, FL 32399-0810

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** October 23, 2003

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** October 31, 2003

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Plant Industry**

**RULE CHAPTER TITLE:** Pests of Honeybees and Unwanted Races of Honeybees

**RULE CHAPTER NO.:** 5B-54

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
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".

SUMMARY: 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”.

SUMMARY OF STATEMENT 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: 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 WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., January 5, 2004

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

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

THE FULL TEXT OF THE PROPOSED RULES 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	<u>\$10</u> <del>5</del>
6 – 40	<u>\$20</u> <del>10</del>
41 – 200	<u>\$40</u> <del>20</del>
201 – 500	<u>\$70</u> <del>35</del>
501 – 2000	<u>\$100</u> <del>50</del>
<del>2001 – 5000</del>	<del>75</del>
<u>Over 5000</u>	<u>100</u>

(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 ~~\$10~~ **\$25** per ~~certificate issued or special inspection made at apiary or location inspected~~ plus mileage; ~~\$10 minimum.~~
- Tracheal mite sampling \$10 per sample plus mileage<sup>1</sup>, \$10 minimum.
- Honey sampling \$10 per sample plus mileage<sup>1</sup>, \$10 minimum.

<sup>1</sup>Mileage 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,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Constance C. Riherd, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, Post Office Box 147100, Gainesville, Florida 32614-7100

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Craig Meyer, Deputy Commissioner for Agricultural Services, Commissioner's Office Staff, Florida Department of Agriculture and Consumer Services, PL 10, The Capitol, Tallahassee, FL 32399-0810

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 31, 2003

**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.

SUMMARY: 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 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., January 5, 2004

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, (863)298-7712

THE FULL TEXT OF THE PROPOSED RULES 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 subparagraph (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-08172, Source Tree Bud Cutting Report, Revised 7/03 08073, revised 10/99, 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. 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~~ effective January 1, 1997 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	<u>\$2.00</u> <del>5.00</del> per tree per year
Scion tree	\$2.00 per tree per year
Dooryard source tree	<u>\$2.00</u> <del>4.00</del> per tree per year
Validated source tree	<u>\$2.00</u> <del>4.00</del> per tree per year
Seed source tree	<u>\$2.00</u> <del>4.00</del> per tree per year
Additional fee:	
Reinstate a tree	<u>\$2.00</u> <del>5.00</del> plus the back annual registration fee

Miscellaneous fees for division services:

Witnessing budwood cutting	Mileage <sup>1</sup> and \$5.00 per 1000 budehyes 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 <sup>2</sup>	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 <del>50 cents</del>
Tip cuttings (6 inches)	<u>\$2.00</u> each (Out-of-State) <del>\$1.50 cents</del>
New Division of Plant Industry releases	\$1.00/eye (first <del>two</del> years)
Budwood shipment	<u>\$2.00</u> <del>75 cents</del> /eye, <u>plus a \$100 processing fee</u> <del>\$50.00 minimum</del> (Out-of-State/Foreign)



Shipping and handling fee Actual cost  
for budwood and seed  
in Florida.

<sup>1</sup>Mileage shall be based on the prevailing State mileage rate.

<sup>2</sup>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,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Michael Kesinger, Chief, Bureau of Citrus Budwood Registration, Division of Plant Industry, 3027 Lake Alfred Road, Winter Haven, Florida 33881

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Craig Meyer, Deputy Commissioner for Agricultural Services, Commissioner’s Office Staff, Florida Department of Agriculture and Consumer Services, PL 10, The Capitol, Tallahassee, FL 32399-0810

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 31, 2003

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Environmental Services**

RULE TITLE: Commercial Values for Penalty Assessments

RULE NO.: 5E-1.016

PURPOSE AND EFFECT: The purpose of this rule is to provide the most recent market prices of fertilizer components to be used for penalty assessments of deficient fertilizer.

SUMMARY: Rule 5E-1.016, F.A.C., updates the most recent market prices of fertilizer components to be used for penalty assessments of deficient fertilizers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Costs was Prepared.

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: 576.181(2), 570.07(23) FS.

LAW IMPLEMENTED: 576.051(2),(3),(7), 576.061, 576.071, 576.181 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., January 6, 2004

PLACE: Agricultural Environmental Services Conference Room, 3125 Conner Blvd., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Steven J. Rutz, Director, Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services, Room 130, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)488-3731

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-1.016 Commercial Values for Penalty Assessments.

The commercial values used in assessing penalties for plant nutrient deficiencies are determined by the annualized average market prices published by the Chemical Market Reporter

Publication (effective 6/8/98), which is hereby incorporated by reference. Commercial Values not provided in Industry Publications will be established thru survey approved by the Fertilizer Technical Council. Copies may be obtained from the Chemical Market Reporter, 307 Southgate Court, Brentwood, TN 37027. This rule shall be reviewed annually.

(1) PRIMARY PLANT NUTRIENTS.

	Guaranteed	Commercial
	as	Values
		(Per unit*)
Total Nitrogen	N	\$ <u>5.49</u> <del>5.65</del>
Nitrate Nitrogen	N	<u>5.39</u> <del>5.38</del>
Ammoniacal Nitrogen	N	<u>4.60</u> <del>4.76</del>
Water Soluble or Urea Nitrogen	N	<u>4.81</u> <del>4.75</del>
Slow Release Nitrogen (from other SRN sources)	N	<u>14.48</u> <del>15.85</del>
Water Insoluble Nitrogen	N	<u>12.32</u> <del>12.93</del>
Available Phosphorus	P <sub>2</sub> O <sub>5</sub>	<u>3.55</u> <del>3.62</del>
Slow Release Phosphate	P <sub>2</sub> O <sub>5</sub>	<u>19.10</u> <del>19.60</del>
Potassium (from Muriate)	K <sub>2</sub> O	<u>2.21</u> <del>2.30</del>
Slow Release Potassium	K <sub>2</sub> O	<u>15.04</u> <del>15.04</del>
Potassium (from any source other than Muriate or a combination of sources)	K <sub>2</sub> O	<u>4.31</u> <del>4.41</del>

(2) SECONDARY PLANT NUTRIENTS.

	Guaranteed	Commercial
	as	Values
		(Per unit*)
Total and water Soluble Magnesium (from any source)	Mg	<u>\$6.53</u> <del>\$6.55</del>
Manganese (from sulfate)	Mn	<u>15.89</u> <del>16.19</del>
<u>Manganese (from Sucrate)</u>	<u>Mn</u>	<u>11.25</u> <del>11.33</del>
Manganese (from chloride)	Mn	6.10 6.10
Manganese (from oxide)	Mn	<u>6.27</u> <del>7.55</del>
Manganese (from chelate in group 1**)	Mn	<u>215.50</u> <del>231.00</del>
Manganese (from chelate in group 2**)	Mn	70.90 70.90
Copper (from sulfate)	Cu	<u>36.52</u> <del>42.45</del>
Copper (from chloride)	Cu	22.15 22.15
Copper (from oxide)	Cu	<u>19.25</u> <del>20.50</del>
Copper (from chelate in group 1**)	Cu	156.00 156.00
Copper (from chelate in group 2**)	Cu	113.20 113.20
Zinc (from sulfate)	Zn	<u>17.94</u> <del>17.72</del>
Zinc (from sucrate)	Zn	<u>14.20</u> <del>14.20</del>
Zinc (from chloride)	Zn	18.45 18.45

Zinc (from oxide)	Zn	<u>9.92</u> <del>10.05</del>
Zinc (from chelate in group 1**)	Zn	<u>188.00</u> <del>184.00</del>
Zinc (from chelate in group 2**)	Zn	65.00 65.00
Iron (from sulfate)	Fe	<u>12.88</u> <del>13.27</del>
<u>Iron (from sucrate)</u>	<u>Fe</u>	<u>6.18</u> <del>6.28</del>
<u>Iron (from humate)</u>	<u>Fe</u>	<u>16.11</u> <del>16.09</del>
Iron (from oxide)	Fe	<u>3.88</u> <del>4.00</del>
Iron (from chelate in group 1**)	Fe	<u>244.96</u> <del>267.29</del>
Iron (from chelate in group 2**)	Fe	<u>82.00</u> <del>80.00</del>
Aluminum	Al	<u>14.42</u> <del>14.00</del>
Sulfur (free)	S	<u>2.55</u> <del>2.64</del>
Sulfur (combined)	S	<u>2.21</u> <del>2.21</del>
Boron	B	<u>33.74</u> <del>34.12</del>
Molybdenum	Mo	<u>198.80</u> <del>185.50</del>
Cobalt	Co	89.90 89.90
Calcium (from any source)	Ca	<u>.71</u> <del>.60</del>

(3) DOLOMITE and LIMESTONE (when sold as material).

Magnesium	MgCO <sub>3</sub>	<u>.18</u> <del>.16</del>
Calcium	CaCO <sub>3</sub>	<u>.09</u> <del>.09</del>

(4) CALCIUM SULFATE (land plaster, gypsum) (when sold as material).

Calcium	CaSO <sub>4</sub>	.30 .30
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\*A "Unit" of plant nutrient is one percent (by weight) of a ton or 20 pounds.

\*\*Chelates in "group 1" have aminopolycarboxylic acids, such as EDTA, HEDTA, DTPA and NTA, or related compounds as chelating agents. Chelates in "group 2" have chelating agents other than those in group 1.

Specific Authority 576.181(2), 570.07(23) FS. Law Implemented 576.051(2),(3),(7), 576.061, 576.071, 576.181 FS. History--New 1-23-67, Amended 10-22-68, 11-20-69, 10-22-70, 3-9-74, 6-28-74, 10-25-74, 7-6-76, 7-26-77, 7-22-79, 4-23-80, 10-27-80, 10-18-81, 2-16-84, 12-2-85, Formerly 5E-1.16, Amended 11-16-86, 10-8-87, 9-26-88, 11-19-89, 3-28-91, 2-25-92, 8-3-93, 7-12-94, 10-25-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale W. Dubberly, Chief, Bureau of Compliance Monitoring, 3125 Conner Blvd., Building #8, Tallahassee, Florida 32399-1650, (850)488-8731

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Steven J. Rutz, Director, Division of Agricultural Environmental Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 31, 2003

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Forestry**

RULE CHAPTER TITLE: Best Management Practices for Silviculture  
 RULE CHAPTER NO.: 5I-6

RULE TITLES: Purpose  
 Approved BMPs  
 Presumption of Compliance  
 Notice of Intent to Implement  
 Record Keeping  
 RULE NOS.: 5I-6.001  
 5I-6.002  
 5I-6.003  
 5I-6.004  
 5I-6.005

**PURPOSE AND EFFECT:** The purpose of this proposed rule is to effect pollutant reduction through the implementation of non-regulatory and incentive-based Best Management Practices (BMPs) which may be determined to have minimal individual or cumulative adverse impacts to the water resources of the state.

**SUMMARY:** The proposed rule establishes a procedure for submitting a "Notice of Intent to Implement" BMPs, that, when filed with the Florida Department of Agriculture and Consumer Services, Division of Forestry (DOF), and BMPs are implemented, provides a presumption of compliance with state water quality standards and release from the provisions of s. 376.307(5), F.S., for those pollutants addressed by the practices. Once filed with DOF, the Notice of Intent shall enable the applicant to apply for assistance with the implementations as identified in s. 403.067(7)(d), F.S. This proposed rule also provides that records maintained by the applicant confirming implementation of non-regulatory and incentive-based BMPs are subject to DOF inspection.

**STATEMENT OF ESTIMATED REGULATORY COST:** No statement of estimated regulatory cost has been prepared.

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 within 21 days of this notice.

**SPECIFIC AUTHORITY:** 403.067(7)(d) FS.

**LAW IMPLEMENTED:** 403.067(7)(d), 589.04(1)(a) FS.

**IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:**

**TIME AND DATE:** 10:00 a.m., January 7, 2004

**PLACE:** Doyle Conner Building-Eyester Auditorium, 3125 Conner Blvd., Tallahassee, FL

If special accommodations are needed to attend this meeting because of a disability, please contact the person listed above at least seven days prior to the meeting.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Jeffery L. Vowell, Division of Forestry, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)414-9935, Fax (850)488-0863

THE FULL TEXT OF THE PROPOSED RULES IS:

**BEST MANAGEMENT PRACTICES FOR SILVICULTURE**

5I-6.001 Purpose.

The purpose of this rule is to effect pollutant reduction through the implementation of non-regulatory and incentive based Best Management Practices (BMPs) which may be determined to have minimal individual or cumulative adverse impacts to the water resources of the state.

Specific Authority 403.067(7)(d) FS. Law Implemented 403.067(7)(d) FS. History--New

5I-6.002 Approved BMPs.

The document titled *Best Management Practices for Silviculture* (2003) is hereby incorporated and adopted by reference in this rule. Copies of the document may be obtained from the Department of Agriculture and Consumer Services, Division of Forestry, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)414-9935 or FAX (850)488-0863.

Specific Authority 403.067(7)(d) FS. Law Implemented 403.067(7)(d) FS. History--New

5I-6.003 Presumption of Compliance.

In order to obtain the presumption of compliance with state water quality standards and release from the provisions of s. 376.307(5), F.S. for those pollutants addressed by the practices the applicant must:

(1) Conduct an assessment of the subject properties using the document titled *Best Management Practices for Silviculture* (2003).

(2) Submit a Notice of Intent to Implement as outlined in Rule 5I-6.004, F.A.C.

(3) Implement the non-regulatory and incentive-based BMPs identified as a result of the assessment of the subject properties and listed in the Notice of Intent to Implement.

(4) Maintain documentation to verify the implementation and maintenance of the non-regulatory and incentive-based BMPs as outlined in Rule 5I-6.005, F.A.C.

Specific Authority 403.067(7)(d) FS. Law Implemented 403.067(7)(d) FS. History--New

5I-6.004 Notice of Intent to Implement.

(1) A Notice of Intent to Implement Non-Regulatory and Incentive Based BMPs identified in the document titled *Best Management Practices for Silviculture* (2003) shall be submitted to the Department of Agriculture and Consumer Services, Division of Forestry, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)414-9935 or FAX (850)488-0863. Such notice shall identify BMPs the applicant will implement. The notice shall also include: the name of the property owner; the location of the property; the property tax ID number(s); a timeline for implementation; the gross acreage on which the practices will be implemented; the name and

contact information of an authorized representative; and the signature of the owner, lease holder, or an authorized agent. This notice is a one-time notification and is not required for each and every individual silviculture activity undertaken by the applicant.

(2) Once filed with FDACS, the Notice of Intent to Implement shall enable the applicant to apply for assistance with implementation as identified in s. 403.067(7)(d), F.S.

Specific Authority 403.067(7)(d) FS. Law Implemented 403.067(7)(d) FS. History–New \_\_\_\_\_.

5I-6.005 Record Keeping.

Where silviculture BMP implementation is not physically observable in the field, participants must preserve sufficient documentation to confirm implementation of the non-regulatory and incentive based BMPs identified in the Notice of Intent to Implement. All field activities and documentation related to BMP implementation are subject to FDACS, Division of Forestry inspection.

Specific Authority 403.067(7)(d) FS. Law Implemented 403.067(7)(d) FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jeffery L. Vowell, Division of Forestry, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)414-9935, Fax (850)488-0863

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael C. Long, Division of Forestry, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)922-0135, Fax (850)488-0863

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 21, 2003

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER TITLE: Incorporation by Reference  
 RULE CHAPTER NO.: 14-15

RULE TITLE: Manual on Uniform Traffic Control Devices  
 RULE NO.: 14-15.010

PURPOSE AND EFFECT: This is a fast track amendment to Rule 14-15.010, F.A.C., to adopt the *Manual on Uniform Traffic Control Devices* 2003 Edition, under the provisions of Section 120.54(6), Florida Statutes.

SUMMARY: This amendment adopts the *Manual on Uniform Traffic Control Devices*, 2003 Edition, under the provisions of Section 120.54(6), Florida Statutes.

SPECIFIC AUTHORITY: 316.0745(1), 334.044(2) FS.

LAW IMPLEMENTED: 316.0745(2),(3),(7), 335.09, 335.14, 339.05 FS.

This rulemaking is undertaken pursuant to Section 120.54(6), Florida Statutes.

Written comments may be submitted within 14 days of the date of this notice to: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458.

SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULE IS:

14-15.010 Manual on Uniform Traffic Control Devices.

The Federal Highway Administration Manual on Uniform Traffic Control Devices, 2003 Millennium Edition (~~December 2000~~), which became effective January 17, 2001, as amended by Errata No. 1 dated June 14, 2001, and Revision No. 1 dated ~~December 28, 2001~~, is hereby incorporated by this rule and made a part of the rules of the Department of Transportation. This federal document is available for downloading from the internet at the Federal Highway Administration’s website as listed as follows: <http://muted.fhwa.dot.gov/kno-2003.htm> ~~<http://muted.fhwa.dot.gov/kno-millennium.htm>~~. A certified copy has been filed with the Department of State.

PROPOSED EFFECTIVE DATE: January 2, 2004.

Specific Authority 316.0745(1), 334.044(2) FS. Law Implemented 316.0745(2),(3),(7), 335.09, 335.14, 339.05 FS. History–New 7-15-79, Amended 1-8-81, 8-15-85, Formerly 14-15.10, Amended 11-29-89, 4-25-95, 1-15-99, 4-5-00, 3-7-01, 8-15-01, 2-13-02, 1-2-04.

**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 CITRUS**

RULE CHAPTER TITLE: Market Classification, Maturity  
 RULE CHAPTER NO.: Standards and Processing or

Packing Restrictions for Hybrids  
 RULE TITLE: 20-13

Oranges: 2003-2004 Anhydrous Acid  
 RULE NO.: Maturity Standards 20-13.0011

PURPOSE AND EFFECT: Amendment would extend through the end of the 2003-2004 citrus season the lower minimum acid requirement for mature fresh oranges, which was adopted by emergency rule effective October 31, 2003.

SUMMARY: Extends lower minimum acid requirement for fresh oranges through the end of the 2003-2004 citrus season.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Regulatory Cost has been prepared.

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: 601.10(1),(7), 601.11, 601.19 FS.

LAW IMPLEMENTED: 601.111, 601.19 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:30 a.m., January 21, 2004

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, License & Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULE IS:

20-13.0011 Oranges: ~~2003-2004~~ ~~2002-2003~~ Anhydrous Acid Maturity Standards.

(1) During the period beginning ~~October 31, 2003~~ ~~November 1, 2002~~ up to and including ~~July 31, 2004~~ ~~July 31, 2003~~, oranges shall be deemed mature when the juice sample contains not less than .36 percent of anhydrous citric acid.

(2) All other state laws applicable to the maturity of oranges shall remain in effect.

Specific Authority 601.10(1),(7), 601.11, 601.19 FS. Law Implemented 601.111, 601.19 FS. History--New 3-14-93, Amended 2-12-95, 1-17-96, 5-1-02, 2-19-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ken Keck, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ken Keck, General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 29, 2003

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

**DEPARTMENT OF CITRUS**

RULE TITLE: Agency Travel Rule  
 RULE NO.: 20-115.001  
 PURPOSE AND EFFECT: New rule chapter codifying Florida Department of Citrus Fiscal Policy #304, Rev. 4-4-99, State Travel Expense, as recommended by Department of Financial Services.

SUMMARY: Department of Citrus travel rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Regulatory Cost has been prepared.

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: 601.15(8)(a) FS.

LAW IMPLEMENTED: 601.15(8)(a) FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:30 a.m., January 21, 2004

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, License and Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULE IS:

20-115.001 Agency Travel Rule.

The Department hereby adopts by reference those portions of Fiscal Policy #304, Revised 4-4-99, and as may be modified pertaining to reimbursement of actual and necessary expenses for travel outside the state of Florida.

Specific Authority 601.15(8)(a) FS. Law Implemented 601.15(8)(a) FS. History--New\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ken Keck, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ken Keck, General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 29, 2003

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

**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.

SUMMARY: The proposed rule provides that the inmate's discharge transportation cost cannot be subtracted from the discharge gratuity.

SUMMARY OF STATEMENT 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: 20.315, 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

THE FULL TEXT OF THE PROPOSED RULE 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.

NAME OF PERSON ORIGINATING PROPOSED RULE: Paula Hoisington

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 13, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 31, 2003

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Inmate Visiting – Definitions

RULE NO.: 33-601.713

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise the definition of 'institutional classification team' to correctly reflect the membership of the team.

SUMMARY: The proposed rule revises the definition of 'institutional classification team' to correctly reflect the membership of the team.

SUMMARY OF STATEMENT 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: 20.315, 944.09, 944.23 FS.

LAW IMPLEMENTED: 944.09, 944.23 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.713 Inmate Visiting – Definitions.

(1) through (3) No change.

(4) "Institutional Classification Team (ICT)" refers to the team at the institutional level ~~appointed by the warden~~ responsible for making local classification decisions as defined in rule and procedure. The ICT shall be comprised of the warden or assistant warden who shall serve as chairperson, a senior classification supervisor, chief of officer or higher and security member of the rank of correctional officer lieutenant or higher, and other members when appointed by the warden or designated by rule.

(5) through (16) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History--New 11-18-01, Amended 5-27-02, 9-29-03.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jerry Hewett

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 24, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 7, 2003

**INTERLOCAL AGENCIES**

**Lake Apopka Natural Gas District**

RULE TITLE: Tariff

RULE NO.: 54C-1.001

PURPOSE AND EFFECT: The purpose is to develop amendments to existing Rule 54C-1.001, F.A.C., the tariff of Lake Apopka Natural Gas District (District), modifying the rate schedules for labor, equipment and material, residential sales service, residential air conditioning sales service, commercial sales service, interruptible sales service, and transportation service, including the purchased gas adjustment provision, by increasing the fees and charges made by the District and to otherwise re-adopt the existing tariff. The effect will be that all classes of customers will experience an increase in the cost of gas and gas related services. Otherwise, the tariff will remain as it currently exists.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No increase or decrease in regulatory costs is anticipated.

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: Section (12), Chapter 99-454, Laws of Florida, 1999.

LAW IMPLEMENTED: Chapter 99-454, Laws of Florida, 1999.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., January 12, 2004

PLACE: Office of Lake Apopka Natural Gas District, 1320 S. Vineland Road (CR 535), Winter Garden, Florida 34787

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: George F. Crabtree, General Manager, Lake Apopka Natural Gas District, 1320 South Vineland Road (CR 535), Winter Garden, Florida 34787, (407)656-2734, Facsimile (407)656-9371

THE FULL TEXT OF THE PROPOSED RULE IS:

54C-1.001 Tariff.

The full text of the proposed rule is set forth in Resolution number ~~03-06 01-01~~ adopted by the Board of Commissioners of Lake Apopka Natural Gas District on November 24, 2003 ~~January 22, 2004~~, which is hereby incorporated herein in its entirety by reference.

Specific Authority Section (12), Chapter 99-454, Laws of Florida, 1999. Law Implemented Chapter 99-454, Laws of Florida, 1999. History--New 8-11-99, Amended 5-13-01,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: The Board of Commissioners of Lake Apopka Natural Gas District

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: The Board of Commissioners of Lake Apopka Natural Gas District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 24, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 7, 2003

**DEPARTMENT OF MANAGEMENT SERVICES**

**Commission on Human Relations**

RULE TITLE: Conducting Proceedings by Communications Media Technology

RULE NO.: 60Y-1.002

PURPOSE AND EFFECT: The rule chapter provides for the commission meetings and operations. A new section is added to provide for conducting commission proceedings by Communications Media Technology.

SUMMARY: Commission meetings and operations, particularly conducting proceedings by Communications Media Technology.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory cost, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 760.06(12) FS.

LAW IMPLEMENTED: 120.525, 120.54(5) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. (EDT), Monday, January 5, 2004

PLACE: The Commission's Main Conference Room, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Florida Commission on Human Relations, Attn: Jim Tait, Staff Attorney, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301 or call (850)488-7082, Ext. 1071

THE FULL TEXT OF THE PROPOSED RULE IS:

60Y-1.002 Conducting Proceedings by Communications Media Technology.

The Commission shall follow and conform to Chapter 28-109, F.A.C., with respect to conducting proceedings by communications media technology.

Specific Authority 760.06(12) FS. Law Implemented 120.54(5) FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: William James Tait, Jr.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Cecil Howard

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 2, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 1, 2003

**DEPARTMENT OF MANAGEMENT SERVICES**

**Commission on Human Relations**

RULE TITLES:	RULE NOS.:
Form of Documents	60Y-4.003
Filing and Copies	60Y-4.004
Proof of Simultaneous Service upon Other Parties	60Y-4.005
Service by Commission	60Y-4.006
Computation of Time Periods	60Y-4.007
Representation	60Y-4.008
Petitions	60Y-4.009
Miscellaneous Petitions	60Y-4.010
Answers	60Y-4.011
Parties	60Y-4.012
Intervention	60Y-4.013
Joinder of Parties	60Y-4.014

Assignment of Hearings 60Y-4.016  
 Motions 60Y-4.017  
 Consolidation 60Y-4.018  
 Discovery 60Y-4.019  
 Pre-hearing Conference 60Y-4.020  
 Notice of Hearing 60Y-4.021  
 Subpoenas 60Y-4.022  
 Witness Fees 60Y-4.023  
 Introduction of Evidence; Rights of Parties  
     at Hearing 60Y-4.024  
 Transcript of Hearing 60Y-4.025  
 Recommended Orders 60Y-4.026  
 Exceptions and Briefs 60Y-4.027

PURPOSE AND EFFECT: The rule chapter provides for general procedures of the commission.

SUMMARY: Many sections have been repealed in recognition of the Uniform Rules of Procedure. Two sections have been amended to recognize current statutory law and procedures.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory cost, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 120.52, 120.53, 120.54, 760.06(12), 760.11(14), 760.32(5) FS.

LAW IMPLEMENTED: 120.52, 120.53, 120.533, 120.54, 120.542, 509.092, 23.167, 119, 760.01, 760.03, 760.05, 760.06, 760.10, 760.11, 760.30 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. (EDT), Monday, January 4, 2004

PLACE: The Commission's Main Conference Room, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Florida Commission on Human Relations, Attn.: Jim Tait, Staff Attorney, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301 or call (850)488-7082, Ext. 1071

THE FULL TEXT OF THE PROPOSED RULES IS:

60Y-4.003 Form of Documents.

Specific Authority 120.53, 760.06(13) FS. Law Implemented 120.53, 760.06 FS. History--New 11-2-78, Formerly 22T-8.03, 22T-8.003, Repealed

60Y-4.004 Filing and Copies.

Specific Authority 120.53, 760.06(13) FS. Law Implemented 120.53, 120.57, 760.06 FS. History--New 11-2-78, Formerly 22T-8.04, 22T-8.004, Repealed

60Y-4.005 Proof of Simultaneous Service upon Other Parties.

Specific Authority 120.53, 760.06(13) FS. Law Implemented 120.53, 760.06 FS. History--New 11-2-78, Formerly 22T-8.05, 22T-8.005, Repealed

60Y-4.006 Service by Commission.

Specific Authority 120.53, 760.06(13) FS. Law Implemented 120.53, 760.06 FS. History--New 11-2-78, Formerly 22T-8.06, 22T-8.006, Repealed

60Y-4.007 Computation of Time Periods.

Specific Authority 120.53, 760.06(13) FS. Law Implemented 120.53, 760.06 FS. History--New 11-2-78, Formerly 22T-8.07, 22T-8.007, Repealed

60Y-4.008 Representation.

Specific Authority 120.53, 760.06(13) FS. Law Implemented 120.53, 760.06 FS. History--New 11-2-78, Formerly 22T-8.08, 22T-8.008, Repealed

60Y-4.009 Petitions.

Specific Authority 120.53, 760.06(13) FS. Law Implemented 120.53, 120.54, 120.565, 760.06, 760.10 FS. History--New 11-2-78, Formerly Rule 9D-8.09, Amended 6-16-83, Formerly 22T-8.09, 22T-8.009, Repealed

60Y-4.010 Miscellaneous Petitions.

Specific Authority 120.53, 760.06(13) FS. Law Implemented 120.53, 760.06 FS. History--New 11-2-78, Formerly 22T-8.10, 22T-8.010, Repealed

60Y-4.011 Answers.

Specific Authority 120.53, 760.06(13) FS. Law Implemented 120.53, 760.06 FS. History--New 11-2-78, Formerly 22T-8.11, 22T-8.011, Repealed

60Y-4.012 Parties.

Specific Authority 120.53, 760.06(13) FS. Law Implemented 120.53, 760.06 FS. History--New 11-2-78, Formerly 22T-8.12, 22T-8.012, Repealed

60Y-4.013 Intervention.

Specific Authority 120.53, 760.06(13) FS. Law Implemented 120.53, 760.06 FS. History--New 11-2-78, Formerly 22T-8.13, 22T-8.013, Repealed

60Y-4.014 Joinder of Parties.

Specific Authority 120.53, 760.06(13) FS. Law Implemented 120.53, 760.06 FS. History--New 11-2-78, Formerly 22T-8.14, 22T-8.014, Repealed

60Y-4.016 Assignment of Hearings.

(1) A hearing upon a Petition for Relief from an Unlawful Employment Practice, a Housing Discriminatory Practice or a Public Accommodation Discriminatory Practice pursuant to Rules 60Y-54.008, 60Y-8.001 and 60Y-10.005, F.A.C., respectively shall be conducted by an Administrative Law Judge ~~a hearing officer~~ designated by the Division of Administrative Hearings unless, prior to service of the Notice of Hearing pursuant to Rule 60Y-4.021, F.A.C., the



Chairperson or Chair of the Panel designates a Commissioner as the hearing officer or directs that the hearing be conducted by the Commission or Panel.

(2) A hearing upon a petition not described in subsection (1) shall be conducted by a hearing officer designated by the Chairperson or Chair of the Panel unless the Chairperson or Chair of the Panel directs that the hearing be conducted by the Commission or Panel.

(3) A hearing upon a petition not described in subsection (1) or (2) shall be conducted by a hearing officer designated by the Chairperson or Chair of the Panel unless the Chairperson or Chair of the Panel directs that the hearing be conducted by the Commission or Panel.

Specific Authority 120.53, 760.06(13) FS. Law Implemented 120.53, 760.06, 760.03(5) FS. History—New 11-2-78, Formerly 9D-8.16, Amended 2-4-82, 6-16-83, Formerly 22T-8.16, 22T-8.016, Amended.

**60Y-4.017 Motions.**

Specific Authority 120.53, 760.06(13) FS. Law Implemented 120.53, 760.06 FS. History—New 11-2-78, Formerly 9D-8.17, Amended 2-4-82, 6-30-83, Formerly 22T-8.17, 22T-8.017, Repealed.

**60Y-4.018 Consolidation.**

Specific Authority 120.53, 760.06(13) FS. Law Implemented 120.53, 760.06 FS. History—New 11-2-78, Formerly 22T-8.18, 22T-8.018, Repealed.

**60Y-4.019 Discovery.**

Specific Authority 120.53, 760.06(13) FS. Law Implemented 120.53, 760.06 FS. History—New 11-2-78, Formerly 22T-8.19, 22T-8.019, Repealed.

**60Y-4.020 Pre-hearing Conference.**

Specific Authority 120.53, 760.06(13) FS. Law Implemented 120.53, 760.06 FS. History—New 11-2-78, Formerly 9D-8.20, Amended 2-4-82, Formerly 22T-8.20, 22T-8.020, Repealed.

**60Y-4.021 Notice of Hearing.**

Specific Authority 120.53, 760.06(13) FS. Law Implemented 120.53, 120.57, 760.06 FS. History—New 11-2-78, Formerly 22T-8.21, 22T-8.021, Repealed.

**60Y-4.022 Subpoenas.**

Specific Authority 120.53, 760.06(13) FS. Law Implemented 120.53, 760.06 FS. History—New 11-2-78, Formerly 22T-8.22, 22T-8.022, Repealed.

**60Y-4.023 Witness Fees.**

(1) Witness fees necessary and incident to a hearing shall be paid by the party at whose instance the witness is summoned. If the Commission or the Executive Director directs that a witness be summoned as a Commission witness, that witness' fees shall be paid by the Commission. Witness fees shall be tendered, or a voucher submitted at the time of attendance. The fees allowed shall be the same as those allowed by the circuit courts of this state.

(2) Witness fees for Commission employees shall be paid in accordance with subsection 92.142(2), F.S.

Specific Authority 760.06, 120.53 FS. Law Implemented 760.06, 760.10, 92.142, 120.53, 120.57 FS. History—New 11-2-78, Amended 2-10-80, Formerly 22T-8.23, 22T-8.02, Amended.

**60Y-4.024 Introduction of Evidence; Rights of Parties at Hearing.**

Specific Authority 120.53, 760.06(13) FS. Law Implemented 120.53, 120.57, 760.06 FS. History—New 11-2-78, Formerly 9D-8.24, Amended 2-4-82, Formerly 22T-8.24, 22T-8.024, Repealed.

**60Y-4.025 Transcript of Hearing.**

Specific Authority 120.53, 760.06(13) FS. Law Implemented 120.53, 120.57, 760.06 FS. History—New 11-2-78, Amended 11-8-83, Formerly 22T-8.25, 22T-8.025, Repealed.

**60Y-4.026 Recommended Orders.**

Specific Authority 120.53, 760.06(13) FS. Law Implemented 120.53, 120.57, 760.06 FS. History—New 11-2-78, Formerly 22T-8.26, 22T-8.026, Repealed.

**60Y-4.027 Exceptions and Briefs.**

Specific Authority 120.53, 760.06(13) FS. Law Implemented 120.53, 120.57, 760.06 FS. History—New 11-2-78, Amended 2-4-82, 11-8-83, Formerly 22T-8.27, 22T-8.027, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
William James Tait, Jr.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Cecil Howard

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 2, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 1, 2003

**DEPARTMENT OF MANAGEMENT SERVICES**

**Commission on Human Relations**

RULE TITLES:	RULE NOS.:
Complaints	60Y-5.001
Answer	60Y-5.0011
Investigation of Complaints	60Y-5.003
Executive Director's Investigatory	
Determination; Notice	60Y-5.004
Conciliation	60Y-5.005
Administrative Dismissal of a Complaint	60Y-5.006
Petition for Relief from an Unlawful	
Employment Practice	60Y-5.008

PURPOSE AND EFFECT: The rule chapter provides for Commission proceedings to receive, investigate and act upon complaints of unlawful employment practice.

SUMMARY: Amendments have updated rule sections to conform to current procedures and statutory requirements, including the adoption of the Uniform Rules of Procedure, and clarifying when a complaint is filed, and under what conditions, amendments, withdrawals and dismissals of complaints may be made.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory cost, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 120.54, 760.06(12), 760.11(14) FS. LAW IMPLEMENTED: 760.01-.11 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. (EDT), Monday, January 5, 2004

PLACE: The Commission's Main Conference Room, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Florida Commission on Human Relations, Attn.: Jim Tait, Staff Attorney, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301, (850)488-7082, Ext. 1071

THE FULL TEXT OF THE PROPOSED RULES IS:

60Y-5.001 Complaints.

(1) Who May File. A complaint may be filed by any person aggrieved by an unlawful employment practice. A complaint may also be filed by the Attorney General, a Commissioner, or the Commission. When a complaint is filed by a Commissioner, that Commissioner is the complainant, and shall not participate as a Commissioner in any subsequent proceeding upon that complaint.

(2) Time for Filing. A complaint may be filed at any time within 365 days of the occurrence of the alleged unlawful employment practice. If the alleged unlawful employment practice is of a continuing nature, the date of the occurrence may be any date subsequent to the commencement of the unlawful employment practice up to and including the date on which it shall have ceased.

(3) Place and Date of Filing. A complaint may be filed at the office of the Commission. The date of filing shall be the date of actual receipt of the complaint by the Clerk or other agent of the Commission. Any document received by the Clerk or other agent of the Commission after 5:00 p.m. (Eastern Time) shall be filed as of 8:00 a.m. on the next regular business day.

(4) Relation Back of Certain Complaints. A complaint which would not otherwise be timely may be filed if it: (a) states that another complaint naming the same respondent is properly before the Commission and identifies that other complaint, and (b) alleges the same or additional facts which describe an unlawful employment practice related to or growing out of the subject matter of the other, identified complaint, and (c) would have been timely if filed at the time

of, or other time subsequent to, the filing of the other, identified complaint. A complaint under this subsection may be filed by a new complainant and shall relate back to the date the other, identified complaint was first received.

(5) Form. The complaint must be in writing and shall be signed by the complainant. The complaint shall be verified.

(6) Contents.

(a) The complaint should contain the following information:

1. The name, address and telephone number of the person filing the complaint;

2. The name, address and telephone number of the respondent;

3. A clear and concise statement of the facts, including pertinent dates, constituting the unlawful employment practice;

4. If known, the approximate number of employees of a respondent employer;

5. If known, a statement disclosing whether proceedings involving the alleged unlawful employment practice have been commenced before a Federal, State or local agency charged with the enforcement of fair employment practice laws and, if so, the date of such commencement and the name of the agency.

(b) Notwithstanding the provision of paragraph (a) of this subsection, a complaint is sufficient if it is in writing, signed by the Complainant, verified, and is sufficiently precise to identify the parties and to describe generally the action or practice complained of.

(7) Amendments.

(a) A complaint may be reasonably and fairly amended within 60 days after filing and, thereafter, for good cause with the consent of the Executive Director.

~~(b)(a)~~ A complaint may be amended to cure technical defects, or omissions, including verification, or to clarify and amplify allegations made therein. Such amendments and amendments which describe an additional unlawful employment practice related to or growing out of the subject matter of the original complaint will relate back to the date the complaint was first received.

~~(c)(b)~~ An amendment adding or changing a respondent will relate back to the date the complaint was first received if, within the period provided by subsection (2), the new respondent (i) has received such notice of the filing of the complaint as is sufficient to avoid prejudice in a defense on the merits, and (ii) knew or should have known that, but for a mistake concerning identity of the proper respondent, the complaint would have been filed against the new respondent.

~~(c) An amendment may be filed at any time before service of a Notice of Determination. After a Notice of Determination has been served, an amendment may be filed only with the permission of the Executive Director, for good cause shown.~~

(8) Withdrawal. A complaint may be withdrawn by a complainant at any time; however, following the issuance of a Notice of Determination, withdrawal may be made only with the consent of the Executive Director.

(9) Notice to Respondent. When it is determined that a complaint is complete and has been timely filed. The Executive Director shall cause notice of the filing and a copy of the complaint to be served upon the respondent. Notice shall be served within 5 days of the date of filing. An amendment likewise shall be served upon the respondent. Commission, within 5 days of the complaint being filed, shall send by registered mail notice of the filing and a copy of the complaint to the respondent. An amendment likewise shall be sent by registered mail to the respondent.

(10) Maintenance of ~~Employment~~ Records. Once a complaint has been served on a respondent, the respondent shall preserve all ~~personnel records, production~~ records and other evidence which may pertain to the complaint until the matter has been finally determined.

Specific Authority 760.06(12), 760.11(14) FS. Law Implemented 760.06, 760.10, 760.11(1) FS. History—New 11-2-78, Amended 10-4-82, Formerly 22T-9.01, 22T-9.001, Amended 1-28-99, 2-23-00, \_\_\_\_\_.

#### 60Y-5.0011 Answer.

(1) Responded may file an answer to the complaint within 25 days of the date of notice of the filing. The answer shall be verified.

(2) The Answer may be reasonably and fairly amended at any time prior to the issuance of a determination pursuant to Rule 60Y-5.004, F.A.C.

Specific Authority 120.53, 760.06(12) FS. Law Implemented 120.53, 760.11(1) FS. History—New \_\_\_\_\_.

#### 60Y-5.003 Investigation of Complaints.

(1) By Whom. The investigation of the complaint shall be made by the Office of Employment Investigations or by any other person designated by the Executive Director. The Executive Director may utilize services of other public agencies, state, local or federal, which are charged with the administration of fair employment practice laws, and may utilize the information gathered by such.

(2) Statement of Complainant. During the course of an investigation, the complainant may be required to provide a statement which includes:

(a) A statement of each particular harm which the aggrieved person has suffered and the date on which each harm occurred;

(b) For each harm, a statement specifying the act, policy or practice which is alleged to be unlawful;

(c) For each act, policy, or practice alleged to have harmed the aggrieved person, a statement of the facts which lead the complainant to believe that the act, policy or practice is discriminatory.

(3) Requests for Information. During the course of an investigation, the Office of Employment Investigations may request of any person information concerning the facts and circumstances of the complaint. Requests for information may be made in the following manner:

(a) Oral interviews;

(b) Written interrogatories;

(c) Requests for production of documents;

(d) Requests for entry upon land for inspection and other purposes;

(e) Requests for a written statement or affidavit.

(4) Failure to Provide Information – Respondent. In the event a respondent fails to provide information within that person's control, which is requested pursuant to subsection (3), and reasonable notice and opportunity to cure have been given, an inference may be drawn, in a determination of reasonable cause pursuant to Rule 60Y-5.004, F.A.C., that such information is adverse to the respondent's interest.

(5) Failure to Cooperate – Complainant.

(a) Where the complainant fails to provide a necessary statement, fails or refuses to appear or be available for interview or meetings, fails or refuses to provide necessary information requested by the Office of Employment Investigations pursuant to this section or otherwise refuses to cooperate to the extent that the Office of Employment Investigations is unable to resolve the complaint, and after notice the complainant has failed to duly respond to the Office of Employment Investigations within 30 days, the Executive Director may dismiss the complaint, which shall constitute final Agency action.

(b) In the event a complainant fails to appear at or fails or refuses to participate in a fact-finding conference scheduled in the complainant's area of residence or at the place most convenient to all parties as determined by the Office of Employment Investigations, and after being provided at least fourteen days notice of such conference, which notice shall advise complainant of the provisions of this rule, the Executive Director may dismiss the complaint; provided, however, that no complaint may be dismissed pursuant to this rule where within fourteen days of the scheduled conference the complainant has filed with the Commission information establishing good cause for complainant's nonappearance or nonparticipation. Such information should include sworn statements of those individuals having direct knowledge of pertinent events causing the nonappearance or nonparticipation, as well as any other relevant evidence.

(6) Subpoena. In the event any person fails to provide requested information, the Executive Director may issue and sign a subpoena on behalf of the Commission. The subpoena shall state the name and address of the issuer, identify the person subpoenaed, the person to whom and the place, date, and time at which it is returnable. A subpoena may be returnable to a representative of the Commission.

(7) Enforcement of Subpoena. In the event the person to whom the subpoena is directed fails to obey the subpoena, the Executive Director may direct the General Counsel to apply to a circuit court for an order of compliance.

(8) Suspension of Investigation. Upon the request of the complainant or respondent, the Executive Director or his designee ~~Administrator of Employment Investigations~~ may suspend an investigation during the pendency of a grievance proceeding, on the same subject, to which the complainant and respondent are parties. This suspension shall normally be granted for not more than 45 days and only if there is reason to believe that the pending proceeding will fully resolve the matters raised by the complaint.

(9) Access to Files During Investigation. Information obtained during the investigation of a complaint shall be disclosed only to the complainant, respondent or their authorized representative, or to a witness, only when disclosure is deemed necessary for the investigation or for securing appropriate disposition of the complaint.

(10) Negotiated Settlement. During the mediation and/or investigation processes, the Commission Office ~~Office of Employment Investigations~~ shall endeavor to encourage the complainant and the respondent to settle the complaint on mutually agreeable terms. If the settlement is achieved by a Negotiated Settlement Agreement, its terms shall be reduced to writing and signed and dated by the complainant and respondent. If a settlement is achieved as a Withdrawal with Settlement, only the complainant need sign and date. A copy of the agreement shall be filed with the Clerk. A complaint which has been settled may be dismissed by the Executive Director upon such terms and at such time as may be provided in the written agreement subject to compliance.

Specific Authority 760.06(13), 760.11(14) FS. Law Implemented 760.03(7), 760.06, 760.10, 760.11(2), (12) FS. History—New 11-2-78, Amended 8-12-85, Formerly 22T-9.03, Amended 8-11-86, Formerly 22T-4.003, Amended \_\_\_\_\_.

60Y-5.004 Executive Director’s Investigatory Determination; Notice.

(1) Upon completion of an investigation, if a complaint has not been settled or withdrawn, the Office of Employment Investigations shall report the investigation, with recommendation, to the Office of General Counsel. The Office of General Counsel shall review the report and shall make a recommendation to the Executive Director as to whether there is reasonable cause to believe that an unlawful employment practice has occurred.

(2) If the recommendation is based upon lack of jurisdiction over the respondent or subject matter of the complaint or upon untimely filing of the complaint, the Executive Director may dismiss the complaint pursuant to subsection 60Y-5.006(3) or (11), F.A.C., provided that the investigation does not reveal any disputed issues of material

fact. The Executive Director shall issue a determination on the foregoing bases of lack of jurisdiction or untimeliness where disputed issues of material fact appear to exist.

(3) After a determination has been made by the Executive Director, the Clerk shall serve a Notice of Determination, with copies of the determination, upon the complainant and the respondent.

(4) A Notice of Determination of Reasonable Cause shall include an invitation to participate in conciliation and shall advise the complainant of the elective right to file either a Petition for Relief, pursuant to Rule 60Y-5.008, F.A.C., within 35 days of the date of determination or a civil action within one year of the date of determination. A Petition for Relief form, in blank, shall be provided to the complainant at the time of service of the notice.

(5) A Notice of Determination of No Reasonable Cause, No Jurisdiction or Untimeliness shall advise the complainant of the right to file a Petition for Relief, pursuant to Rule 60Y-5.008, F.A.C., within 35 ~~30~~ days of the date of determination ~~service of the notice~~. A ~~form~~, Petition for Relief ~~form, hereby incorporated by reference~~, in blank, shall be provided to the complainant at the time of service of the notice.

(6) ~~A Notice of Determination shall further advise the parties of the right to request redetermination, pursuant to Rule 60Y-5.007, F.A.C., within 20 days of service of the notice. If the complainant requests redetermination, the 30 day period for filing a Petition for Relief shall be tolled until service of a Notice of Redetermination.~~

~~(6)(7)~~ After service of a Notice of Determination, the parties named in the determination may inspect the records and documents, in the custody of the Commission, which pertain to the determination. The Executive Director may direct that a particular record, document or portion thereof be withheld from inspection by a party only when necessary for the protection of a witness or third party, or for the preservation of a trade secret.

Specific Authority 760.06(13) FS. Law Implemented 760.03(7), 760.06, 760.10, 760.11(2), (3), (4), (7) FS. History—New 11-2-78, Amended 6-16-83, 8-12-85, Formerly 22T-9.04, 22T-9.004, Amended \_\_\_\_\_.

60Y-5.005 Conciliation.

(1) After service of a Notice of Determination of Reasonable Cause pursuant to Rule 60Y-5.004, F.A.C., the Commission Office of Employment Investigations shall endeavor to eliminate any unlawful employment practice by informal methods of conference, conciliation and persuasion.

(2) The Commission Office of Employment Investigations shall attempt to achieve a just resolution of all violations found, and to obtain agreement that the respondent will eliminate the unlawful practice and provide appropriate affirmative relief. Where such conciliation attempts are successful, the terms of the conciliation agreement shall be reduced to writing and signed by the complainant, the respondent and the Executive Director or the person designated

by the Executive Director. The original of the signed agreement shall be filed with the Clerk, and copies shall be served upon the respondent and the complainant.

~~(3)(2)~~ A duly executed conciliation agreement shall operate as a dismissal of the complaint; however, prior to the filing of the conciliation agreement, the parties may stipulate therein to bringing the agreement before a Panel of Commissioners. The Panel in its sole discretion may adopt the conciliation agreement as a consent order.

(4) Conciliation has not been signed and the complaint has not been withdrawn or dismissed within the time period established for filing a Petition for Relief, the Executive Director shall dismiss the complaint.

~~(3) If, 30 days after service of a Notice of Determination of Reasonable Cause, a conciliation agreement has not been signed and the complaint has not been withdrawn or dismissed, the Executive Director shall cause a Notice of Failure of Conciliation to be served upon the complainant and the respondent. The 30-day period may be extended only by written stipulation of the complainant and the respondent or by the Office of Employment Investigations. The Executive Director or Administrator of Employment Investigations may shorten the 30-day period if it appears that conciliation will not be achieved. The Notice of Failure of Conciliation shall state that the complainant may file a Petition for Relief, pursuant to Rule 60Y-5.008, F.A.C., within 30 days of service of the notice. A form, Petition for Relief, in blank, shall be provided to the complainant at the time of service of the Notice of Failure of Conciliation.~~

~~(4) Where a Request for Redetermination is filed, pursuant to Rule 60Y-5.007, F.A.C., during the conciliation period, conciliation will be stayed until the Executive Director has acted upon the request.~~

Specific Authority 760.06(13) FS. Law Implemented 760.06, 760.10 FS. History—New 11-2-78, Amended 6-16-83, 8-29-84, 8-12-85, Formerly 22T-9.05, 22T-9.005, Amended \_\_\_\_\_.

60Y-5.006 Administrative Dismissal of a Complaint.

The Executive Director, on behalf of the Commission, shall ~~may~~ dismiss a complaint upon one or more of the following grounds:

(1) The complainant has failed or refused to cooperate or has failed to appear at or fails or refuses to participate in a duly noticed fact-finding conference and after notice pursuant to subsection 60Y-5.003(5), F.A.C., has failed to duly respond or show good cause for such nonappearance or nonparticipation;

(2) The complaint has been resolved by negotiated settlement pursuant to subsection 60Y-5.003(10), F.A.C.;

(3) The complaint has not been timely filed with the Commission;

(4) After service of Notice of Determination of Reasonable Cause, No Reasonable Cause, or No Jurisdiction ~~or Untimeliness~~, the complainant has failed to file a Request for

~~Redetermination pursuant to Rule 60Y-5.007, F.A.C., or has failed to file a Petition for Relief pursuant to Rule 60Y-5.008, F.A.C.;~~

(5) Anytime after the expiration of 180 days from the date of filing the complaint when a Determination of Reasonable Cause or No Reasonable Cause has not been issued by the Commission and after the Complainant files notice of a planned, or files a, civil action in a court of competent jurisdiction, after service of a Notice of Redetermination of No Reasonable Cause, No Jurisdiction or Untimeliness, the complainant has failed to file a Petition for Relief pursuant to Rule 60Y-5.008, F.A.C.;

~~(6) after service of a Notice of Failure of Conciliation, the complainant has failed to file a Petition for Relief pursuant to 60Y-5.008, F.A.C.;~~

~~(6)(7) The~~ the complainant cannot be located after reasonable efforts to locate have been made and there is no response from the complainant within 30 days after notice was sent by certified mail to the complainant's last known address;

~~(7)(8) An~~ an agreement to submit to arbitration has been filed pursuant to Rule 60Y-5.009, F.A.C.;

~~(8)(9) The~~ the complainant has voluntarily dismissed the petition for relief pursuant to subsection 60Y-5.008~~(7)(9)~~, F.A.C.;

~~(9)(10) The~~ the complainant has voluntarily withdrawn the complaint, including during the period from the issuance of the investigative determination through the final date in which a petition for relief from an unlawful employment practice may be filed; or

~~(10)(11) There~~ there is no jurisdiction over the respondent or subject matter of the complaint.

Specific Authority 760.06(13) FS. Law Implemented 20.05, 760.06, 760.10 FS. History—New 11-2-78, Amended 6-16-83, 8-29-84, 8-12-85, Formerly 22T-9.06, Amended 8-11-86, Formerly 22T-9.006, Amended \_\_\_\_\_.

60Y-5.008 Petition for Relief from an Unlawful Employment Practice.

(1) Petition. A complainant may file a Petition for Relief from an Unlawful Employment Practice within 35 ~~30~~ days of the Date service of a Notice of Failure of Conciliation, a Notice of Determination of Reasonable Cause, No Reasonable Cause, a Notice of Determination of No Jurisdiction or a Notice of Determination of Untimeliness; or where redetermination has been requested, a Notice of Redetermination of No Reasonable Cause, a Notice of Redetermination of No Jurisdiction or a Notice of Redetermination of Untimeliness. Notwithstanding the provisions of subsection 60Y-4.004(2) and Rule 60Y-4.005, F.A.C., a A complainant who is not represented by an attorney may file a Petition for Relief without copies or proof of service, and the Clerk shall prepare copies and serve them upon all other parties.

(2) For good cause shown, the Chairperson may grant an extension of time to file the Petition for Relief from an Unlawful Employment Practice, provided the motion for extension of time is filed within the ~~35~~ 30-day period prescribed by subsection 60Y-5.008(1), F.A.C.

(3) Procedures. Petitions for Relief, and proceedings thereupon, are governed by the provisions of Chapters ~~28-106~~ and 60Y-4, Florida Administrative Code, except as otherwise provided by this section.

(4) Class Allegations.

(a) The petition may include an allegation that the respondent has acted or refused to act on grounds generally applicable to a class, in which case the petition shall also include a description of the class of persons allegedly affected.

~~(5) Answer.~~

~~(a) Each respondent shall file an answer with the Commission within 20 days of service of the petition.~~

~~(b) The answer shall include a specific admission, denial, or explanation of each allegation of the petition; or if the respondent is without knowledge thereof, it shall so state, in which case such statement shall operate as a denial. Admissions or denials may be made to all or part of a particular allegation.~~

~~(c) The answer shall include a specific, detailed statement of any affirmative defense. Failure to plead an affirmative defense shall constitute a waiver of that defense.~~

~~(d) If a respondent fails to file a timely answer, such failure shall be deemed to constitute an admission of the material facts alleged in the petition. Any allegation within the petition which is not denied in the answer shall be deemed admitted.~~

~~(e) The filing of a motion to dismiss shall not toll the time for filing an answer.~~

~~(6) Notice to Commissioners or Members of a Panel. The Clerk shall serve notice of the petition upon all Commissioners unless a Panel has been designated by the Chairperson. If a Panel has been designated, the Clerk shall serve notice upon the members of that Panel.~~

~~(b)(7) Certification of Class. If the petition contains class allegations, the administrative law judge hearing officer, on motion of a party, may include in the recommended order a proposed certification of the class if (a) the class is so numerous that joinder of all members is impractical, (b) there are questions of law or fact common to the class, (c) the claims of the petitioner are typical of the claims of the class, and (d) the petitioner will fairly and adequately protect the interests of the class. If the administrative law judge hearing officer proposes that a class be certified, the hearing officer may also include in the recommended order proposed findings and conclusions concerning the respondent's liability to the class. However, the administrative law judge hearing officer shall not~~

initially consider other class issues unless it is determined that such consideration will not cause undue delay to the completion of the hearing.

~~(5)(8) Final Orders; Relief; Remand. Upon consideration of a recommended order, the Commission or Panel may order that the petition and complaint be dismissed or may determine that an unlawful employment practice has occurred. In the event the Commission or Panel determines that an unlawful employment practice has occurred, it shall issue an order prohibiting the practice and providing relief from the effects of the practice. If the Commission or Panel finds that the proceeding is properly maintained as a class proceeding, the order of the Commission or Panel may direct a remand to the administrative law judge hearing officer of any class issue which the Commission or Panel has not determined. The order of the Commission or Panel shall constitute final agency action as to all matters except those which are remanded to the administrative law judge hearing officer.~~

~~(6)(9) Proceedings After Remand. An order of remand, pursuant to subsection (5)(7), or a subsequent order of the administrative law judge hearing officer, may direct that notice of pendency of the proceeding be served upon members of the class. Such an order shall specify the manner of service of the notice and the person responsible for service. Any member of the class who does not, within 15 days of service of the notice of pendency or within such other time as the order may provide, file with the Commission an election of non-participation in the class shall be bound by an order of the Commission or Panel made subsequent to the giving of such notice.~~

~~(7)(10) Voluntary Dismissal. A Petition for Relief may be dismissed by the Petitioner without order of the administrative law judge hearing officer, Panel of Commissioners or Commission (i) by serving, or during hearing, by stating on the record, a notice of dismissal at any time before the issuance of a recommended order Commission takes final action or (ii) by filing a stipulation of dismissal signed by all parties who have appeared in the action. The dismissal operates with prejudice with respect to Petitioner's Chapter 760, F.S., administrative remedies and constitutes final agency action.~~

Specific Authority 760.06(13) FS. Law Implemented 760.06, 760.10 FS. History--New 11-2-78, Amended 2-4-82, 6-16-83, 8-29-84, 8-12-85, Formerly 22T-9.08, 22T-9.008, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
William James Tait, Jr.  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Cecil Howard  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: December 2, 2003  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: August 1, 2003

**DEPARTMENT OF MANAGEMENT SERVICES**

**Commission on Human Relations**

RULE TITLE: RULE NO.:

Petition for Relief from a Discriminatory 60Y-8.001  
 Housing Practice

PURPOSE AND EFFECT: The rule section provides for Petitions for Relief from a discriminatory housing practice.

SUMMARY: Amendments have updated the section to reflect the adoption of the Uniform Rules of Procedure and to current commission practices.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory cost, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 120.53, 760.06 (12), 760.31(5) FS.

LAW IMPLEMENTED: 120.53, 760.34, 760.35 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. (EDT), Monday, January 5, 2004

PLACE: The Commission's Main Conference Room, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Florida Commission on Human Relations, Attn.: Jim Tait, Staff Attorney, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301, (850)488-7082, Ext. 1071

THE FULL TEXT OF THE PROPOSED RULE IS:

60Y-8.001 Petition for Relief from a Discriminatory Housing Practice.

(1) Petition. A complainant may file a Petition for Relief from a Discriminatory Housing Practice within 30 days of service of a Notice of Determination (No Cause) or Notice of ~~Determination (Cause) Failure of Conciliation~~. The Executive Director on behalf of the Commission may institute an action by filing file a Petition for Relief from a Discriminatory Housing Practice upon determining there is reasonable cause to believe that a discriminatory practice has occurred and has been unable to obtain voluntary compliance with Sections 760.20-760.37, F.S. within 30 days of Services of a Notice of Failure of Conciliation. The Clerk shall prepare copies of the petition and serve them upon all other parties named in the petition by certified mail.

(2) For good cause shown, the Chairperson may grant an extension of time to the complainant to file the Petition for Relief, provided the motion for extension of time is filed within the 30-day period.

(3) Procedures. Petitions for Relief, and proceedings thereupon, are governed by the provisions of Chapters 28-106 and 60Y-4, F.A.C., except as otherwise provided by this section.

~~(4) Answer.~~

~~(a) Each respondent shall file an answer with the Commission within 20 days of service of the petition.~~

~~(b) The answer shall include a specific admission, denial, or explanation of each allegation of the petition; or if the respondent is without knowledge thereof, it shall so state, in which case such statement shall operate as a denial. Admissions or denials may be made to all or part of a particular allegation.~~

~~(c) The answer shall include a specific, detailed statement of any affirmative defense. Failure to plead an affirmative defense shall constitute a waiver of that defense.~~

~~(d) If a respondent fails to file a timely answer, such failure shall be deemed to constitute an admission of the material facts alleged in the petition. Any allegation within the petition which is not denied in the answer shall be deemed admitted.~~

~~(e) The filing of a motion to dismiss shall not toll the time for filing an answer.~~

~~(5) Notice to Commissioners or Members of a Panel. The Clerk shall serve notice of the petition upon all Commissioners unless a panel has been designated by the Chairperson. If a Panel has been designated, the Clerk shall serve notice upon the members of that Panel.~~

~~(4)(6) Final Orders; Relief; Remand. Upon consideration of a recommended order, the Commission or Panel may order that the petition and complaint be dismissed or may determine that a discriminatory housing practice has occurred. In the event the Commission or Panel determines that a discriminatory housing practice has occurred, it shall issue an order prohibiting the practice and providing relief from the effects of the practice, including quantifiable damages and reasonable attorney's fees and costs. The order of the Commission or Panel shall be final as to all matters except those which are remanded to the Administrative Law Judge Hearing Officer.~~

~~(5)(7) Voluntary Dismissal. A Petition for Relief filed by a complainant may be dismissed by the complainant without order of the Administrative Law Judge hearing office, Panel of Commissioners or Commission (i) by serving, or during hearing; by stating on the record, a notice of dismissal at any time before the issuance of a recommended order the Commission takes final action or (ii) by filing a stipulation of dismissal signed by all parties who have appeared in the action. The dismissal operates with prejudice with respect to Petitioner's Chapter 760, F.S. complainant's administrative remedies and constitutes final agency action.~~

Specific Authority 120.53, 760.31(5) FS. Law Implemented 120.53, 760.34, 760.35 FS. History--New 1-25-90, Formerly 22T-22.001, Amended 11-18-92,

NAME OF PERSON ORIGINATING PROPOSED RULE: William James Tait, Jr.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Cecil Howard

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 2, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 1, 2003

DEPARTMENT OF MANAGEMENT SERVICES

Commission on Human Relations

RULE TITLES:	RULE NOS.:
Purpose	60Y-9.001
Housing Exemption for Persons 55 Years of Age or Older	60Y-9.005
Housing for Older Persons Registration and Documentation	60Y-9.007

PURPOSE AND EFFECT: The rule chapter provides for Commission's implementation of the provisions of Section 760.29(4), F.S., relating to housing for older persons.

SUMMARY: Amendments are proposed to correct a statutory reference, adopt a federal rule, and correct the address of the Commission and its powers to impose an administrative fine.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory cost, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 760.06(12), 760.31(5) FS.

LAW IMPLEMENTED: 760.29 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. (EDT), Monday, January 5, 2004

PLACE: The Commission's Main Conference Room, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Florida Commission on Human Relations, Attn.: Jim Tait, Staff Attorney, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301 or call (850)488-7082, Ext. 1071

THE FULL TEXT OF THE PROPOSED RULES IS:

60Y-9.001 Purpose.

The purpose of the housing for older persons exemption to the general prohibition against discrimination because of familial status is to protect families with children from discrimination

in housing without unfairly limited housing choices for older persons. This Chapter, 60Y-9, F.A.C., clarifies requirements related to housing for older persons pursuant to Section ~~760.29(4)~~ ~~760.31(5)~~, F.S.

Specific Authority 760.31(5) FS. Law Implemented 760.29(4), 760.31(5) FS. History--New 8-15-90, Formerly 22T-23.001, Amended \_\_\_\_\_.

60Y-9.005 Housing Exemption for Persons 55 Years of Age or Older.

(1) The provisions in Sections 760.20-760.37, F.S., relating to familial status shall not apply to housing intended and operated for occupancy by at least one person 55 years of age or older per unit, provided that the housing complies with 42 C.F.R. Part 100 as published in the Federal Register on Friday, April 2, 1999, satisfies the requirements of this section:

~~(a) The housing facility has significant facilities and services specifically designed to meet the physical or social needs of older persons. "Significant facilities and services specifically designed to meet the physical or social needs of older persons" include, but are not limited to, social and recreational programs, continuing education, information and counseling, recreational, homemaker, outside maintenance and referral services, and accessible physical environment, emergency and preventive health care programs, congregate dining facilities, transportation to facilitate access to social services, and services designed to encourage and assist residents to use the services and facilities available to them. The housing facility need not have all of these features to qualify for the exemption under this subsection.~~

~~(b) It is not practicable to provide significant facilities and services designed to meet the physical or social needs of older persons and the housing facility is necessary to provide important housing opportunities for older persons. In order to satisfy this section, the owner or manager of the housing facility must demonstrate through credible and objective evidence that the provision of significant facilities and services designed to meet the physical or social needs of older persons would result in depriving older persons in the relevant geographic area of needed and desired housing.~~

~~(2) The following factors, among others, are relevant in meeting the requirements of this section:~~

~~(a) Whether the owner or manager of the housing facility has endeavored to provide significant facilities and services designed to meet the physical or social needs of older persons either by the owner or by some other entity. Demonstrating that such services and facilities are expensive to provide is not alone sufficient to demonstrate that the provision of such services is not practicable.~~

~~(b) The amount of rent charged, if the dwellings are rented, or the price of the dwellings, if they are offered for sale.~~

~~(c) The income range of the residents of the housing facility.~~



~~(d) The demand for housing for older persons in the relevant geographic area.~~

~~(e) The range of housing choices for older persons within the relevant geographic area.~~

~~(f) The availability of other similarly priced housing for older persons in the relevant geographic area. If similarly priced housing for older persons with significant facilities and services is reasonably available in the relevant geographic area, then the housing facility does not meet the requirements of this section.~~

~~(g) The vacancy rate of the housing facility.~~

~~(2)(3) Housing intended and operated for occupancy by at least one person 55 years of age or older per unit means:~~

(a) Housing for which at least 80% of the units in the housing facility are occupied by at least one person 55 years of age or older per unit except that a newly constructed housing facility for first occupancy after October 1, 1989, need not comply with this subsection until 25% of the units in the facility are occupied; and

(b) The owner or manager of the housing facility publishes and adheres to policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older. The following factors, among others, are relevant in determining whether the owner or manager of a housing facility has complied with the requirements of this subsection:

1. The manner in which the housing facility is described to prospective residents.
2. The nature of any advertising designed to attract prospective residents.
3. Age verification procedures.
4. Lease provisions.
5. Written rules and regulations.
6. Actual practices of the owner or manager in enforcing relevant lease provisions and relevant rules or regulations.

~~(3)(4) Housing satisfies the requirements of this section even though:~~

(a) Under 80% of the occupied units in the housing facility are occupied by at least one person 55 years of age or older per unit, provided that at least 80% of the units that are occupied by new occupants on or after October 1, 1989, are occupied by at least one person 55 years of age or older.

(b) There are unoccupied units, provided that at least 80% of such units are reserved for occupancy by at least one person 55 years of age or over.

~~(4)(5) Housing satisfies the requirements of this section even though a unit is occupied by employees of the housing provider (and family members residing in the same unit) who are under 55 years of age, provided they perform substantial duties directly related to the management or maintenance of the housing.~~

Specific Authority 760.31(5) FS. Law Implemented 760.29(4), 760.31(5) FS. History—New 8-15-90, Formerly 22T-23.005, Amended \_\_\_\_\_.

60Y-9.007 Housing for Older Persons Registration and Documentation.

(1) Facilities or communities claiming an exemption under Section 760.29(4), F.S., shall register with the commission and submit the statutorily required documentation to the commission in the manner prescribed by the commission.

(2) The registration and documentation letter shall contain in bold letters on the face of the envelope the words “Registration for Housing for Older Persons,” and provide the date of mailing.

(3) The registration and documentation shall be submitted biennially on the first day of the month, or up to seven days thereafter, of the anniversary of the initial registration.

(4) The information in the commission’s registry is a public record. The information shall also be included in the commission’s main website at “<http://fchr.info.state.fl.us>.”

(5) Failure to comply with the requirements of Section 760.29(2)(e), F.S., shall not disqualify a facility or community that otherwise qualified for the exemption provided in Section 760.29, F.S.

(6) The registration fee must be included within the completed registration letter in order to constitute a valid registration. The biennial registration fee is \$20.00. It shall be sent to: Florida Commission on Human Relations at its address provided in Rule 60Y-2.005, F.A.C., Post Office Box 3388, Tallahassee, Florida 32315-3388.

(7) ~~The Commission A community or facility~~ may impose an administrative fine not to exceed \$500 on a facility or community that knowingly submits false information in the documentation required by this paragraph. Such fine shall be deposited in the commission’s trust fund.”

Specific Authority 760.29(5) FS. Law Implemented 760.29(4)(e) FS. History—New 2-11-02, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: William James Tait, Jr.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Cecil Howard

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 2, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 1, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE TITLES:	RULE NOS.:
Definitions	61D-11.001
Cardroom Games	61D-11.002
Dealer Responsibilities	61D-11.004
Prohibitions	61D-11.005
Tournaments	61D-11.027

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement changes in accordance with House Bill 1059, which became law on August 6, 2003.

SUMMARY: These rules regarding the operation of cardrooms are proposed to implement statutory changes to the definition of "authorized game" and wagering limitations contained in Section 849.086, Florida Statutes. That section now defines an "authorized game" as a game or series of games of poker. The statute has also been changed to limit wagers to two dollars with no more than three raises per round. The proposed operational rules revise definitions, responsibilities of the dealer, cardroom operators and management companies. The proposed rules also include a new rule in which a series of games of poker may include tournament play and the operational requirements therefore.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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: 550.0251(12), 849.086(4) FS.

LAW IMPLEMENTED: 849.086 FS.

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. – 4:00 p.m., January 7, 2004

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 5 calendar days before the hearing by contacting: Mary Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Written comments or suggestions on the proposed rule may be submitted to Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035, within 21 days of this notice for inclusion in the record of this proceeding.

THE FULL TEXT OF THE PROPOSED RULES IS:

61D-11.001 Definitions.

(1) "Button" means a circular object moved clockwise around a poker table to denote an imaginary dealer.

(2) "Chips or tokens" means a money substitute, redeemable for cash, issued and sold by a cardroom operator for use in cardroom games.

(3) "Drop" means the total amount of money, chips, and tokens removed from the drop box.

(4) "Drop Box" means a locked container permanently marked with the number corresponding to a permanent number on the card table.

(5) "Facility" means the cardroom, any storage area for card tables, cards, chips, tokens, drop boxes, tip boxes, records relating to cardroom activity, and other cardroom supplies, the count room and imprest bank.

(6) "Imprest bank" means the total amount of chips, tokens, and U.S. currency segregated for cardroom operation.

(7) "Imprest tray" means an area on a card table in which a predetermined dollar amount of chips, tokens, or U.S. currency is kept by the dealer.

(8) "Jackpot" – A jackpot occurs when the cardroom operator or the cardroom management company deducts from each hand, round, or game played a certain amount or charges a certain amount which is accumulated and placed in a separate fund from the pot and paid out when a desired result is achieved by a player or players. ~~A jackpot also occurs when the cardroom operator or the cardroom management company gives out prizes or cash awards in excess of \$10 in value when a desired result is achieved by a player.~~ The term "jackpot" does not include any game authorized under Section 849.086, Florida Statutes.

(9) "Licensee" means a person holding any license issued by the division for purposes of cardroom operations.

(10) "Pot" means the total amount wagered in a game or series of games of poker hand or round of cards. Wagering into the pot shall be conducted as provided by Section 849.086(8), Florida Statutes.

(11) "Proposition player" means a player who is employed by a cardroom licensee, but who uses his own money to initiate or play in card games.

(12) "Shill" means a player in a game provided by or employed by a cardroom licensee who only bets with money provided by the cardroom operator.

~~(13) "Token" means a money substitute, redeemable for cash, issued and sold by a cardroom operator for use in cardroom games.~~

~~(13)(14)~~ "Tournament" means any competition involving a series of games of poker, consisting of more than one betting round involving more than one table, where the winner of the competition and runners-up may receive a prize or cash award

~~more than one round, hand, or game where the winner of the competition or the runners up receive any prize or cash award in excess of \$10 in value.~~

~~(15) "Wager" means a sum of chips or tokens of value risked on an uncertain occurrence.~~

Specific Authority 550.0251(12), 849.086(4),(8) FS. Law Implemented 849.086 FS. History--New 1-7-97, Amended \_\_\_\_\_.

#### 61D-11.002 Cardroom Games.

(1) Those games authorized by Section ~~849.086(2)(a)~~ 849.085(2)(a), Florida Statutes, and approved by the division are the only games authorized for play at pari-mutuel facilities licensed to conduct cardroom operations.

(a) A game will be considered for approval by the division when it is authorized by Section ~~849.086(2)(a)~~ 849.085(2)(a), Florida Statutes, and played in a non-banking manner.

(b) For each game of poker that a cardroom operator desires to conduct, it must submit BPR Form 16-001 to the division. The form shall include the name of the game of poker, the rules specifying how the game is to be played, the procedures for wagering during the conduct of the game, and the charge to each player for participating in the game.

(2)(a) All poker card games in Hoyle's Modern Encyclopedia of Card Games, by Walter B. Gibson, published by Doubleday and Company, Inc., April 1974 1st Edition hereinafter (Hoyle's) incorporated herein by reference, that are authorized by and played in a manner consistent with ~~Section 849.085(2)(a) and~~ Section 849.086, Florida Statutes, and the rules promulgated thereunder, shall be approved by the division. All ~~other card games of poker~~ of poker shall be approved by the division if the type of poker card games and the rules of the poker card games, as specified in BPR Form 16-001, meet the requirements of ~~Section 849.085(2)(a) and~~ Section 849.086, Florida Statutes, and the rules promulgated thereunder.

(b) All card games shall be consistent with ~~Section 849.085(2)(a) and~~ Section 849.086, Florida Statutes, and the rules promulgated thereunder.

(c) Any series of games of poker that are played for a single pot shall consist of poker games approved under this section. The cardroom operator shall clearly notify the participants of the number of games in the series that will be necessary to win the pot and how the rake will be taken from the pot for the series of games.

(3) The cardroom operator or management company shall furnish all cards, chips and tokens. Failure by a cardroom operator or cardroom management company to redeem chips or tokens for their cash value shall be a violation of these rules.

(a) The deck(s) being used at a given table where any game is being played shall be provided by the licensee. The design on the backs of the cards in the deck must be identical, and no card may contain any marking, symbol, or design that enables a player to know the identity of any element printed on the face of the card. The backs of the cards may contain a logo.

The backs of the cards in the deck must be designed to eliminate the ability of any person to place concealed markings on them. No cardroom operator may use cards that are taped, cut, shaved, marked, defaced, bent, crimped, or deformed.

(b) The cardroom operator shall provide a dealer for each table at the licensed cardroom operator's facility. The dealer may not make a bet or otherwise wager on any game at the licensed cardroom facility where that dealer is employed.

Specific Authority ~~550.0251(12), 550.0125(12), 849.085(2)(a), 849.086(4),(7),(12)~~ FS. Law Implemented 849.085, 849.086 FS. History--New 1-7-97, Amended \_\_\_\_\_.

#### 61D-11.004 Dealer Responsibilities.

(1) The House provided dealer shall be responsible to ensure that each bet or raise does not exceed \$2 in value. In addition, the dealer shall also be responsible for ensuring that no more than three raises are made in any round of betting, the winnings of any player in a single round, hand, or game does not exceed \$10.00. A dealer failing to comply with control of bet value and number of raises the pot size, who pays more than \$10.00 winnings to any player for a single round, hand, or game is subject to the following penalties.

(a) First offense – \$50.00 and/or 1-day suspension.

(b) Second offense – \$250.00 and/or 5-day suspension.

(c) Third offense – \$500.00 and/or suspension, not to exceed 10 days.

(d) Fourth offense – Will result in a 1-year suspension of the cardroom employee's occupational license.

(e) Any dealer who does not have a violation within 2 years from his/her most recent violation will revert to a "first offense" penalty for his/her next violation of this provision.

(2) Dealers shall not be allowed to regularly deal at the same table, and will be shifted to a different table at least every three hours.

(3) When a new dealer comes on duty at a card table, the new dealer must count all of the cash and chips or tokens in the imprest tray before accepting responsibility for it, or the new dealer must supply his or her own imprest tray.

(4) A dealer who receives currency from a player at a card table in exchange for chips or tokens must perform the following:

(a) The currency must be spread on the top of the card table by the dealer;

(b) The amount of currency must be stated by the dealer accepting it;

(c) Immediately after an equivalent dollar amount of chips or tokens has been given to the player, the cash shall be placed in the table's imprest tray.

(5) The dealer may not make a bet or otherwise wager on any game at the licensed cardroom facility where that dealer is employed.

Specific Authority 550.0251(12), 849.086(4),(8) FS. Law Implemented 849.086 FS. History--New 1-7-97, Amended \_\_\_\_\_.

## 61D-11.005 Prohibitions.

(1) No person shall introduce into the game any cards, chips or tokens other than those from the cardroom operator's facility.

(2) No cardroom operator or licensee shall extend credit, make a loan or grant a gift to any person playing in an authorized card game, or which enables a person to play in an authorized card game. The consideration required to participate in any card game shall be collected in full, by cash or check, in exchange for chips or tokens prior to participation at a licensed facility.

(a) Only cash shall be used to purchase chips or tokens at card tables.

(b) The practice of playing "light," or drawing chips or tokens from the pot to show how much a player owes when out of chips or tokens, is prohibited. The player shall be required to purchase additional chips or tokens in order to proceed playing.

(3) No device, apparatus, mechanism or thing which may give a participant in a card game an advantage over any other participant in that game may be used by any person.

(4) Side bets on the outcome of games are prohibited.

(a) Only persons actually playing in the card game may wager upon the outcome of the game.

(b) Wagers by persons other than those playing, which in any way involves the outcome of the game, or any aspect of the game, are prohibited.

(5) No person shall, either directly or indirectly:

(a) Employ or attempt to employ any device, scheme, or artifice to defraud any participant in a card game, or the cardroom operator.

(b) Engage in any act, practice, or course of operation as would operate as a fraud or deceit upon any participant in a game, or any cardroom operator.

(c) Engage in any act, practice, or course of operation with the intent of cheating any participant or the cardroom operator to gain an advantage in the game over a participant(s) or cardroom operator.

(6) Cardroom occupational licensees are prohibited from participating in card games, at the licensed cardroom facility where they are employed.

(7) No person shall knowingly engage in conduct that resists, obstructs, or opposes a division employee in the performance of his or her duties and responsibilities on the cardroom operator's premises.

(8) No licensee shall carry or exhibit a weapon other than as provided for in Chapter 790, Florida Statutes. Any licensee found in violation of this rule shall be disciplined in accordance with Chapter 849, Florida Statutes, and the rules promulgated thereunder. This rule does not prohibit the carrying of a weapon by any duly authorized law enforcement officer or security personnel who are licensed to carry a

weapon while engaged in their duties, or persons licensed under Chapter 790, Florida Statutes, to carry concealed weapons.

(9) ~~Tournaments and Jackpots are prohibited.~~

~~(10) An accumulation of \$10 values based upon the actual number or an average number of the rounds, hands, or games played during a competition where the winner of the competition and the runners-up receive the accumulated amount, a portion thereof, or a prize representing the accumulated amount or portion thereof is prohibited.~~

~~(10)(H) Skills and proposition players are prohibited.~~

Specific Authority 550.0251(12), 849.086(4),(8),(12) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended \_\_\_\_\_.

61D-11.027 Tournaments.

(1) A series of games of poker may include tournament play. Tournaments may only be conducted at licensed pari-mutuel facilities and must comply with the following criteria:

(a) Cardroom operators must use for tournament play a game authorized for general cardroom play under Rule 61D-11.002, Florida Administrative Code. Any authorized game used for tournament play must be listed on the cardroom operator's approved license application, or on any subsequent applications/amendments that may be submitted for approval.

(b) No less than 9 players must be registered as participants at the start of play:

(c) Either a minimum of 15 hands per table per tournament, or a minimum of one hour's duration per tournament, must be played. After the minimum requirements have been satisfied, wagering shall conform to the established rules and guidelines of the cardroom operator:

(d) Tournaments must commence and conclude on the same calendar day:

(e) Only one entry per player per tournament.

(2)(a) The tournament entry fee per participant shall be based upon a maximum of \$2 per bet and three raises per betting round. The entry fee shall not exceed the maximum potential value wagered by a single player in an individual game that is being used for tournament play.

(b) A participant's elimination from a tournament is final. The cardroom operator is prohibited from allowing an eliminated participant to pay any fee to re-enter the same tournament.

(c) There shall be a designated winner for each individual hand of tournament play. The play of progressive games is prohibited.

(3) Tournaments shall be played only with tournament chips that are visually distinct from those used in normal cardroom operations, and shall be provided to the participants in exchange for an entry fee.

(a) All players shall receive an equal number of tournament chips for their entry fee.

(b) Tournament chips shall have no cash value and shall represent tournament points only.

(c) Tournament chips shall not be redeemed for cash or for any other thing of value except that the point total represented by the players' accumulations of tournament chips shall be used to determine the tournament winners and/or final place in the tournament.

(4) Prizes may not exceed the aggregate entry fees paid by the participants.

(5) No table rake shall be made during tournament play.

(6) Gross receipts for a tournament shall mean the total amount received by the cardroom operator from all entry fees.

(7) Cash received for tournament entry fees must be kept separate and apart from all other cash received by the cardroom operator or management company until such time as it is counted. The cardroom operator shall report tournament activity on BPR Form 16-008. This form shall be filed with the division by the fifth day of each calendar month for the preceding calendar month's activity.

(8)(a) The cardroom operator shall provide the tournament rules to the division, and shall furnish copies upon request to interested participants.

(b) The published tournament rules shall include, but are not limited to, information regarding the amount of the prizes using a stated percentage of gross receipts, whether the tournament's duration of play is based upon a fixed number of games or a stated time period, the use of blinds, and the wagering rules as authorized in paragraph (1)(c) above.

Specific Authority 550.0251(12), 849.086(4) FS. Law Implemented 849.086 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Diane Carr, Secretary, Department of Business and Professional Regulation  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 3, 2003  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 29, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE TITLES:	RULE NOS.:
Inspection of Premises, Records	61D-11.006
Cardroom Operator License	61D-11.007
Cardroom Business Occupational License	61D-11.008
Cardroom Employee Occupational License	61D-11.009
Duties of Cardroom Operators	61D-11.012

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement changes relating to cardroom operations and licensing.

SUMMARY: The proposed rule changes are to revise the division's rules regarding the operation of cardrooms, issuance of cardroom operator, business and employee licenses. The proposed rules strike redundant and unnecessary language in the existing rule. The proposed rules also eliminate the requirement that individuals licensed under the cardroom statutes pay an annual fingerprinting fee for renewals other than statutorily required years. The proposed rules provide that when cardroom facilities are located at a facility where more than one pari-mutuel permit is operated that the cardroom operator table fees may be paid by one or all of the permitholders. The rules also provide that an amendment to add additional tables is not effective until the table fees are paid and a license is issued by the division.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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: 550.0251(2), 849.086(4),(5),(6) FS. LAW IMPLEMENTED: 849.086 FS.

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. – 4:00 p.m., January 7, 2004  
PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 5 calendar days before the hearing by contacting: Mary Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Written comments or suggestions on the proposed rule may be submitted to Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035, within 21 days of this notice for inclusion in the record of this proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULES IS:

61D-11.006 Inspection of Premises, Records.

(1) At any time during a cardroom operator's regular business hours, any ~~Division of Pari-Mutuel Wagering Bureau of Investigations or Bureau of Auditing~~ personnel shall be allowed to enter into the cardroom and any areas used in conjunction therewith, and:

(1)(a) Observe a count of all monies received during the operation of the cardroom, a count of all chips or tokens, currency, and drop boxes, for the purpose of reconciliation, and inspect all receipts, reports, and records used in conjunction with the operation of said cardroom activity.

(2)(b) Inspect any records of the cardroom operator or licensees that relate in any way to the operation of a cardroom, or any employee of the licensee that relate in any way to the operation of a cardroom.

(3)(c) Check that licenses are prominently displayed, and that the cardroom is being operated in compliance with Section 849.086, Florida Statutes, and the rules promulgated thereunder.

(4)(d) Inspect cardroom devices and equipment to ensure compliance with Section 849.086, Florida Statutes, and the rules promulgated thereunder.

(5)(e) Inspect the cardroom facility for violations of Section 849.086, Florida Statutes, and the rules promulgated thereunder.

~~(2) All division employees authorized to conduct inspections must follow the "Division of Pari-Mutuel Wagering's Inspection Guidelines for Cardrooms as of August 9, 1996," herein incorporated by reference.~~

Specific Authority 550.0251(12), 849.086(4),(7),(14) FS. Law Implemented 849.086 FS. History--New 1-7-97, Amended \_\_\_\_\_.

61D-11.007 Cardroom Operator License.

(1) Each cardroom gaming licensee desiring to move their cardroom license, so as to change the location of the cardroom, shall first transfer in accordance with Chapter 550, Florida Statutes, the corresponding pari-mutuel wagering permit that entitles the permitholder to operate a cardroom.

(a) Upon approval of the transfer of the pari-mutuel permit, the pari-mutuel permitholder shall submit proof that a referendum was held in the county where the cardroom is to be operated and show that the majority of the electors voting on the referendum have approved the transfer to the new location.

(b) The proof of a majority vote of the electors shall consist of The Board of County Commissioners certifying the election results and making them known to the division in writing.

(2) No cardroom may be operated at a licensed pari-mutuel facility unless a valid cardroom license has been issued by the division to a licensed pari-mutuel permitholder.

Cardroom activities shall only be conducted at the same facility where pari-mutuel wagering is authorized under the pari-mutuel wagering license.

(3) Cardroom licenses are non-transferable.

(4) Cardroom licenses shall be renewed annually in conjunction with annual applications for pari-mutuel licenses, provided the applicant requests, as part of the pari-mutuel annual license application, to conduct at least 90 percent of the total number of live performances conducted by such permitholder during either the state fiscal year in which its initial cardroom license was issued or the state fiscal year immediately prior thereto.

(5) If a pari-mutuel permitholder amends its pari-mutuel license and such amended license does not satisfy the renewal application requirements required by this rule and Section 849.086(5), Florida Statutes, the cardroom license will become void upon the issuance of the amended pari-mutuel license.

(6) An applicant for an annual cardroom license shall complete a cardroom license application, BPR Form 16-002, and BPR Form 16-003, and submit a fee of \$1,000.00 for the first card table and \$500.00 for each additional card table to be operated during the license period. For cardroom facilities at which more than one pari-mutuel permit is operated during a year, table fees for the facility may be paid by one or all of the permitholders. License fees are non-refundable. For the initial cardroom license application, in addition to the application and fees submitted, the applicant shall submit its written internal control system for approval by the division. No cardroom application shall be acted upon until the cardroom applicant's system of internal control has been approved by the division.

(7) No license application, amendment to an application, or amendment to request additional cardroom tables shall be effective until payment of applicable license fees have been received by the division and the division has issued a license or amended license to operate a cardroom.

Specific Authority 550.0251(12), 849.086(4),(5),(6),(7),(16),(17) FS. Law Implemented 849.086 FS. History--New 1-7-97, Amended \_\_\_\_\_.

61D-11.008 Cardroom Business Occupational License.

(1) No cardroom operator may do business with any cardroom management company or cardroom distributor that does not hold a valid cardroom business occupational license.

(2) A corporation, general or limited partnership, sole proprietorship, business trust, joint venture, or unincorporated association, or other business entity may not be issued or hold a cardroom business occupational license in this state if any one of the persons or entities specified in paragraph (a) has been determined by the division not to be of good moral character, to have filed a false report to any government agency, pari-mutuel wagering or gaming commission or authority, or has been convicted of any offense specified in paragraph (b).

- (a)1. The cardroom business occupational licensee;
- 2. An employee of the licensee;
- 3. The sole proprietor operating under the license;
- 4. A corporate officer or director of the licensee;
- 5. A general partner of the licensee;
- 6. A trustee of the licensee;
- 7. A member of an unincorporated association of the licensee;
- 8. A joint venture of the licensee;
- 9. The owner of more than 5 percent of any equity interest in the licensee, whether as a common shareholder, general or limited partner, voting trustee, or trust beneficiary; or
- 10. An owner of any interest in the licensee, including any immediate family member of the owner, or holder of any debt, mortgage, contract, or concession from the licensee, who by virtue thereof is able to control the business of the licensee.

(b)1. A felony or misdemeanor involving forgery, larceny, extortion, or conspiracy to defraud, in this state or any other state or under the laws of the United States.

2. A felony or misdemeanor set forth in Section 550.105, Florida Statutes.

(3)(a) If the applicant for a cardroom business occupational licensee has received a full pardon or a restoration of civil rights in accordance with Florida law and pursuant to Section 944.292, Florida Statutes, with respect to the conviction specified in paragraph (2)(b), the conviction does not constitute an absolute bar to the issuance or renewal of a license or grounds for the revocation or suspension of a license.

(b) A corporation that has been convicted, found guilty of, or pled no contest to a felony or misdemeanor, as set forth above, regardless of adjudication, is entitled to apply for and receive a restoration of its civil rights in the same manner and on the same grounds as an individual.

(4) After notice, the division shall refuse to issue or renew or shall suspend or revoke, as appropriate, any licensee or applicant found in violation of paragraph (2)(b).

(5) All applicants for a cardroom business occupational license or renewal thereof shall be required to pay a Florida Department of Law Enforcement fingerprint processing and criminal record check fee for each person or entity as specified in paragraph (2)(a) as follows:

(a) All applicants, upon initial application, shall pay for a Florida Department of Law Enforcement fingerprint and criminal record check fee.

(b) All applicants for a renewal license, except for the fifth year renewal, shall be subject to and be required to pay for a Florida Department of Law Enforcement criminal record check fee.

~~(b)(e)~~ Every five years after the initial license application, the applicant for a renewal license shall be subject to and pay for a Florida Department of Law Enforcement fingerprint and criminal record check fee.

(6) All applicants for a new cardroom business occupational license are required to submit a set of fingerprints to be taken by house security, or by a law enforcement agency, and processed through the Florida Department of Law Enforcement, and the Federal Bureau of Investigation and every 5 years thereafter. Certified Florida Law Enforcement officers are exempt from the fingerprint requirement.

(7) An applicant for an annual cardroom business occupational license shall complete a cardroom business occupational license application, BPR Form 16-004, and submit the \$250.00 fee for an annual cardroom business occupational license.

(8) Cardroom business occupational licenses shall expire on June 30th of every year one year from the date of issuance.

Specific Authority 550.0251(12), 849.086(4),(5),(6) FS. Law Implemented 849.086 FS. History--New 1-7-97, Amended \_\_\_\_\_.

61D-11.009 Cardroom Employee Occupational License.

(1)(a) Applicants for cardroom licensing for positions providing food service, maintenance and security, who do not hold a current pari-mutuel wagering occupational license, shall be required to submit a pari-mutuel wagering occupational license application, BPR Form 15-027, and apply for a pari-mutuel wagering ~~restricted~~ occupational license.

(b) All applicants in (1)(a), upon initial application, and every five licensing years shall pay for a Florida Department of Law Enforcement fingerprint and criminal record check fee.

~~(e) Every five years after the initial license application, the applicant for a renewal of a restricted pari-mutuel wagering occupational license shall be subject to and pay for a Florida Department of Law Enforcement criminal record check fee.~~

(2) All applicants for a new or renewal of a cardroom employee occupational license, shall complete a cardroom employee occupational license application, BPR Form 16-005, and submit \$50.00 for the cardroom employee occupational license. In addition to the annual license fee, each applicant shall pay a Florida Department of Law Enforcement fingerprint processing and criminal record check fee as follows:

(a) All applicants, upon initial application, shall pay for a Florida Department of Law Enforcement fingerprint and criminal record check fee.

(b) All applicants for a renewal license, except for the fifth year renewal, shall be subject to and be required to pay for a Florida Department of Law Enforcement criminal record check fee.

~~(b)(e)~~ Every five years after the initial license application, the applicant for a renewal license shall be subject to and pay for a Florida Department of Law Enforcement fingerprint and criminal record check fee.

(3) All applicants for a new cardroom employee occupational license are required to submit a set of fingerprints to be taken by house security, or by a law enforcement agency, and processed through the Florida Department of Law Enforcement, and the Federal Bureau of Investigation and every 5 years thereafter. Certified Florida Law Enforcement officers are exempt from the fingerprint requirement.

(4) Prior to transferring a current pari-mutuel wagering occupational licensee, who will be performing food service, maintenance, or security duties in the cardroom, mutuel teller or pari-mutuel management, the cardroom operator must notify the division Chief Inspector, on BPR Form BPR 16-011.

~~(a) Those pari-mutuel wagering licensees holding a current unrestricted license, and have not had a criminal record check conducted during the current licensing period, will be required to pay for a Florida Department of Law Enforcement criminal record check.~~

~~(b) Those pari-mutuel wagering licensees holding a current restricted license, shall be required to pay for a Florida Department of Law Enforcement criminal record check fee.~~

~~(c) Pari-mutuel wagering licensees transferred to perform food service, maintenance, or security duties in cardrooms, will be allowed to assume those duties while awaiting the results of the criminal record check, if they have notified the division Chief Inspector, and have paid the appropriate fingerprint and/or criminal record check fee.~~

~~(d) Pari-mutuel wagering licensees who have been transferred to cardroom food service, maintenance, or security duties must have a copy of their paid receipt, and their pari-mutuel wagering license on their person at all times while performing duties in the cardroom.~~

(5) Cardroom employee occupational licenses shall expire June 30th of every year one year from the date of issuance.

(6) Cardroom employees shall have their pari-mutuel wagering or cardroom employee occupational license in their possession at all times while on duty in the cardroom.

Specific Authority 550.0251(12), 849.086(4),(5),(6) FS. Law Implemented 849.086 FS. History--New 1-7-97, Amended \_\_\_\_\_.

61D-11.012 Duties of Cardroom Operators.

(1) All licensed cardroom operators must establish and maintain written internal controls to comply with Section 849.086, Florida Statutes, and the rules promulgated thereunder. ~~(a)~~ The written internal control system must be submitted as part of the initial license application, and approved or disapproved with comments by the division within 30 days of receipt of the written internal controls.

~~(b) Subsequent changes to the internal controls of a cardroom operator must be noticed to the division and must be approved by the division prior to implementation of such changes. The division will have 30 days from receipt of the proposed internal control changes to approve or disapprove the changes to the internal controls.~~

(2) Cardroom operators shall, prior to the initial opening of business, provide the division with a written list of all persons, including birth dates and social security numbers, employed by the cardroom operator. The cardroom operator shall furnish a job title of its employees, and provide a weekly payroll listing of all cardroom employees that worked during that payroll period, including their full name and social security number, but may exclude compensation.

(3) A cardroom operator who terminates a cardroom employee or a pari-mutuel wagering employee who works in the cardroom, shall notify the division of said termination on the weekly payroll listing submitted to the division.

(4) As part of the initial license application, the cardroom operator shall provide a listing of all distributors and cardroom management companies that are providing products or services to the cardroom. The division shall be notified in writing on BPR Form 16-006, of any change in companies providing said services within 10 days of such change.

(5) Cardroom operators shall install electronic surveillance equipment to record all activity in the cardroom bank and cage and count area. Surveillance cameras and monitors shall be able to record and observe in color or black and white.

(a) Tapes shall be labeled in chronological order by date and time.

(b) Tapes of surveillance records shall be maintained for a period of no less than 14 days. Tapes shall be kept for a longer period of time if requested by the division or any law enforcement agency.

(6)(a) The cardroom operator must display in a conspicuous location the hours of operation of the cardroom.

(b) A cardroom licensee must display in a conspicuous location the following restrictions for players:

1. A player must be at least 18 years of age;
2. No side bets are permitted; and
3. No credit is extended by the house.

(7) Cardroom operators are required to issue a photo I.D. to all cardroom employees which shall include, but not be limited to the name of the cardroom facility, the employee's full name, employee number, cardroom employee occupational license number, and expiration date of the license.

(8) If a management company is managing cardroom operations, the cardroom operator must provide written notice to the division within 20 days of any change in the management company contract.

(9) Cardroom operators shall establish an imprest banking system for cardroom operations.



(10) At the close of each shift, the currency, chips and tokens in the imprest tray at each card table shall be reconciled to their predetermined beginning balances.

(a) The last dealer shall be responsible for the currency, chip and token balance in his/her tray.

(b) The cardroom operator will document any discrepancies in the reconciliation of the imprest trays or bank on the Cardroom Daily Control Sheet, BPR Form 16-009.

(11) At the end of each shift, or the close of a table, the drop box must be locked away in a secure location until the count takes place.

(12) The count of card table revenue must be performed in compliance with the requirements set forth in the "Minimum Internal Control Standards." Each drop box must be accounted for individually in a secure designated area. Two or more persons must verify the contents of the drop box when emptied.

(13) Card tables will be restricted to area(s) specified on the cardroom license application.

Specific Authority 550.0251(12), 849.086(4),~~(6),(7),(8),(12)~~ FS. Law Implemented 849.086 FS. History--New 1-7-97, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Diane Carr, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 3, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 29, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Asbestos Consultants/Asbestos Consultant Examination**

RULE TITLE: Fees; License Renewal; Active, Inactive and Delinquent Licenses; Change of Status  
 RULE NO.: 61E1-3.001

PURPOSE AND EFFECT: This amendment to Rule Chapter 61E1, F.A.C., implements the rule-adoption requirement contained in Section 455.02(2), Florida Statutes, which exempts spouses of members of the Armed Forces of the United States from licensure renewal provisions, in cases of absence from the state because of their spouses' duties with the Armed Forces.

SUMMARY: Pursuant to Section 455.02(2), Florida Statutes, spouses of members of the Armed Forces of the United States are exempt from licensure renewal provisions, in cases of absence from the state because of their spouses' duties with the Armed Forces.

SUMMARY OF STATEMENT 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: 455.02(2), 469.100 FS.

LAW IMPLEMENTED: 455.02(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Eric R. Hurst, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

THE FULL TEXT OF THE PROPOSED RULE IS:

61E1-3.001 Fees; License Renewal; Active, Inactive and Delinquent Licenses; Change of Status.

(1) through (4)(f) No change.

(g) Spouses of members of the Armed Forces of the United States shall be exempted from licensure renewal provisions, but only in cases of absence from the state because of their spouses' duties with the Armed Forces.

(5) through (6) No change.

Specific Authority 455.02(2), 469.008, 469.011 FS. Law Implemented 455.02(2), 455.271, 469.006, 469.008 FS. History--New 9-22-94, Amended 10-17-95, 10-29-97, 4-27-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Eric R. Hurst, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Diane Carr, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 9, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 24, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Asbestos Consultants/Asbestos Consultant Examination**

RULE TITLE: Inspections  
 RULE NO.: 61E1-5.001

PURPOSE AND EFFECT: Rule Chapter 61E1-5, F.A.C., is created to implement the rule-adoption requirement contained in Section 469.002(3), Florida Statutes, regarding the inspection of asbestos removal sites. This inspection is a safeguard put in place in conjunction with the exemption from licensure for individuals or businesses involved in the removal of Category I type floor tile.

SUMMARY: The rule implements requirements imposed by Section 469.002(3), Florida Statutes, regarding the inspection of asbestos removal sites involving Category I type floor tile, and describes relevant terms and procedures.

SUMMARY OF STATEMENT 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: 455.2035, 469.002(3) FS.

LAW IMPLEMENTED: 469.002(3) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Eric R. Hurst, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

THE FULL TEXT OF THE PROPOSED RULE IS:

61E1-5.001 Inspections.

The Department or its contractual designee may periodically inspect and oversee projects concerning the removal of asbestos-containing resilient floor cover or its adhesive. Such inspections shall be for the purposes of determining that the resilient floor covering is a Category I nonfriable material as defined in NESHAP and remains a Category I nonfriable material during removal activity and that all such removal activities are performed in accordance with all applicable asbestos standards of the United States Occupational Safety and Health Administration under 29 C. F. R., Part 1926. Upon completion of such inspections, the Department or its contractual designee shall submit a written report verifying the date, time, place and company performing the removal of the asbestos-containing resilient floor cover or its adhesive and certification that all conditions required pursuant to Section 469.002(3), F.S., have been met.

Specific Authority 469.002(3), 455.2035 FS. Law Implemented 469.002(3) FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Eric R. Hurst, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Diane Carr, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 9, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 24, 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."

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE TITLES: Clinical Laboratory Personnel Definitions  
RULE NOS.: 64B3-2.002 64B3-2.003

PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUMMARY: The Board is specifying when a person must be licensed and is removing a definition for clinical laboratory trainee. For continuing education, a contact hour means 50 continuous minutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 483.805(4), 483.811(2),(4) FS.

LAW IMPLEMENTED: 483.035(1), 483.803, 483.811(3),(4), 483.821, 483.823 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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

THE FULL TEXT OF THE PROPOSED RULES IS:

64B3-2.002 Clinical Laboratory Personnel.

(1) Director means a Clinical Laboratory Director qualified or licensed pursuant to the Board's rules who is responsible for and assures the overall operation and administration of the clinical laboratory and fulfills the responsibilities specified in Rule 64B3-13.001, F.A.C.

(2) Supervisor means a person ~~licensed qualified to be a supervisor~~ licensed pursuant to the Board's rules who is responsible for the day-to-day supervision and oversight of technical and scientific operations in a clinical laboratory and fulfills the responsibilities specified in Rule 64B3-13.002, F.A.C.

(3) ~~Technologist means a person licensed pursuant to the qualified to be a technologist under the~~ Board's rules who represents the first level of independent practice and under general supervision, fulfills the responsibilities specified in Rule 64B3-13.003, F.A.C.

(4) Technician means a person ~~licensed qualified as a technician~~ pursuant to the Board's rules who practices the profession and may perform tests classified as highly complex pursuant to 42 CFR 493.17 (September 7, 1999), incorporated by reference herein, only when under direct supervision of a licensed technologist, supervisor, or director unless the technician meets the minimum qualifications contained in 42 CFR 493.1489 (September 7, 1999), incorporated by reference herein, and the requirements contained in subsection 64B3-5.004(5), F.A.C., and fulfills the responsibilities specified in Rule 64B3-13.004, F.A.C.

~~(5) Clinical laboratory trainee means a person enrolled in a clinical laboratory training program approved pursuant to Chapter 64B3-3, F.A.C., who is seeking to meet minimum qualifications for licensure in Florida. Trainees must perform procedures under direct supervision but they may not report test results.~~

~~(5)(6)~~ General supervision means supervision by a director or ~~licensed~~ supervisor who is available on a regular basis and who is responsible for the overall performance of laboratory testing.

~~(6)(7)~~ Direct supervision means supervision by a ~~qualified~~ director, ~~licensed~~ supervisor, or ~~licensed~~ technologist who is on the premises or is available to the laboratory when test procedures are being performed and is responsible for the oversight of testing and reporting of results.

Specific Authority 483.805(4), 483.811(4) FS. Law Implemented 483.035(1), 483.803, 483.811(3),(4) FS. History--New 11-4-93, Formerly 61F3-2.002, Amended 11-21-94, 7-12-95, 5-15-96, Formerly 590-2.002, Amended 3-19-98, 12-13-98, 9-27-00, 9-9-02, \_\_\_\_\_.

64B3-2.003 Definitions.

(1) through (4) No change.

(5) Contact hour means a continuing education offering which is at least 50 continuous minutes in duration. Total number of hours cannot be added up and divided into 50 minute intervals ~~for the purpose of claiming one contact hour for each 50 minute interval.~~

(6) through (12) No change.

~~(13) An alternate provider is an agency of the state or federal government that offers continuing education courses in the subject areas listed in subsection 64B3-11.002(2), F.A.C.~~

(14) through (20) renumbered (13) through (19) No change.

Specific Authority 483.805(4), 483.811(2) FS. Law Implemented 483.803, 483.811, 483.821, 483.823 FS. History--New 11-4-93, Formerly 61F3-2.003, Amended 11-21-94, 11-30-94, 12-26-94, 5-3-95, 7-12-95, Formerly 590-2.003, Amended 3-19-98, 12-13-98, 3-28-99, 9-12-99, 11-15-99, 3-24-02, 10-30-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 24, 2003

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

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE TITLES:	RULE NOS.:
General Requirements of Clinical Laboratory Personnel Training Programs	64B3-3.001
Personnel of Clinical Laboratory Personnel Training Programs	64B3-3.002

PURPOSE AND EFFECT: The Board proposes to update the existing rule text for reorganization and to correct numbering errors.

SUMMARY: Training programs must include instruction on medical error prevention. Trainees must be registered with the Board.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 483.805(4), 483.811(2) FS.

LAW IMPLEMENTED: 483.800, 483.809, 483.811 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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

THE FULL TEXT OF THE PROPOSED RULES IS:

64B3-3.001 General Requirements of Clinical Laboratory Personnel Training Programs.

(1) through (3) No change.

~~(4)(5)~~ No change.

~~(5)(6)~~ Each training program shall:

(a) through (f) No change.

(g) Include instruction on the prevention of medical errors, which shall include root-cause analysis, error reduction and prevention, and patient safety.

(g) through (o) renumbered (h) through (p) No change.

~~(6)(7)~~ No change.

Specific Authority 483.805(4), 483.811(2) FS. Law Implemented 483.800, 483.809, 483.811 FS. History--New 12-28-94, Amended 7-12-95, 4-24-96, Formerly 590-3.001, Amended 1-11-99, 11-15-99, 9-29-02,\_\_\_\_\_.

64B3-3.002 Personnel of Clinical Laboratory Personnel Training Programs.

- (1) through (3) No change.
- (4) Trainee Requirements. Trainees shall:
  - (a) No change.
  - (b) Be registered with the Board when enrolled in the practicum portion of the training program.
  - (c) through (d) No change.

Specific Authority 483.805(4), 483.811(2) FS. Law Implemented 483.800, 483.809, 483.811 FS. History--New 12-28-94, Amended 3-28-95, 7-12-95, 4-24-96, Formerly 590-3.002, Amended 9-20-98, 12-13-98, 11-15-99, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 24, 2003

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

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy**

RULE TITLE: HIV/AIDS and Medical Error Prevention Education for Initial Licensure

RULE NO.: 64B11-2.007

PURPOSE AND EFFECT: The Board proposes to make the medical errors education more specific to the practice of occupational therapy. As proposed the rule requires the subject matter of the rule to be more specific to occupational therapy.

SUMMARY: The rule requires the medical errors requirement to be more specific to occupational therapy.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated 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: 456.013(7), 456.033, 468.204 FS.

LAW IMPLEMENTED: 456.013(7), 456.033 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-2.007 HIV/AIDS and Medical Error Prevention Education for Initial Licensure.

- (1) through (3) No change.
- (4) All applicants for licensure shall submit to the Board proof of completion of a 2-hour course relating to the prevention of medical errors. The course must have been approved by the Board and may be one offered by a facility licensed pursuant to Chapter 395, Florida Statutes. The course shall include a study of root-cause analysis, error reduction and prevention, ~~and~~ patient safety, and for applications filed on or after July 1, 2004, must include contraindications and indications specific to occupational therapy management, including medication and side effects.

Specific Authority 456.013(7), 456.033, 468.204 FS. Law Implemented 456.013(7), 456.033 FS. History--New 12-11-96, Formerly 59R-61.016, Amended 7-28-99, 6-25-02,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Occupational Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 3, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 29, 2003

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy**

RULE TITLE: HIV/AIDS and Medical Error Prevention Education for Initial Licensure

RULE NO.: 64B11-3.005

PURPOSE AND EFFECT: The Board proposes to make the medical errors education more specific to the practice of occupational therapy. As proposed the rule requires the subject matter of the rule to be more specific to occupational therapy.

SUMMARY: The rule requires the medical errors requirement to be more specific to occupational therapy.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated 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: 456.013(7), 456.033, 468.204 FS.

LAW IMPLEMENTED: 455.033, 456.013(7) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-3.005 HIV/AIDS and Medical Error Prevention Education for Initial Licensure.

(1) through (3) No change.

(4) All applicants for licensure shall submit to the Board proof of completion of a 2-hour course relating to the prevention of medical errors. The course must have been approved by the Board and may be one offered by a facility licensed pursuant to Chapter 395, Florida Statutes. The course shall include a study of root-cause analysis, error reduction and prevention, ~~and patient safety,~~ and for applications filed on or after July 1, 2004, must include contraindications and indications specific to occupational therapy management, including medication and side effects.

Specific Authority 456.013(7), 456.033, 468.204 FS. Law Implemented 455.033, 456.013(7) FS. History--New 12-11-96, Formerly 59R-62.013, Amended 4-5-98, 7-28-99, 6-25-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Occupational Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 3, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 29, 2003

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy**

RULE TITLE: Requirements for Licensee Renewal of an Active License; Continuing Education  
 RULE NO.: 64B11-5.001

PURPOSE AND EFFECT: The Board proposes to move many of the continuing education requirements placed on licensees from Rule 64B1-6.001, F.A.C., to this section, where they are more suitably placed. The Board proposes to add additional methods for licensees to obtain continuing education and proposes a requirement for medical errors continuing education to be more specific to the practice of occupational therapy. The rule provides alternative means of completing continuing education requirements, places requirements found in Rule 64B11-6.001, F.A.C., in this section and adds titles to subsections in this section.

SUMMARY: The Board proposes this amendment for clarity and consistency of the rules and to offer additional options of achieving the required continuing education credit for licensure.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated 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: 456.036, 468.219 FS.

LAW IMPLEMENTED: 456.013, 456.033, 456.036, 468.219 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-5.001 Requirements for Licensee Renewal of an Active License; Continuing Education.

Continuing education includes attendance and participation as required at a live presentation such as workshop, seminar, conference, or in-service educational programs. It may also include participation in other continuing education activities that require a formal assessment of learning. Examples include, but are not limited to, electronic or web-based courses, formalized self-study courses and continuing education articles. An active license shall be renewed upon demonstration that the licensee has paid the renewal fee set forth in Rule 64B11-2.009 or 64B11-3.007, F.A.C., respectively, and has complied with the following requirements:

(1) through (2) No change.

(3) Home Study – A licensee may perform no more than twelve (12) hours of continuing education as home study education per biennium. Home study education is independent study and requires a certificate of completion. Home study education does not include ~~For purposes of this paragraph,~~ a web-based, satellite transmitted or online instruction program that allows or requires the licensee to interact or communicate back and forth with the instructor during the presentation of the program ~~is not home study education.~~

(4) HIV/AIDS – As part of the twenty-six hours of continuing education required herein for license renewal, the licensee shall complete one (1) hour of HIV/AIDS education as set forth in Section 456.033, F.S., or a course in end of life care and palliative health care, so long as the licensee has completed an approved one (1) hour HIV/AIDS course in the immediately preceding biennium.

(5) Medical Errors – Each licensee shall attend and certify attending a Board-approved 2-hour continuing education course relating to the prevention of medical errors. The 2-hour course shall count toward the total number of continuing education hours required for licensure renewal. The course shall include a study of root-cause analysis, error reduction and prevention, ~~and~~ patient safety ~~and~~ must include contraindications and indications specific to occupational therapy management, including medication and side effects.

(6) Laws and Rules – As part of the twenty-six (26) hours of continuing education required herein for licensure renewal, each licensee shall attend a two (2) hour Board approved course on laws and rules, i.e., Chapters 456 and 468, Part III, F.S., and Chapter 64B11, F.A.C.

(7) Documentation – The licensee must retain such receipts, vouchers, certificates or other papers necessary to document completion of the required continuing education for a period of not less than four (4) years from the date the course was taken. The Board will audit licensees at random to assure that the continuing education requirements have been met. Upon being audited, a licensee shall provide documentation to the Board within thirty (30) days that shows proof of compliance with the continuing education requirements imposed herein.

(8) Exemption – Those persons certified for licensure in the second half of the biennium are exempt from the continuing education requirements for that biennium, except for the two hour prevention of medical errors course requirement referenced above and required by Section 456.013, F.S., and except for the one (1) hour HIV/AIDS education or end of life care and palliative health care course referenced above as required by Section 456.033, F.S.

(9) Change of Status – Active status licensees may apply to the Board for inactive license status at any time by paying a \$50 fee to change licensure status. Additionally, the licensee shall pay any applicable inactive status renewal fee or delinquent fee.

(10) Alternative Media – A maximum of five contact hours may be awarded per biennium for approved alternative media, such as video, audio and/or software programs, prepared or updated not more than five years prior to the date of viewing or presentation. At time of course presentation, rental, or sale, the course vendor, in lieu of the certificate of completion, shall provide the licensee with a signed course validation form. The licensee shall sign this form on the date that the course is actually taken or viewed indicating full attendance and successful completion. It shall be retained by the licensee for four years.

(11) Course Presentation and Attendance at Board Meetings – A maximum of eight contact hours may be awarded per biennium for each of the following:

(a) The presentation of a continuing education course or program, academic course, peer-reviewed or non peer-reviewed workshop, seminar, in-service, electronic or web-based course, that is directly related to the practice of occupational therapy, as either the lecturer of the course or program or as the author of the course materials. Each licensee who is participating as either a lecturer or author of a continuing education course or program may receive credit for the portion of the offering he/she presented or authored up to the total hours awarded for the offering.

1. Continuing education credit may be awarded to a lecturer or author for the initial presentation of each course or program only; repeat presentations of the same continuing education course or program shall not be granted credit.

2. In order for a continuing education credit to be awarded to each licensee participating as either lecturer or author, the format of the continuing education course or program must conform with all applicable sections of this rule chapter.

3. Documentation shall include a copy of the official program/schedule/syllabus including presentation title, date, hours of presentation, and type of audience or verification of such signed by the sponsor.

4. The number of contact hours to be awarded to each licensee who participates in a continuing education course or program as either a lecturer or author is based on the 50 minute contact hour employed within this rule chapter.

(b) Attendance at Florida Board of Occupational Therapy Practice meetings. The number of contact hours awarded for such attendance is based on the definition of a contact hour as set forth in paragraph 64B11-6.001(5)(d), F.A.C.

(12) Fieldwork Experience – A licensee may earn up to 6 continuing education hours per biennium for supervision of a Level II Occupational Therapy or Occupational Therapy Assistant fieldwork student at the rate of no more than 3 hours per student. To be eligible for the credit, the licensee must participate as the primary clinical supervisor for the student. Documentation shall include verification provided by the school to the fieldwork educator with the name of the student, school, and dates of fieldwork or the signature page of the completed student evaluation form. Evaluation scores and comments shall be deleted or blocked out.

(13) Publications – A licensee may earn the following continuing education credit for publication of a peer-reviewed or non- peer reviewed book, chapter, article, or publication of instructional materials using alternative media, directly related to the practice of occupational therapy:

a. 10 hours as the author of a book,

b. 5 hours as author of a chapter,

c. 3 hours as author of a peer-reviewed article, and

d. 1 hour as author of a non peer-reviewed article,

e. 5 hours as an editor of a book.

f. 3 hours in publication of instructional material using alternative media. Documentation shall consist of full reference for publication including, title, author, editor, and date of publication; or copy of acceptance letter if not yet published.

(14) Research – A licensee may earn 1 hour of continuing education credit for each 10 hours spent in development of or participation in a research project specific to and directly related to the practice of occupational therapy, up to a limit of 5 hours of credit per biennium. Documentation shall include verification from the primary investigator indicating the name of the research project, dates of participation, major hypotheses or objectives of the project, and the licensee’s role in the project.

(15) Volunteer Expert Witness – In addition to the continuing education credits authorized above, any volunteer expert witness who is providing expert witness opinions for cases being reviewed pursuant to Chapter 468, Part III, F.S., the Occupational Therapy Practice Act, shall receive 3.0 hours of credit for each case reviewed. A volunteer expert witness may not accrue in excess of 6.0 hours of credit per biennium pursuant to this paragraph.

Specific Authority 456.036, 468.219 FS. Law Implemented 456.013, 456.033, 456.036, 468.219 FS. History–New 4-17-95, Amended 10-30-95, 3-11-96, Formerly 59R-64.060, Amended 9-23-99, 10-18-01, 6-25-02, 5-7-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Occupational Therapy  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Occupational Therapy  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: November 3, 2003  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: June 6, 2003

**DEPARTMENT OF HEALTH**  
**Board of Occupational Therapy**

RULE TITLE: Continuing Education Program Approval  
PURPOSE AND EFFECT: The Board proposes to revise the continuing education program approval standards, provide for a mandatory response by a provider to a Board continuing education audit and delete alternative continuing education activity authorizations from the rule. The rule revises provider approval standards, requires a provider response to a Board audit and deletes alternative continuing education activities from this section.

SUMMARY: The rule deletes alternative CE activities from this section, requires audited providers to respond to a Board audit and revises standards for program approval.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated 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: 456.013(8), 456.025, 468.204, 468.219 FS.

LAW IMPLEMENTED: 468.219, 468.221 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-6.001 Continuing Education Program Approval.

(1) through (2) No change.

(3) The provider shall maintain records of each course offering for 4 years following each licensure biennium during which the course was offered. Course records shall include a detailed course outline which reflects its educational objectives, the instructor’s name, the date and location of the course, the participants’ evaluations of the course, the hours of continuing education credit awarded for each participant and a roster of participants by name and license number. The Board, as a condition of a program or provider approval, may audit an approved provider. Upon being audited by the Board, the provider shall provide within 30 days all the documentation listed above in this subsection and such additional information as requested by the Board.

(4)(a) Programs meeting the above criteria and offered by the Florida Occupational Therapy Association (FOTA), the American Occupational Therapy Association (AOTA) and occupational therapy courses provided by an education program approved ~~accredited~~ by an accrediting ~~body~~ board for occupational therapy shall be approved by this Board for continuing education and shall not pay the fees required in subsection (1) of this rule.

(b) Courses sponsored by a college or university when providing a curriculum for occupational therapists or occupational therapy assistants shall be awarded 10 hours of continuing education credit per semester hour and shall be verified by official transcripts.

(5) Courses and programs not approved in subsection (1) or (4) above shall be approved as appropriate continuing education if said course or program meets the following criteria:

(a) through (e) No change.

(f) The licensee must retain such receipts, vouchers, certificates, or other papers to document completion of the required continuing education for a period of not less than four

(4) years from the date the course was taken. The Board will randomly audit licensees to assure the continuing education requirements have been met. Upon being audited, the licensee shall provide documentation to the Board within 30 days that shows proof of compliance with the continuing education requirements imposed herein.

~~(6) A maximum of five contact hours may be awarded per biennium for approved videocassette courses prepared or updated not more than two years prior to the date of viewing or presentation. The Board shall approve videocassette courses that meet the content and criteria requirements set forth in (5). At time of course presentation, rental, or sale, the course vendor, in lieu of the certificate of completion, shall provide the licensee with a signed course validation form. The licensee shall sign this form on the date that the course is actually taken or viewed indicating full attendance and successful completion. It shall be retained for four years with a copy for the department at the time of licensure renewal.~~

~~(7) A maximum of eight contact hours may be awarded per biennium for each of the following or a combination of the following:~~

~~(a) The presentation of a continuing education course or program as either the lecturer of the course or program or as the author of the course materials. Each licensee who is participating as either a lecturer or author of a continuing education course or program may receive credit for the portion of the offering he/she presented or authored up to the total hours awarded for the offering.~~

~~1. Continuing education credit may be awarded to a lecturer or author for the initial presentation of each course or program only; repeat presentations of the same continuing education course or program shall not be granted credit.~~

~~2. In order for a continuing education credit to be awarded to each licensee participating as either lecturer or author, the format of the continuing education course or program must conform with all applicable sections of this rule chapter.~~

~~3. Continuing education credit for publications is limited to continuing education courses or programs.~~

~~4. The number of contact hours to be awarded to each licensee who participates in a continuing education course or program as either a lecturer or author is based on the 50 minute contact hour employed within this rule chapter.~~

~~(b) Attendance at Occupational Therapy Board meetings. The number of contact hours awarded for such attendance is based on the definition of a contact hour as set forth in paragraph 64B11-6.001(5)(d), F.A.C.~~

~~(c) Attendance at Florida Occupational Therapy Association Leadership meetings. The number of contact hours awarded for such attendance is based on the definition of contact hour as set forth in paragraph 64B11-6.001(5)(d), F.A.C.~~

~~(8) In addition to the continuing education credits authorized above, any volunteer expert witness who is providing expert witness opinions for cases being reviewed pursuant to Chapter 468, Part III, F.S., the Occupational Therapy Practice Act, shall receive 3.0 hours of credit for each case reviewed. A volunteer expert witness may not accrue in excess of 6.0 hours of credit per biennium pursuant to this paragraph.~~

Specific Authority 456.013(8), 456.025, 468.204, 468.219(2) FS. Law Implemented 468.219(2), 468.221 FS. History—New 8-1-95, Amended 8-27-96, Formerly 59R-65.001, Amended 7-21-98, 4-25-01, 6-25-02, 10-29-02,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Occupational Therapy  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Occupational Therapy  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 3, 2003  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 27, 2002

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE TITLE: Active Status Fee  
RULE NO.: 64B12-11.003  
PURPOSE AND EFFECT: The Board proposes to update the existing rule text.  
SUMMARY: The Board decided to reduce the biennial renewal fee to \$150.00.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 484.005, 484.008(1) FS.  
LAW IMPLEMENTED: 484.008(1), 455.271 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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



THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-11.003 Active Status Fee.

The fee for biennial renewal of an optician's active status license shall be \$150.00 ~~\$200.00~~.

Specific Authority 484.005, 484.008(1) FS. Law Implemented 484.008(1), 455.271 FS. History—New 12-6-79, Amended 6-30-82, Formerly 21P-11.03, Amended 3-30-89, 7-10-89, 7-3-91, Formerly 21P-11.003, 61G13-11.003, Amended 10-24-94, Formerly 59U-11.003, Amended 1-4-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Opticianry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 8, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 24, 2003

**DEPARTMENT OF HEALTH  
Board of Orthotists and Prosthetists**

RULE TITLE: \_\_\_\_\_ RULE NO.: \_\_\_\_\_

Definitions 64B14-3.001

PURPOSE AND EFFECT: The Board intends to modify the level of supervision to require a greater level of supervision by qualified supervisors for certain procedures.

SUMMARY: For certain procedures, the rule requires the physical presence of the qualified supervisor during all phases of patient contact.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated 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: 456.035(1), 468.802 FS.

LAW IMPLEMENTED: 456.035(1), 468.802, 468.803, 468.805, 468.807, 468.808, 468.809 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B14-3.001 Definitions.

(1) through (11) No change.

(12) Direct Supervision – supervision while the qualified supervisor is on the premises. When measuring, fitting, or applying halos, immediate- post operative prosthetics, fracture

orthoses of the extremities, orthoses for the treatment of scoliosis or kyphosis, or spinal orthoses for fractures or post-surgery, the qualified supervisor must be physically present during all phases of patient contact.

(13) through (28) No change.

Specific Authority ~~456.035(1)~~, 468.802 FS. Law Implemented, ~~456.035(1)~~, 468.802, 468.803, ~~468.805~~, 468.807, 468.808, 468.809 FS. History—New 10-21-99, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Orthotists and Prosthetists

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Orthotists and Prosthetists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 3, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 4, 2003

**Section III  
Notices of Changes, Corrections and  
Withdrawals**

**DEPARTMENT OF STATE**

**Division of Elections**

RULE NO.: \_\_\_\_\_ RULE TITLE: \_\_\_\_\_  
1S-2.031 Recount Procedures

**NOTICE OF CHANGE**

Notice is hereby given that proposed Rule 1S-2.031 published in the F.A.W., Page 4426, Vol. 29, No. 45, on November 7, 2003, has been changed to reflect comments received from the public during the hearing held on December 1, 2003.

Changes were made to Rule 1S-2.031, F.A.C., so that it now reads:

1S-2.031 Recount Procedures.

(1) All procedures relating to machine and manual recounts shall be open to the public.

(2) At least two members of the canvassing board shall be present during all times a machine or manual recount is being conducted.

(3) All recounts are to be ordered by the board responsible for certifying the results of the race or races being recounted.

(4) As used in this rule, "undervote" means that the tabulator recorded no vote for the office or question or that the elector did not designate the number of choices allowed for the race.

(5) Machine Recounts shall be conducted as follows:

(a) The canvassing board responsible to ordering the machine recount shall be responsible for notifying the candidates or committees in the affected race or races that a machine recount will be conducted. In addition, notice of the machine recount shall be posted on the door of the public

entrance to the building where the supervisor of elections office is housed so that the notice is accessible to the public 24 hours a day.

(b) Touchscreen Ballot Recounts.

1. The county canvassing board shall be required to produce printed vote totals for the affected race or races for each voting device.

2. The county canvassing board shall verify that the total votes for the recounted race or races taken from the printed vote totals for each voting device are the same as the total votes shown on the county totals from election night. If there is a discrepancy, the county canvassing board shall investigate and resolve the discrepancy.

(c) Optical Scan Ballot Recounts.

1. Prior to the machine recount being conducted, the tabulating equipment being used in the recount must be tested pursuant to the provisions of s. 101.5612, F.S. The canvassing board is not required to use the same tabulating equipment that ballots were originally tabulated on.

2. Following the machine recount, the tabulating equipment that was used in the machine recount must be tested pursuant to the provisions of s. 101.5612, F.S. If the test shows no error, the results of the machine recount shall be deemed correct. If the test indicates an error, the canvassing board shall correct the error and repeat the machine recount.

3. Procedure when only one race is being recounted or where more than one race is being recounted and the voting system will allow for the sorting of overvotes and undervotes in more than one race at the same time:

a. The supervisor of elections shall change the election parameters so that only the recounted race or races will be tabulated and so that ballots containing overvotes and undervotes in the recounted race or races can be sorted from the other ballots during the machine recount.

b. The canvassing board or its representatives shall put each ballot through the tabulating equipment and determine the votes in the recounted race or races. During this process, the overvoted and undervoted ballots in the recounted race or races must be sorted.

c. Sorted ballots shall be placed in a sealed container or containers until it is determined whether a manual recount will be conducted. Seal numbers shall be recorded at the time the ballots are placed in the containers.

4. Procedure when more than one race is being recounted by machine and the voting system does not allow the sorting of overvotes and undervotes on more than one race at a time:

a. The canvassing board or its representatives shall put each ballot through the tabulating equipment and determine the votes in the affected races.

b. Produce vote counts for only those races involved in the machine recount.

c. Prior to a manual recount being conducted, the election parameters shall be changed and the ballots for the manually recounted race or races shall be put back through the tabulating equipment and overvotes and undervotes for each race shall be sorted separately.

(6)(4) The following procedures apply to manual recounts of optical scan ballots involving all county, multicounty, federal or statewide offices or issues required by law to be recounted:

(a) All procedures related to the manual recount shall be open to the public.

(b) At least two members of the county canvassing board shall be present during all times the recount is in process.

(c) The county canvassing board shall supervise the procedure used to identify and sort overvotes and undervotes in the affected race or issue. If the manual recount is being conducted at a location different from the location of the sorting process or is not being started immediately after the sorting, the sorted ballots shall be placed in a sealed container or containers until the manual recount is started. Seal numbers shall be recorded and announced at the time they are placed on the containers and the seal number shall be announced when the seal is broken and the ballots are removed from the container for the recount.

(d) Ballots with overvotes and undervotes shall be transported to the location of the manual recount by two members of the county canvassing board and a sworn law enforcement officer. From the time the manual recount is started until completion of the recount, including times of recess, the ballots shall be guarded by a sworn law enforcement officer.

(e) If the manual recount is ordered by the Elections Canvassing Commission, the Commission shall notify the candidates and chairmen of the state executive committee of the political parties, if applicable, entitled to representatives or the chairmen of the political committees, if any, in the case of an issue, that a manual recount has been ordered. The candidates or chairmen are responsible for contacting the supervisor of elections in each county involved in the manual recount to find out when and where the recount will be conducted and the number of representatives such candidate or committee is entitled to.

(f) If the manual recount is ordered by the county canvassing board, the supervisor of elections shall notify the candidates and chairmen of the county executive committee of the political parties, if applicable, entitled to representatives or the chairmen of the political committees, if any, in the case of an issue, that a recount has been ordered and shall provide information regarding the time and the place of the manual recount and the number of representatives such candidate or committee is entitled to.

~~(d)~~(e) In addition, each county canvassing board shall provide public notice of the time and place of the manual recount immediately after determining the need for a manual recount pursuant to Section 102.166, F.S. The notice shall be in either a newspaper of general circulation in the county or posted in at least four conspicuous locations in the county. Because of the time constraints in conducting the manual recount, the canvassing board shall also contact media outlets in the community so that the public is made aware of the recount as soon as possible. The manual recount shall begin as soon as practicable in order for the recount to be concluded in time for the certification of results to be submitted pursuant to Section 102.112, F.S.

~~(e)~~(h) The manual recount shall be conducted in a room large enough to accommodate the necessary number of counting teams, the canvassing board members and representatives of each candidate, political party or political committee entitled to have representatives. Members of the public and the press (observers) shall be allowed to observe the recount from a separate area designated by the county canvassing board, which area may be outside of the actual recount area but which will allow the observers to view the activities. In addition to the sworn law enforcement officer guarding the ballots, there shall be a sworn law enforcement officer to keep order in and around the recount area.

~~(f)~~(i) The canvassing board shall determine the number of overvotes and undervotes to be manually recounted. If the recount involves candidates or issues on a statewide or multicounty basis, each county canvassing board shall notify the Elections Canvassing Commission of the number of overvotes and undervotes in the county for the affected race. Any candidate whose ultimate success or failure in the race could be adversely or favorably impacted by the manual recount, presuming recount results most favorable and least favorable to the candidate, shall be entitled to representatives at the recount. In addition, in any primary where more than one candidate may proceed to a subsequent primary or general election, the candidates receiving the highest and second highest number of votes shall be entitled to representatives at the recount if the recount could result in those candidates switching positions in the official returns. In a first primary election, any candidate who could move into first or second place if all of the overvotes and undervotes were allocated to such candidate and any candidate who could lose his or her position in first or second place if all of the overvotes and undervotes were allocated to another candidate shall be entitled to representatives at the recount. In a second primary or general election or if there is only one primary, any candidate who could move into first place if all of the overvotes and undervotes were allocated to such candidate and any candidate who could lose his or her position in first place if all of the overvotes and undervotes were allocated to another candidate shall be entitled to representatives at the recount.

~~(g)~~(j) Each candidate entitled to representatives as outlined in ~~(f)~~(i) is entitled to a number of representatives equal to the number of counting teams plus an additional representative for the county canvassing board. If the race being recounted is a partisan race, each political party with candidates entitled to representatives is entitled to one representative. Each candidate or political party entitled to representatives must provide a list of the names of each representative designated.

~~(h)~~(k) In order to be entitled to representatives at the manual recount, a political committee supporting or opposing an issue which is being recounted must have provided in its statement of organization, on file before the election, that the committee is specifically supporting or opposing the issue in question. If more than one committee is registered as supporting or opposing the issue, each side shall be entitled to one representative per counting team plus one for the canvassing board. The canvassing board shall notify each committee chairman of the number of representatives it is entitled to based on the number of committees involved. The committee chairman must provide a list of the names of each representative designated.

~~(i)~~(l) In the case of a manual recount regarding the retention of a judicial candidate, the judicial candidate is entitled to representatives equal to the number of counting teams plus an additional representative for the county canvassing board. If there are political committees organized to oppose the retention of such judicial candidate, those committees are entitled to representatives pursuant to ~~(h)~~(k).

~~(j)~~(m) Representatives and observers must not interfere or disturb the recount in any way. If the conduct of the representatives or observers impedes the recount process, the recount will stop until the situation is corrected. If the disturbance continues, upon majority vote of the canvassing board, the persons causing the disturbance shall be removed from the premises by the law enforcement officer charged with maintaining order at the recount.

~~(k)~~(n) Prior to the beginning of the manual recount, the canvassing board shall review the rules and statutes governing recount procedures and voter intent with the members of the counting teams and with the representatives entitled to be present. At the beginning of the manual recount, the seal numbers on the containers shall be announced as they are broken and compared to the numbers previously recorded.

~~(l)~~(o) Each counting team shall review the ballots before them to determine if there is or is not a clear indication that the voter has made a definite choice, as specified in Rule 1S-2.027, F.A.C. If the counting team is unable to make the determination, or if there is an objection to the decision of the counting team by a designated representative, the ballot shall be set aside for the county canvassing board's determination.

~~(m)~~(p) Each counting team shall place the ballots in stacks indicating:

1. Votes for each candidate or issue choice;
2. Ballots which the counting team has determined there is no clear indication that the voter made a definite choice for an office or ballot question; and
3. Ballots to be set aside for the canvassing board's determination.

~~(n)(4)~~ The counting team shall count the number of votes for each candidate or issue choice, the number of ballots which the counting team has determined there is no clear indication that the voter made a definite choice, and the number of ballots which are to be given to the canvassing board for its determination and shall submit those totals to the county canvassing board.

~~(o)(4)~~ Each ballot set aside because the counting team was unable to make a determination must be placed in a separate envelope with a notation of the precinct number, why the team was unable to make the determination, and the names of the members of the counting team. If a ballot was set aside because of an objection to the decision of the counting team by a representative, the envelope must contain the precinct number, the names of the members of the counting team, the counting team's initial determination, the reasoning behind the challenge and the person bringing the challenge.

~~(p)(4)~~ The county canvassing board shall review each ballot set aside to determine if there is or is not a clear indication that the voter has made a definite choice, as specified in Rule 1S-2.027, F.A.C. All three members of the county canvassing board must be present for this determination and the determination must be by majority vote.

~~(q)(4)~~ The records of the manual recount shall detail the number of votes each candidate or issue choice received and the number of ballots not allocated to any candidate or issue choice. The canvassing board shall then certify the number of votes for each candidate or issue choice by combining the totals on the machine during the sorting process with the totals of the manual recount.

~~(r)(4)~~ The activities of the canvassing board in making determinations of ballots to be counted shall be recorded by either audio or audio/video tape. In addition, minutes of the manual recount shall be made and approved by the canvassing board. All tapes and minutes shall be made available to the public within 2 weeks of the time the canvassing board certifies the results of the election.

(s) If ballots were sorted for more than one race during the machine recount, the following additional procedures shall be used:

1. The election parameters shall be changed so that only overvoted and undervoted ballots for one recounted race will be sorted.
2. All ballots previously sorted pursuant to subsection (5)(b)3. shall be put back through the tabulating equipment to sort the ballots for the first manually recounted race.

3. If there is another race to be manually recounted following the first manual recount, the sorted ballots from the first manually recounted race will be combined with the other sorted ballots.

4. The election parameters shall be changed to sort the overvoted and undervoted ballots for the next manually recounted race.

5. All previously sorted ballots shall be put back through the tabulating equipment to sort the ballots for the next manually recounted race.

6. The canvassing board shall make an identifying mark or notation on each sorted ballot, in an area that does not interfere with the counting of the ballot, to indicate that the ballot was a manually recounted ballot for a particular race.

(t) If ballots were not sorted during the machine recount, the following procedures shall be used:

1. The election parameters shall be changed so that overvotes and undervotes in the first manually recounted race are identified and sorted for manual review.

2. Following the manual recount, if there is another race to be recounted, the sorted ballots from the first manual recount must be placed back in with the other ballots. The election parameters shall be changed to identify and sort ballots for the next manually recounted race.

3. The canvassing board shall make an identify mark or notation on each sorted ballot, in an area that does not interfere with the counting of the ballot, to indicate that the ballot was a manually recounted ballot for a particular race.

~~(7)(2)~~ Following a manual recount, the county canvassing board shall examine the ballots that were not allocated to any candidate or issue choice to determine if revisions to the voter intent rule are necessary and shall so notify the Division of Elections.

Specific Authority 102.166 FS. Law Implemented 102.166 FS. History--New 5-30-02, Amended \_\_\_\_\_.

**DEPARTMENT OF STATE**

**Division of Elections**

RULE NO.: 1S-2.034  
 RULE TITLE: Polling Place Manual  
 NOTICE OF CHANGE

Notice is hereby given that proposed Rule 1S-2.034, F.A.C., published in the F.A.W., Page 4429, Vol. 29, No. 45, on November 7, 2003, has been changed to reflect comments received from the public during the hearing held on December 1, 2003.

The following is a summary of the major changes made to Form DS-DE 11 (eff. \_\_\_\_), Polling Place Procedures Manual, incorporated by reference in Rule 1S-2.034, F.A.C.:

1. Clarified language to further explain the meaning of "Free Access" as included on page eight.
2. Clarify procedure for authorizing the issuance of a ballot under specific circumstances.

3. Change language to reflect the need for a poll worker to check the voting booth after each voter leaves to ensure the ballot was cast and no extraneous materials were left behind. The remainder of the Polling Place Procedures Manual reads as previously published.

Specific Authority 102.014(5) FS. Law Implemented 102.014(5) FS. History--New 2-11-02, Amended \_\_\_\_\_.

**DEPARTMENT OF LEGAL AFFAIRS**

**Florida Elections Commission**

RULE NO.: 2B-1.0025  
 RULE TITLE: Complaints

**NOTICE OF RULE 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. 42, October 17, 2003, issue of the Florida Administrative Weekly.

2B-1.0025 Complaints.

(1) Any complaint of alleged violations of the Florida Election Code over which the Florida Elections Commission has jurisdiction shall be filed with the Commission. A complaint form, Confidential Complaint ~~Complaint Form~~, FEC 001, effective \_\_\_\_\_ ~~1-2-02~~, which is hereby adopted and incorporated by reference may be obtained by calling the Commission office during normal business hours or by writing to the Commission. The complaint form may also be obtained from the Commission's website [www.fec.state.fl.us](http://www.fec.state.fl.us).

(2) through (9) No change.

Specific Authority 106.26(1) FS. Law Implemented 105.071, 106.25 FS. History--New 2-17-91, Amended 11-14-93, 3-19-96, 8-19-96, Formerly 1D-1.0025, Amended 1-11-98, 1-2-02, \_\_\_\_\_.

**DEPARTMENT OF REVENUE**

**Property Tax Administration Program**

RULE NO.: 12D-16.002  
 RULE TITLE: Index of Forms

**NOTICE OF CHANGE**

Notice is hereby given that the following change has been made to this proposed rule, as published in Vol. 29, No. 41, October 10, 2003, issue of the Florida Administrative Weekly. This change is in accordance with s. 120.54(3)(d)1., F.S.

Form DR-501PGP, Original Application for Assessment Reduction for Living Quarters of Parents or Grandparents, incorporated by reference in paragraph (38)(e) is being changed to remove one section of the form and revise language in another section of the form that are unnecessary.

**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."

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-6.080  
 RULE TITLE: Payment Methodology for Federally Qualified Health Center Services

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Florida Administrative Weekly, Vol. 29, No. 32, on August 8, 2003.

1. Section V.D.III

All subsequent prospective encounter rates shall be determined every October 1 by multiplying the initial prospective encounter rate by the MEI for primary care services for the Fiscal Year.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Florida Commission on Human Relations**

RULE NO.: 60Y-1.002  
 RULE TITLE: Conducting Proceedings by Communications Media Technology

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 29, No. 35, August 29, 2003, Florida Administrative Weekly, has been withdrawn.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Florida Commission on Human Relations**

RULE NOS.: 60Y-4.003, 60Y-4.004, 60Y-4.005, 60Y-4.006, 60Y-4.007, 60Y-4.008, 60Y-4.009, 60Y-4.010, 60Y-4.011, 60Y-4.012, 60Y-4.013, 60Y-4.014, 60Y-4.016, 60Y-4.017, 60Y-4.018, 60Y-4.019, 60Y-4.020, 60Y-4.021, 60Y-4.022, 60Y-4.023  
 RULE TITLES: Form of Documents, Filing and Copies, Proof of Simultaneous Service upon Other Parties, Service by Commission, Computation of Time Periods, Representation, Petitions, Miscellaneous Petitions, Answers, Parties, Intervention, Joinder of Parties, Assignment of Hearings, Motions, Consolidation, Discovery, Pre-hearing Conference, Notice of Hearing, Subpoenas, Witness Fees

60Y-4.024	Introduction of Evidence; Rights of Parties at Hearing
60Y-4.025	Transcript of Hearing
60Y-4.026	Recommended Orders
60Y-4.027	Exceptions and Briefs

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 29, No. 35, August 29, 2003, Florida Administrative Weekly, has been withdrawn.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Florida Commission on Human Relations**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
60Y-5.001	Complaints
60Y-5.0011	Answers
60Y-5.003	Investigation of Complaints
60Y-5.004	Executive Director's Investigatory Determination; Notice
60Y-5.005	Conciliation
60Y-5.006	Administrative Dismissal of a Complaint
60Y-5.008	Petition for Relief from an Unlawful Employment Practice

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 29, No. 35, August 29, 2003, Florida Administrative Weekly, has been withdrawn.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Florida Commission on Human Relations**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
60Y-8.001	Petition for Relief from a Discriminatory Housing Practice

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 29, No. 35, August 29, 2003, Florida Administrative Weekly, has been withdrawn.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Florida Commission on Human Relations**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
60Y-9.001	Purpose
60Y-9.005	Housing Exemption for Persons 55 Years of Age or Older
60Y-9.007	Housing for Older Persons Registration and Documentation

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 29, No. 35, August 29, 2003, Florida Administrative Weekly, has been withdrawn.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
61G4-17.001	Normal Penalty Ranges

**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. 38, September 19, 2003, issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee (JAPC). The Board, at its meeting held on November 12-14, 2003, voted to make changes to the rule to address the JAPC concerns.

The changes are as follows:

1. Subsection (1)(f) shall read: ~~(f)(7)~~ 489.129(1)~~(f)(e)~~; 489.119(2): Failure to qualify a firm, and/or acting under a name not on license. Repeat violation \$ 750 to \$1,500 fine.

2. Subsection (1)(i)(1) shall read: 1. 489.1195(2)(e): Failure to supervise construction activities. First violation, \$250 to \$1,000 fine and/or probation; repeat violation, \$1,000 to \$5,000 fine and suspension or revocation.

3. Subsection (1)(i)(9) shall read: 9. 489.119(6)(b): License number not appearing in advertisement. First violation, \$100; repeat violation, reprimand and \$250 to \$1,000 fine.

4. Subsection (1)(r) is deleted.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Timothy Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

**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."

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
68A-27.004	Designation of Threatened Species; Prohibitions; Permits

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the proposed amendment of Rule 68A-27.004, F.A.C., as published in the October 17, 2003 issue of the Florida Administrative Weekly, Vol. 29, No. 42, pages 4154-4155, is withdrawn from further consideration.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: 68A-27.005  
 RULE TITLE: Designation of Species of Special Concern; Prohibitions; Permits

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the proposed amendment of Rule 68A-27.005, F.A.C., as published in the October 17, 2003 issue of the Florida Administrative Weekly, Vol. 29, No. 42, pages 4155-4157, is withdrawn from further consideration.

**Section IV  
 Emergency Rules**

**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 THE LOTTERY**

RULE TITLE: Instant Game Number 516, DOUBLE DOLLARS  
 RULE NO.: 53ER03-61

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 516, "DOUBLE DOLLARS," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER03-61 Instant Game Numbers 516, DOUBLE DOLLARS.

(1) Name of Game. Instant Game Number 516, "DOUBLE DOLLARS."

(2) Price. DOUBLE DOLLARS lottery tickets sell for \$1.00 per ticket.

(3) DOUBLE DOLLARS lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning DOUBLE DOLLARS lottery ticket, a combination of essential

elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any DOUBLE DOLLARS lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

(4) The play symbols and play symbol captions are as follows:

<b>TICKET</b>	<b>\$1.00</b>	<b>\$2.00</b>	<b>\$4.00</b>	<b>\$5.00</b>	<b>\$10.00</b>
TICKET	ONE	TWO	FOUR	FIVE	TEN
<b>\$25.00</b>	<b>\$50.00</b>	<b>\$100</b>	<b>\$250</b>	<b>\$500</b>	<b>\$1,000</b>
THY FIV	FIFTY	ONE HUN	TWO FTY	FIVE HUN	ONE THO
		<b>\$2,000</b>	<b>\$§</b>		
		TWO THO	DOUBLE		

(5) Determination of Prizewinners.

(a) A ticket having three like amounts in the play area shall entitle the claimant to a prize of that amount. The prize amounts are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$25.00, \$50.00, \$100, \$250, \$500, \$1,000 and \$2,000. A ticket having three "TICKET" symbols in the play area shall entitle the claimant to a prize of a \$1.00 ticket, except as follows. A person who submits by mail a DOUBLE DOLLARS lottery ticket that entitles the claimant to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(b) A ticket having two like prize amounts and a "\$§" "DOUBLE" symbol in the play area shall entitle the claimant to a prize of double that amount.

(6) The estimated odds of winning, value, and number of prizes in Instant Game Number 516 are as follows:

GAME PLAY	WIN	ODDS OF	NUMBER OF
TICKET	\$1 TICKET	1 IN	WINNERS IN
			84 POOLS OF
			180,000 TICKETS
			PER POOL
\$1	\$1	10.00	1,512,000
\$2	\$2	15.00	1,008,000
\$2 (\$§ symbol)	\$2	25.00	604,800
\$4	\$4	150.00	100,800
\$4 (\$§ symbol)	\$4	150.00	100,800
\$5	\$5	33.33	453,600
\$5 (\$§ symbol)	\$10	300.00	50,400
\$10	\$10	300.00	50,400
\$25	\$25	276.92	54,600
\$25 (\$§ symbol)	\$50	9,000.00	1,680
\$50	\$50	9,000.00	1,680
\$50 (\$§ symbol)	\$100	120,960.00	125
\$100	\$100	120,960.00	125
\$250 (\$§ symbol)	\$500	1,260,000.00	12
\$500	\$500	1,890,000.00	8
\$1,000 (\$§ symbol)	\$2,000	2,160,000.00	7
\$2,000	\$2,000	2,160,000.00	7

(7) The estimated overall odds of winning some prize in Instant Game Number 516 are 1 in 3.84. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(8) For reorders of Instant Game Number 516, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(9) By purchasing a DOUBLE DOLLARS lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(10) Payment of prizes for DOUBLE DOLLARS lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History—New 11-25-03.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: November 25, 2003

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Instant Game Number 515, LUCKY 7'S RULE NO.: 53ER03-62

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 515, "LUCKY 7'S," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prizewinners; and the estimated odds of winning and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER03-62 Instant Game Number 515, LUCKY 7'S.

(1) Name of Game. Instant Game Number 515, "LUCKY 7'S."

(2) Price. LUCKY 7'S lottery tickets sell for \$2.00 per ticket.

(3) LUCKY 7'S lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning LUCKY 7'S lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph

53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any LUCKY 7'S lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

(4) Design of Ticket. There are 3 different games in Instant Game Number 515, LUCKY 7'S: Game 1, Game 2, and Game 3.

(5) The "YOUR NUMBERS" play symbols and play symbol captions in Game 1 are as follows:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
ONE	TWO	THREE	FOUR	FIVE	SIX
<b>7</b>	<b>8</b>	<b>9</b>			
SEVEN	EIGHT	NINE			

(6) The "LUCKY NUMBER" play symbols and play symbol captions in Game 1 are as follows:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
ONE	TWO	THREE	FOUR	FIVE	SIX
<b>8</b>	<b>9</b>				
EIGHT	NINE				

(7) The prize symbols and prize symbol captions in Game 1 are as follows:

<b>TICKET</b>	<b>\$1.00</b>	<b>\$2.00</b>	<b>\$3.00</b>	<b>\$5.00</b>	<b>\$10.00</b>
TICKET	ONE	TWO	THREE	FIVE	TEN
<b>\$100</b>	<b>\$250</b>	<b>\$21,000</b>			
ONE HUN	TWOHUNFTY	THYONETHO			

(8) The legends in Game 1 are as follows:

YOUR NUMBERS	LUCKY NUMBER
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(9) The play symbols and play symbol captions in Game 2 are as follows:

<b>TICKET</b>	<b>\$1.00</b>	<b>\$2.00</b>	<b>\$5.00</b>	<b>\$20.00</b>
TICKET	ONE	TWO	FIVE	TWENTY
<b>\$100</b>	<b>\$250</b>	<b>\$1,000</b>	<b>\$21,000</b>	
ONE HUN	TWOHUNFTY	ONE THO	THYONETHO	

(10) The play symbols and play symbol captions in Game 3 are as follows:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
ONE	TWO	THREE	FOUR	FIVE	SIX
<b>7</b>	<b>8</b>	<b>9</b>			
SEVEN	EIGHT	NINE			



(11) The prize symbols and prize symbol captions in Game 3 are as follows:

<b>TICKET</b>	<b>\$1.00</b>	<b>\$3.00</b>	<b>\$5.00</b>	<b>\$10.00</b>
TICKET	ONE	THREE	FIVE	TEN
<b>\$25.00</b>	<b>\$100</b>	<b>\$250</b>	<b>\$500</b>	<b>\$21,000</b>
THY FIVE	ONE HUN	TWOHUNTY	FIVE HUN	THYONETHO

(12) The legend in Game 3 is as follows:

PRIZE

(13) Determination of Prizewinners. Each of the three games in Instant Game Number 515, LUCKY 7'S, uses a different play methodology. Players may win in one or more games. The determination of prizewinners for each game is as follows:

(a) Game 1.

1. In Game 1, a ticket having a number in the "YOUR NUMBERS" play area that matches the number in the "LUCKY NUMBER" play area shall entitle the claimant to the corresponding prize shown for that number. The prizes are: TICKET, \$1.00, \$2.00, \$3.00, \$5.00, \$10.00, \$100, \$250, and \$21,000. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a ticket or combination of instant tickets with a total value of \$2.00, except as provided in paragraph (13)(d) below.



2. In Game 1, a ticket having a "SEVEN" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to the corresponding prize shown.

(b) Game 2.

1. In Game 2, a ticket having three like amounts in the play area shall entitle the claimant to a prize of that amount. The prize amounts are: \$1.00, \$2.00, \$5.00, \$20.00, \$100, \$250, \$1,000 and \$21,000. A ticket having three "TICKET" symbols in the play area shall entitle the claimant to a prize of a ticket or combination of instant tickets with a total value of \$2.00, except as provided in paragraph (13)(d) below.



2. A ticket having two like prize amounts and a "SEVEN" symbol in the play area shall entitle the claimant to a prize of that amount.

(c) Game 3.



In Game 3, a ticket having three "SEVEN" symbols in the play area in any one row, column, or diagonal shall entitle the claimant to the prize shown. The prizes are: TICKET, \$1.00, \$3.00, \$5.00, \$10.00, \$25.00, \$100, \$250, \$500, and \$21,000. A claimant who is entitled to a prize of a "TICKET" shall be

entitled to a prize of a ticket or combination of instant tickets with a total value of \$2.00, except as provided in paragraph (13)(d) below.

(d) A person who submits by mail a LUCKY 7'S lottery ticket that entitles the claimant to a prize of a \$2.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(14) The estimated odds of winning, value and number of prizes in Instant Game Number 515 are as follows:

GAME PLAY	WIN	ODDS OF 1 IN	NUMBER OF WINNERS IN 42 POOLS OF 180,000 TICKETS PER POOL
TICKET (GAMES 1, 2, or 3)	\$2	TICKET 18.75	403,200
G1-\$1 "AUTOWIN (7)" + G3-\$1	\$2	15.00	504,000
G2-\$2	\$2	15.00	504,000
G1-\$1 + G2-\$2 + G3-\$1	\$4	25.00	302,400
G1-\$2 x 2 + G3-\$1	\$5	37.50	201,600
G1-\$1 x 2 + G2-\$2 + G3-\$1	\$5	37.50	201,600
G1-\$3 x 2 + G2-\$1 + G3-\$3	\$10	75.00	100,800
G1-\$5 "AUTOWIN (7)" + G2-\$5 + G3-\$5	\$15	150.00	50,400
G3-\$25	\$25	100.00	75,600
G1-\$10 x 2 + G2-\$20 + G3-\$10	\$50	800.00	9,450
G2-\$100	\$100	7,200.00	1,050
G1-\$100 "AUTOWIN (7)" + G2-\$100 + G3-\$100	\$300	142,641.51	53
G2-\$250 + G3-\$250	\$500	302,400.00	25
G3-\$500	\$500	302,400.00	25
G1-\$250 x 2 + G2-\$250 + G3-\$250	\$1,000	945,000.00	8
G2-\$1,000	\$1,000	945,000.00	8
\$21,000 (GAMES 1, 2, or 3)	\$21,000	2,520,000.00	3

(15) The overall odds of winning some prize in Instant Game Number 515 are 1 in 3.21. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(16) For reorders of Instant Game Number 515, the estimated odds of winning, value and number of prizes shall be proportionate to the number of tickets reordered.

(17) By purchasing a LUCKY 7'S lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(18) Payment of prizes for LUCKY 7'S lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History--New 11-25-03.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: November 25, 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 V Petitions and Dispositions Regarding Rule Variance or Waiver

**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 ELDER AFFAIRS**

NOTICE IS HEREBY GIVEN that the Department of Elder Affairs has received a request for a permanent Waiver from Hospice of Naples, Inc. The request was filed on November 3, 2003. Hospice of Naples, Inc., seeks a permanent Waiver from paragraph 58A-2.025(10)(a), Florida Administrative Code, Physical Plant Requirements (Inpatient Facility and Unit), which requires all new inpatient units and facilities, and additions or renovations to existing units and facilities to be in compliance with the construction requirements as specified in the paragraph 58A-2.025(10)(a), Florida Administrative Code, effective August 10, 2003. Hospice of Naples, Inc., seeks to obtain permanent a Waiver from the paragraph 58A-2.025(10)(a), Florida Administrative Code, to allow the 16-bed freestanding inpatient hospice facility located at 1095 Whippoorwill Lane, Naples, Florida, 34105, to be licensed by the Agency for Health Care Administration.

A copy of the request for waiver may be received from and comments submitted to: Linda Macdonald, Department of Elder Affairs, 4040 Esplanade Way, Suite 315L, Tallahassee, Florida 32399-7000 or e-mail: [macdonaldla@elderaffairs.org](mailto:macdonaldla@elderaffairs.org). Comments must be received no later than 14 days from the date of this notice.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that the advertisement published in Vol. 29, No. 48, of the Florida Administrative Weekly is hereby amended to read as follows:

NOTICE IS HEREBY GIVEN that on October 6, 2003, Bureau of Elevator Safety received a Petition for Variance from ASME A.17.1, Sections 2.1.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9 as adopted by Chapter 61C-5.001, Florida Administrative Code, from Frank Henderson, General Manager, Otis Elevator Company requesting a variance to allow the installation of a Otis Gen2 elevator system in the following location: Le Meridian, Jacksonville Beach, FL. Petitioner requests to not have a machine room, steel ropes and non-welded terminations.

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

The Bureau of Elevator Safety hereby gives notice that it has Issued an Order Denying Variance Request in response to a petition filed on September 5, 2003, by John M. Taylor, representing Taylor Elevator Corp., seeking a waiver from Rule 111.8a(3) of ASME A17.1, as adopted by Chapter 61C-5.001, Florida Administrative Code, with regard to the requirements for the maximum height of a keyway access. The order cited the Petitioner's lack of demonstrating a true hardship as the grounds for the denial.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 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."

## Section VI Notices of Meetings, Workshops and Public Hearings

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

The Bureau of Pesticides, **Department of Agriculture and Consumer Services** announces a meeting of the Pesticide Review Council to which all interested persons are invited.

DATE AND TIME: January 14, 2004, 9:00 a.m.

PLACE: George Eyster Auditorium, 3125 Conner Blvd., Tallahassee, Florida 32399-1650

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Council.

CONTACT: For additional information or a copy of the agenda, please call Dr. Dennis Howard, Chief, Bureau of Pesticides, Department of Agriculture and Consumer Services, (850)487-0532.

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## DEPARTMENT OF EDUCATION

The **Florida Atlantic University**, Board of Trustees, Planning and Development Committee announces a meeting to which all persons are invited:

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

PLACE: Boca Raton Campus, Board of Trustees Room, Kenneth R. Williams Administration Bldg., 777 Glades Road, Boca Raton, Florida 33314

GENERAL SUBJECT MATTER TO BE CONSIDERED: Planning and Development.

A copy of the agenda may be obtained by contacting: Ms. Joanne Elsner, Florida Atlantic University, 777 Glades Road, Boca Raton, FL 33431, (561)297-4030

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting: Ms. Paula Behul, (561)297-3004. If you are hearing or speech impaired, please contact the agency by calling TDD via TDD NO. (561)297-2130.

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The **Florida Rehabilitation Council** announces the following conference call/meeting:

MEETING: Florida Rehabilitation Council Conference Call; Coordination Committee

DATE AND TIME: December 15, 2003, 2:30 p.m. – 4:00 p.m.

PLACE: Homewood Suites, 2987 Apalachee Parkway, Tallahassee FL 32301, (850)402-9400, 1(800)416-4132 Toll free, (850)922-7892 Local

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a conference call of the Florida Rehabilitation Council Coordination Committee.

A copy of the agenda may be obtained by contacting: Florida Rehabilitation Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32301-4862, (850)245-3320.

Any interested parties that need further information may contact: Yolanda Manning, (850)245-3320.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitation Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be

notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission, or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

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The **Florida Rehabilitation Council** announces the following conference call/meeting:

MEETING: Florida Rehabilitation Council Conference Call; Planning Committee

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

PLACE: VR Headquarters, 2002 Old Saint Augustine Road, Tallahassee, Florida 32301-4862, 1(800)413-4132 Toll Free, (850)922-7892 Local

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a conference call of the Florida Rehabilitation Council Executive Committee.

A copy of the agenda may be obtained by contacting: Florida Rehabilitation Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32301-4862, (850)245-3397.

Any interested parties that need further information may contact Yolanda Manning, (850)245-3320.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitation Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission, or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to

ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

The **Florida Rehabilitation Council** announces the following conference call/meeting:

MEETING: Florida Rehabilitation Council; Executive Committee Conference Call

DATE AND TIME: December 22, 2003, 10:00 a.m. – 12:00 p.m.

PLACE: VR Headquarters, 2002 A Old St. Augustine Road, Tallahassee, FL 32301-4862, 1(800)413-4132 Toll Free, (850)922-7892 Local

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a conference call of the Florida Rehabilitation Council Executive Committee.

A copy of the agenda may be obtained by contacting: Florida Rehabilitation Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32301-4862, (850)245-3397.

Any interested parties that need further information may contact: Yolanda Manning, (850)245-3320.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitation Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission, or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

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#### DEPARTMENT OF LAW ENFORCEMENT

The Florida **Department of Law Enforcement**, Missing Children Information Clearinghouse Advisory Board, announces a public meeting to which all persons are invited

DATE AND TIME: January 6, 2004, 9:00 a.m.

PLACE: Florida Sheriff's Association Building, 2617 Mahan Drive, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly MCIC Advisory Board Meeting. A meeting, for the purpose of notice herein, is limited to a gathering for the purpose of conducting public business by members of a collegial body constituting the agency head.

A copy of the agenda may be obtained by writing: Gwen Johnson, The Florida Department of Law Enforcement, Missing Children Information Clearinghouse, Post Office Box 1489, Tallahassee, Florida 32302

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#### DEPARTMENT OF TRANSPORTATION

The Florida **Department of Transportation**, District 2 announces a public hearing to which all persons are invited.

DATE AND TIME: January 8, 2004, 7:00 p.m.

PLACE: The Florida Community College North Campus Auditorium, 4501 Capper Road, Jacksonville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic and environmental effects of Financial Project ID 213266-1; otherwise known as Interstate 295, Jacksonville, Florida. The Florida Department of Transportation will present the Project Development and Environmental Study findings concerning alternatives for widening the corridor from a 4 lane roadway to a 6 lane roadway from Interstate 10 to Interstate 95. The proposed improvements will provide roadway resurfacing and an additional travel lane in each direction within the existing median, a 10 foot wide inside and outside paved shoulder. Additional right of way will not be required for the roadway improvements, however, minimal additional right of way may be required for retention/detention ponds.

Anyone needing project or public hearing information or special accommodations under the Americans with Disabilities Act of 1990, should write to the address given below or call (386)758-3700 or 1(800)749-2967. Special accommodations requested under the Americans with Disabilities Act should be made at least seven days prior to the Public Hearing.

A copy of the agenda may be obtained by writing: Mr. Aage Schroder, District Secretary, Florida Department of Transportation, District 2, 1109 S. Marion Avenue, Lake City, Florida 32025-5874.

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#### 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."

Notice is hereby given that the **Board of Trustees of the Internal Improvement Trust Fund** of the State of Florida, or designee, is proposing the establishment of an Erosion Control Line, pursuant to Section 161.161, Florida Statutes, will hold a public workshop to which all interested persons are invited.

DATE AND TIMES: December 19, 2003, 6:00 p.m. – Public Workshop; 7:00 p.m. – Public Hearing

PLACE: Town Hall Meeting Facility, Rosemary Beach, Walton County, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: For the purpose of considering evidence bearing on the location of a proposed Erosion Control Line for the beach erosion control project known as Inlet Beach Porous Groin Demonstration Project. The location of the proposed Erosion Control Line is as follows:

The proposed Erosion Control Line lies along Inlet Beach, Walton County, Florida for approximately 2000 feet, fronting the Gulf of Mexico at the line of mean high water. The Erosion Control Line lies in Section 36, Township 3 South, Range 18 West.

Written objections to, or inquires regarding, the proposed Erosion Control Line should be submitted to Bureau of Beaches and Wetland Resources, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, Florida 32399-3000, prior to the date mentioned above. The Board of Trustees of the Internal Improvement Trust Fund of the State of Florida reserves the right to deny establishment of the Erosion Control Line.

BY ORDER OF  
THE BOARD OF TRUSTEES OF  
THE INTERNAL IMPROVEMENT TRUST FUND OF  
THE STATE OF FLORIDA  
JEB BUSH, GOVERNOR

**DEPARTMENT OF CITRUS**

The **Department of Citrus** announces a public meeting of the Florida Citrus Commission to which all persons are invited.

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

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will convene for the purposes of standing committee meetings and for the regular monthly meeting of the Florida Citrus Commission.

The Commission will address issues pertaining to budget items and revisions, contracts, advertising programs, balance scorecards, licensing, rulemaking, and other matters that are addressed during monthly meetings of the Commission. The Commission may also go into closed session pursuant to the provisions of Section 286.011(8), F.S., to address issues related to the Tampa Juice, et. al. & Graves Brothers, et. al. vs.

FDOC and The Lakeland Ledger Publishing Company, Publisher of The Ledger vs. FDOC. The parties attending the closed session will be John R. Alexander, Patrick Carlton, Tristan G. Chapman, W. Cody Estes, Sr., Harry H. Falk, Christopher W. Gargano, William E. Kemper, Anina C. McSweeney, W. Lindsay Raley, Jr., Daniel R. Richey, Ray Smith, Andrew R. Taylor, Bob Crawford, Hank B. Campbell, Esq., Monterey Campbell, Esq. and Kenneth O. Keck, Esq.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson at the above address or (863)499-2510.

**FLORIDA PAROLE COMMISSION**

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 19, 2003, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blairstone Road, Bldg. C., Third Floor, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made, Chapter 80-150, Laws of Florida (1980).

A copy of the Agenda may be obtained by writing: Florida Parole Commission, 2601 Blairstone Road, Building C, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)488-3417.

**EXECUTIVE OFFICE OF THE GOVERNOR**

The **Governor's Commission on Volunteerism and Community Service**, Volunteer Florida, is pleased to announce a meeting to which all persons are invited.

DATE AND TIME: Thursday, December 18, 2003, 12:00 Noon

PLACE: Ft. Lauderdale, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Volunteer Florida CEO and Ft. Lauderdale Commissioners luncheon discussion of Commissioner roles and responsibilities.

Please contact Gwen Erwin, (850)921-5172, for a meeting agenda. If you require a reasonable accommodation to participate, please contact Gwen Erwin, (850)921-5172, Voice/TTY, 72 hours in advance with your request.

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**REGIONAL PLANNING COUNCILS**

The **Northeast Florida Regional Planning Council**, Growth Management Policy Committee announces the following public meetings to which all persons are invited:

DATE AND TIME: Wednesday, January 7, 2004, 9:00 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending planning and growth management items including the RiverTown Development of Regional Impact.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

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The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIMES: Wednesday, December 17, 2003, 9:00 a.m. – Finance Committee) and 9:30 a.m. – Executive Committee

PLACE: 631 North Wymore Road, Suite 100, Maitland, Florida 32751 (Please call (407)623-1075, Ext. 304, to confirm date, time and place)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Executive and Finance Committees.

A copy of the agenda may be obtained by writing: Ms. Sandra Glenn, Executive Director, East Central Florida Regional Planning Council, 631 North Wymore Road, Suite 100, Maitland, Florida 32751

The East Central Florida Regional Planning Council desires to accommodate persons with disabilities. Accordingly, any physically handicapped person, pursuant to Chapter 286.26, Florida Statutes, should, at least 48 hours prior to the meeting, submit a written request to the chairperson that the physically handicapped person desires to attend the meeting.

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The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

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

PLACE: 631 North Wymore Road, Suite 100, Maitland, FL 32751 (Please call (407)623-1075, Ext. 327, to confirm date, time and place)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the East Central Florida Regional Planning Council.

A copy of the full agenda may be obtained by writing: Ms. Sandra Glenn, Executive Director, East Central Florida Regional Planning Council, 631 North Wymore Road, Suite 100, Maitland, Florida 32751

The East Central Florida Regional Planning Council desires to accommodate persons with disabilities. Accordingly, any physically handicapped person, pursuant to Chapter 286.26, Florida Statutes, should, at least 48 hours prior to the meeting, submit a written request to the chairperson that the physically handicapped person desires to attend the meeting.

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The **Tampa Bay Regional Planning Council** announces that the January Council meeting will be announced due to office facility move.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which records includes the testimony and evidence upon which the appeal is based.

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The **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, January 5, 2004, 10:30 a.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: Any Development Order received prior to the meeting; Any proposed Local Government Comprehensive Plan received prior to the meeting; Any adopted Local Government Comprehensive Plan received prior to the meeting; Any proposed Local Government Comprehensive Plan Amendment received prior to the meeting; Any adopted Local Government Comprehensive Plan Amendment received prior to the meeting; Meeting on monthly Council business; Executive Committee meeting at 10:00 a.m. at the above location.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite #140, Hollywood, Florida 33021.

Anyone deciding to appeal any decision made by the board with respect to any matter considered at this meeting, will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

Council related committees may meet periodically before (9:00 a.m.) and following the regularly scheduled Council meetings. Any party desirous of ascertaining schedules of the sub-committees should call the Council Offices, (954)985-4416 (Broward).

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

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The **Treasure Coast Regional Planning Council** announces a meeting of its Budget Personnel Committee.

DATE AND TIME: December 11, 2003, 10:00 a.m.

PLACE: Treasure Coast Regional Planning Council, 301 East Ocean Boulevard, Suite 300, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to discuss the Annual Review of Council's Executive Director.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (772)221-4060, at least 48 hours before the meeting.

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The **Treasure Coast Regional Planning Council** announces a meeting of its Nominating Committee.

DATE AND TIME: December 19, 2003, 9:00 a.m.

PLACE: Ramada Inn, 1200 South Federal Highway, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Treasure Coast Regional Planning Council Nominating Committee.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (772)221-4060, at least 48 hours before the meeting.

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The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: December 19, 2003, 9:30 a.m.

PLACE: Ramada Inn, 1200 South Federal Highway, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the Annual meeting of the Council.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (772)221-4060, at least 48 hours before the meeting.

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#### **WATER MANAGEMENT DISTRICTS**

The **St. Johns River Water Management District** announces the following rule development workshop to which all persons are invited. This workshop will also be video-conferenced to the District Service Centers in Jacksonville, Florida, Altamonte Springs, Florida and Palm Bay, Florida.

DATE AND TIME: Thursday, January 15, 2004, 9:00 a.m.

PLACE: St. Johns River Water Management District Headquarters Governing Board Room, 4049 Reid Street, Palatka, Florida 32177-2529

GENERAL SUBJECT MATTER TO BE CONSIDERED: District Employees Mandatory Direct Deposit; proposed Rule 40C-1.004, F.A.C.

If a person decides to appeal any decision with respect to any matter considered at the above listed workshop, such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Anyone requiring special accommodations to participate in this meeting is requested to advise the District at least 5 work days before the meeting by contacting: Norma Messer, (386)329-4459 or (386)329-4450 (TDD).

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The **Southwest Florida Water Management District** announces the following meeting to which all interested parties are invited.

**AGRICULTURAL ADVISORY COMMITTEE**

DATE AND TIME: Monday, December 15, 2003, 4:00 p.m.

PLACE: Tampa Service Office, 7601 U. S. 301, North, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Committee Business.

Some members of the District's Governing and Basin Boards may attend.

A copy of the agenda may be obtained by writing: Planning Department, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the American's with Disabilities Act (ADA) should call 1(800)423-1476 (Florida) or (352)796-7211, Extension 4757, Fax (352)754-6883, TTD ONLY 1(800)231-6103 (Florida).

**DEPARTMENT OF ELDER AFFAIRS**

The Florida **Department of Elder Affairs** announces a workshop to which all persons are invited.

DATE AND TIME: January 5, 2004, 10:00 a.m. – 4:30 p.m.

PLACE: Department of Elder Affairs, Conference Room 225F, 4040 Esplanade Way, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Refer to the Notice of Rule Development published in Vol. 29, No. 45, November 7, 2003, issue of the Florida Administrative Weekly to amend Assisted Living Facility Rules 58A-5.0131, 58A-5.014, 58A-5.015, 58A-5.016, 58A-5.0181, 58A-5.0182, 58A-5.0185, 58A-5.019, 58A-5.0191, 58A-5.023, 58A-5.024, 58A-5.0241, 58A-5.025, 58A-5.026, 58A-5.029, 58A-5.031, and 58A-5.033, F.A.C.

A copy of the agenda may be obtained by contacting: Linda Macdonald, Office of General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000.

**AGENCY OF HEALTH CARE ADMINISTRATION**

The **Agency of Health Care Administration (AHCA)** and the **Office of Insurance Regulation (OIR)** announce the Sixth and Final Meeting of the Governor's Task Force on Access to Affordable Health Insurance to which all interested persons are invited.

DATE AND TIME: January 9, 2004, 10:00 a.m. – 4:00 p.m.

PLACE: University of Central Florida, Pegasus Ballroom, 4000 Central Florida Boulevard, Orlando, FL 32516

GENERAL SUBJECT MATTER TO BE CONSIDERED: Introductions and background information for the task force, summary of the previous Task Force meetings, continued

discussion of health insurance coverage approaches that are consistent with the Task Force policy statements for implementation in Florida review of the draft Task Force report and suggested revisions to the report.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Ms. Audrey Sumrall, (850)413-2552, at least five calendar days prior to the meeting.

A copy of the agenda and meeting materials may be obtained by writing: Mr. Gary Crayton, Principal, Health Management Associates, 301 S. Bronough Street, Suite 500, Tallahassee, Florida 32301 or by visiting our website at [http://www.fdhc.state.fl.us/affordable\\_health\\_insurance/index.html](http://www.fdhc.state.fl.us/affordable_health_insurance/index.html).

**DEPARTMENT OF MANAGEMENT SERVICES**

The **Department of Management Services** announces a workshop to which all persons are invited:

DATE AND TIME: January 9, 2004, 9:30 a.m.

PLACE: Department of Management Services, 4050 Esplanade Way, Suite 301, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Amendment of rules in Chapter 60A-1, F.A.C., regarding general regulations governing state purchasing. Pursuant to notice in the September 5, 2003, Florida Administrative Weekly, the Department conducted a rule development workshop on September 24, 2003, concerning the amendments. The January 9, 2004, workshop will be a continuation of the first workshop.

The text of the preliminary rules is available at [www.myflorida.com](http://www.myflorida.com), (under "Hot Topics" in the bottom center of your screen, click on "MyFloridaMarketPlace/e-Pro" and then click on "Proposed Rules"). When available, this website will also include an agenda for the workshop and information for those interested in attending the workshop by telephone rather than in person.

Persons lacking Internet access, persons requiring special accommodation to attend the workshop, or persons requiring any additional information may contact: Richard L. Brown, Department of Management Services, Division of State Purchasing, 4050 Esplanade Way, Suite 335, Tallahassee, FL 32399-0950, (850)488-3049, [brownr2@dms.state.fl.us](mailto:brownr2@dms.state.fl.us).

The Florida **Department of Management Services** announces a meeting of the Statewide Florida State Employees' Charitable Campaign (FSECC), Steering Committee to which all persons are invited:

DATE AND TIME: December 17, 2003, 3:30 p.m.

PLACE: 4050 Esplanade Way, Suite 260, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the FSECC Steering Committee to review general FSEC Campaign-related issues.



For more information about the meeting, for a copy of the agenda, or if special accommodations are needed to attend this meeting because of a disability, please contact: John Kuczwanski, Department of Management Services, 4050 Esplanade Way, Suite 280, Tallahassee, FL 32399-0950, (850)414-6736.

The State of Florida, **State Technology Office** announces a Chief Information Officer (CIO) Council Meeting to which all persons are invited.

DATE AND TIME: Monday, December 15, 2003, 10:00 a.m. – 12:00 Noon

PLACE: Conference Room 124, Shared Resource Center, 2585 Shumard Oak Boulevard, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To enhance communication among the Chief Information Officers of state agencies and assist in identifying critical statewide information technology issues.

If you would like an agenda for this meeting or require special accommodations due to disability or physical impairment, please contact: Elaine Womble, (850)922-2680 or Elaine.womble@myflorida.com.

The Florida **Commission on Human Relations** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 21, 2004, 10:00 a.m.

PLACE: Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a regular meeting of the commission. Items to be discussed will include general administrative issues.

NOTE: If you need a special accommodation in order to attend this meeting because of a disability, please notify the Florida Commission on Human Relations in writing: 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301 or call Alicia Maxwell, (850)488-7082.

#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Department of Business and Professional Regulation** announces a public meeting of the Florida Board of Cosmetology to which all persons are invited to participate.

DATE AND TIME: Sunday, January 11, 2004, 9:00 a.m.

PLACE: Department of Business and Professional Regulation, Board Room, 1940 North Monroe Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the board to conduct regular board business.

A copy of the agenda may be obtained by writing: Florida Board of Cosmetology, 1940 North Monroe Street, Suite 60, Tallahassee, Florida 32399-0790.

If a person decides to appeal any decision made by the board with respect to any matter considered at this meeting or hearing, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern, (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing or speech impaired please contact the Area of Critical State Concern using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Landscape Architecture** announces the following meeting to which all persons are invited to attend.

DATE AND TIME: December 19, 2003, 9:00 a.m. (EST)

PLACE: Via telephone conference – (850)410-0960 or Suncom 210-0960

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business Meeting.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Landscape Architecture, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)487-8304, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

#### DEPARTMENT OF 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

The Florida **Emergency Medical Services Advisory Council**, Medical Care Committee announces a telephone conference call to which all interested persons are invited to participate.

DATE AND TIME: December 16, 2003, 4:00 p.m. – 6:00 p.m. (EST)

PLACE: Florida Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin #C18, Tallahassee, FL 32399 (Via Meet Me Number 1(888)461-8118)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the council. Any other related issues will also be discussed.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment, should contact the Bureau of Emergency Medical Services, (850)245-4440, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Bureau of Emergency Medical Services using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

For further information, write: Patricia Kenyon, 4052 Bald Cypress Way, Bin #C18, (HEMS), Tallahassee, Florida 32399-1738 or call (850)245-4440, Ext. 2686.

P.O. # QT0020

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The Florida **Department of Health, Division of Medical Quality Assurance** announces an open meeting for public input on medical review panels.

DATE AND TIME: Monday, December 22, 2003, 9:30 a.m. – completion of comments

PLACE: 4052 Bald Cypress Way, Room 301, Tallahassee, FL 32399, (850)245-4224

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose is to receive public testimony for the completion of a study on whether or not medical review panels should be included as part of the presuit process in medical malpractice litigation as specified in enrolled CS/SB 2-D, section 71.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Medical Quality Assurance, (850)245-4124, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call Florida Medical Quality Assurance using the Florida Dual Party Relay System that can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771(TDD).

A copy of the agenda may be obtained by writing: Amy M. Jones, Director, 4052 Bald Cypress Way, Bin #C00, Tallahassee, Florida 32399-3253.

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The **Board of Clinical Laboratory Personnel**, Probable Cause Panel will hold a duly noticed meeting and telephone conference call meeting, to which all persons are invited to attend.

DATE AND TIME: Wednesday, January 7, 2004, 9:00 a.m.

PLACE: Department of Health, 4052 Bald Cypress Way, Tallahassee, FL; Meet Me Number (850)921-6455

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257.

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The **Department of Health, Board of Hearing Aid Specialists** announces a Probable Cause Panel Meeting to be held via telephone conference call in which reconsiderations will be heard. All interested parties are invited to attend with the information listed below, which is normally open to the public.

DATE AND TIME: December 22, 2003, 1:00 p.m.

PLACE: Call (850)245-4474 to inquire about call-in number

GENERAL SUBJECT MATTER TO BE CONSIDERED: Reconsiderations.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster, (850)245-4474, at least one week prior to meeting date.

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The Florida **Board of Medicine** announces a telephone conference call to which all interested persons are invited to participate.

DATE AND TIME: Wednesday, January 7, 2004, 12:00 Noon

PLACE: Contact Florida Board of Medicine, (850)245-4131, for the meet me number

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5)

calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

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The **Department of Health, Board of Pharmacy**, Consultant Pharmacist Education Committee announces a public meeting to which all persons are invited.

DATE AND TIME: January 13, 2004, 9:00 a.m.

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, FL 33607, (813)819-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet to review possible changes to Rules 64B16-26.300, 64B16-26.301, 64B16-26.302 and 64B16-26.320, F.A.C.

A copy of the board agenda materials, which are open to the public, may be obtained by writing: Lucy Gee, Interim Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Garnet Keller, (850)245-4614, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting he will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

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The **Department of Health, Board of Pharmacy** announces a public meeting to which all persons are invited.

DATE AND TIME: January 13, 2004, 1:00 p.m.

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, FL 33607, (813)819-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet to discuss Rule 64B16-28.402, F.A.C.; Labels and Labeling of Medicinal Drugs – Community Pharmacy Permit.

A copy of the board agenda materials, which are open to the public, may be obtained by writing: Lucy Gee, Interim Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Garnet Keller, (850)245-4614, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting he will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

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#### DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Big Bend Community Based Care Alliance and the **Department of Children and Family Services**, Subdistrict 2B announces a meeting to which all persons are invited. The Alliance encompasses: Leon, Franklin, Gadsden, Liberty, Madison, Jefferson, Taylor and Wakulla counties.

DATE AND TIME: Wednesday, December 17, 2003, 2:30 p.m. – 4:30 p.m. (EST)

PLACE: Department of Children and Family Services, Cedars Executive Center, Building A, Second Floor, Conference Room 201, 2639 North Monroe Street, Tallahassee, FL 32399-2949

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting to discuss child welfare services for Subdistrict 2B.

A copy of the agenda can be obtained by calling: Anissa Pitti, Department of Children and Family Services, (850)488-0569 or Suncom 278-0569.

Anyone requiring a special accommodation to participate in this meeting is requested to advise District Administration, Anissa Pitti, (850)488-0569 or 1(800)226-6223 (TDD), at least 2 working days prior to the meeting.

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The Northwest Florida Community Based Care Alliance and the **Department of Children and Family Services**, Subdistrict 2A announces a meeting to which all persons are invited. The Alliance encompasses: Bay, Gulf, Washington, Holmes, Calhoun, and Jackson counties.

DATE AND TIME: Thursday, December 18, 2003, 2:00 p.m. (CST)

PLACE: W.T. Neal Civic Center, 17773 North Pear Street, Blountstown, FL 32424, (850)674-4500

GENERAL SUBJECT MATTER TO BE CONSIDERED: General quarterly meeting to discuss child welfare for subdistrict 2A.

A copy of the agenda can be obtained by calling: Debra Ervin, Department of Children and Family Services, (850)488-0569 or Suncom 278-0569.

Anyone requiring a special accommodation to participate in this meeting is requested to advise Debra Ervin, District Administration, (850)488-0569 or 1(800)226-6223 (TDD), at least 2 working days prior to the meeting.

The Florida **Department of Children and Family Services** announces the cancellation and rescheduling of the following District 8, Community-Based Care Alliance meeting: Hendry/Glades Community Alliance:

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

NEW DATE AND TIME: December 18, 2003, 1:30 p.m.

PLACE: LaBelle Service Center, 485 Cowboy Way, LaBelle, Florida

#### FLORIDA HOUSING FINANCE CORPORATION

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: Tuesday, December 23, 2003, 10:00 a.m. (EST)

PLACE: The offices of Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition of land and new construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Grande Court at North Port, a 128-unit multifamily residential rental development to be located on the south side of Greenwood Avenue, 1/10th of a mile west of the intersection of Greenwood Avenue and Sumter Boulevard, North Port, Sarasota County, Florida 34287. The prospective owner, operator or manager of the proposed development is Grande Court North Port Associates, Ltd., 701 Brickell Avenue, Suite 1400, Miami, Florida 33131, or such successor in interest in which Courtelis Development Company, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$6,800,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (EST), Monday, December 22, 2003, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

#### FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida **Fish and Wildlife Conservation Commission** has scheduled a public meeting with recreational and commercial marine fishers regarding the proposed increase of the penalty for violation of net limitation laws, to which all interested persons are invited:

DATE AND TIME: December 19, 2003, 1:00 p.m. – 3:00 p.m.

PLACE: 2nd Floor Auditorium, Bryant Building, 620 South Meridian Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting with recreational and commercial stakeholders is to discuss increasing the penalty for violation of net limitation laws.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in the workshop or meeting is asked to advise the Commission at least 5 calendar days prior by calling: Cindy Hoffman, ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

**FLORIDA INDEPENDENT LIVING COUNCIL**

The **Florida Independent Living Council** announces the following meetings.

MEETING: Evaluation Committee Meeting  
 DATE AND TIME: Wednesday, December 17, 2003, 2:00 p.m. (EST)  
 PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271  
 MEETING: Advocacy Committee Meeting  
 DATE AND TIME: Thursday, December 18, 2003, 2:00 p.m. (EST)  
 PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271  
 MEETING: Orientation Task Force Meeting  
 DATE AND TIME: Wednesday, January 7, 2004, 2:00 p.m. (EST)  
 PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271  
 MEETING: Executive Committee Meeting  
 DATE AND TIME: Friday, January 9, 2004, 1:00 p.m. (EST)  
 PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271  
 MEETING: Steering Committee Meeting  
 DATE AND TIME: Tuesday, January 13, 2004, 1:00 p.m. (EST)  
 PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271  
 MEETING: Funding Formula Task Force Meeting  
 DATE AND TIME: Wednesday, January 14, 2004, 10:00 a.m. (EST)  
 PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271  
 MEETING: Point Persons Committee Meeting  
 DATE AND TIME: Wednesday, January 21, 2004, 10:00 a.m. (EST)  
 PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271  
 MEETING: Planning Committee Meeting  
 DATE AND TIME: Wednesday, February 4, 2004, 2:00 p.m. (EST)  
 PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271  
 MEETING: Evaluation Committee Meeting  
 DATE AND TIME: Wednesday, February 4, 2004, 3:00 p.m. (EST)  
 PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271  
 MEETING: Advocacy Committee Meeting  
 DATE AND TIME: Thursday, February 5, 2004, 2:00 p.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271  
 MEETING: Steering Committee Meeting  
 DATE AND TIME: Tuesday, February 10, 2004, 1:00 p.m. (EST)  
 PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271  
 MEETING: Finance Committee Meeting  
 DATE AND TIME: Wednesday, February 11, 2004, 10:30 a.m. (EST)  
 PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271  
 MEETING: Program Committee Meeting  
 DATE AND TIME: Wednesday, February 11, 2004, 3:00 p.m. (EST)  
 PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271  
 MEETING: Advocacy Committee Meeting  
 DATE AND TIME: Thursday, February 12, 2004, 2:00 p.m. (EST)  
 PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271  
 MEETING: Executive Committee Meeting  
 DATE AND TIME: Friday, February 13, 2004, 1:00 p.m. (EST)  
 PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271  
 MEETING: Point Persons Committee Meeting  
 DATE AND TIME: Wednesday, February 18, 2004, 10:30 a.m. (EST)  
 PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271  
 MEETING: Advocacy Committee Meeting  
 DATE AND TIME: Thursday, February 19, 2004, 2:00 p.m. (EST)  
 PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271  
 MEETING: Development Committee Meeting  
 DATE AND TIME: Tuesday, February 24, 2004, 2:00 p.m. (EST)  
 PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271  
 MEETING: Outreach Committee Meeting  
 DATE AND TIME: Tuesday, February 24, 2004, 4:00 p.m. (EST)  
 PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271  
 MEETING: Advocacy Committee Meeting  
 DATE AND TIME: Thursday, February 26, 2004, 2:00 p.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the council.

A copy of the agenda may be obtained by contacting: Florida Independent Living Council, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271, (850)488-5624 or toll free 1(877)822-1993.

Any person who needs an accommodation to participate in this meeting because of a disability, including alternative formats, should submit a request for such accommodation in writing at least one week before the meeting date.

COMMITTEE AND TASK FORCE MEETINGS: Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Beth Schultz at the council address.

Notices of meetings and hearing must advise that a record is required to appeal. Each board, commission or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, Section 286.0105)

**Section VII**  
**Notices of Petitions and Dispositions**  
**Regarding Declaratory Statements**

**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**

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a petition for declaratory statement In Re: Petition for Declaratory Statement, Frank Musumeci, Representative of Maya Marca Condominium Apartments, Inc. Docket Number 2003091794.

The Petitioner requests a declaratory statement as to whether a spouse of a unit owner, who is not a joint titleholder to the unit and whose interest in the unit, if any, is by marriage to the titleholder, is eligible to hold a director seat on the board under the condominium bylaws.

A copy of the Petition for Declaratory Statement, Docket Number 2003097194, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a petition for declaratory statement In Re: Petition for Declaratory Statement, Atlantic Resort Development, Ltd, Docket Number 2003087940.

The Petitioner request a declaratory statement as to whether a creating developer of a timeshare plan is required under Section 721.07(5)(ff)16., Florida Statutes, to include amendments as exhibits to its registered public offering statement, where the concurrent developer filed the amendments under an assignment but without the knowledge or agreement of the creating developer.

A copy of the Petition for Declaratory Statement, Docket Number 2003087940, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a petition for declaratory statement In Re: Petition for Declaratory Statement, Alfred J. Venclik and Mary A. Venclik, Unit Owners, Schooner Bay Condominiums of North Ft. Myers, Inc Docket Number 2003085504.

The Petitioner request a declaratory statement as to whether the association may present for unit owner vote under Section 718.112(2)(f)2., Florida Statutes (2203) the option of partially funding reserves with the amount budgeted to be determined by the board at a later meeting or fully funding reserves but not providing the option of waiving reserves.

A copy of the Petition for Declaratory Statement, Docket Number 2003085504, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued a closing notice because petitioner withdrew the petition In Re: Petition for Declaratory Statement, Beverly Dittrich, Director; Land of the Presidents Condominium Two, Inc; Petitioner; Docket Number 2003075418.

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NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a petition for declaratory statement In Re: Petition for Declaratory Statement, Steven R. Moses, Unit Owner; River Landings Condominium Association, Inc. Docket Number 2003070952.

The Petitioner request a declaratory statement as to whether under Section 718.301, Florida Statutes (2002), a developer may turnover control of the association to a majority of unit owners before three months after 90% percent of the units that

will be operated by the association have been conveyed to purchasers; and, if so, may a unit owner controlled association exclude the developer from holding a seat on the board.

A copy of the Petition for Declaratory Statement, Docket Number 2003047827, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a petition for declaratory statement In Re: Petition for Declaratory Statement, Charles A. Hornell, President; Heron Master Condominium Association. Case Number 2003092101 The Petitioner request a declaratory statement as to whether Heron Master Condominium Association may adopt an amendment to its bylaws with a two-thirds unit owner vote to appoint members to the board representing each of the three condominium associations and opt out of the requirements of electing board members under Section 718.112(2)(d)3., Florida Statutes.

A copy of the Petition for Declaratory Statement, Docket Number 2003092101, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Joseph S. Garwood, Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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**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 VIII**  
**Notices of Petitions and Dispositions**  
**Regarding the Validity of Rules**

**Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:**

AMENDED NOTICE – Helen Evans vs. Department of Business and Professional Regulation, Board of Professional Engineers; Case No.: 03-4035RP; Rule No.: 61G15-21; Published in Vol. 29, No. 47, November 21, 2003

AMENDED NOTICE – Christopher Nathaniel Lovett vs. Department of Business and Professional Regulation, Board of Professional Engineers; Case No.: 03-4013RP; Rule No.: 61G15-21.0004(2); Published in Vol. 29, No. 47, November 21, 2003

Conservancy of Southwest Florida vs. South Florida Water Management District; Case No.: 03-4259RX; Rule No.: 40E-4.091

Mario R. Avello, M.D. vs. Department of Health, Board of Medicine; Case No.: 03-4247RX; Rule No.: 64B8-9.014

Florida Education Association, Constance Higginbotham and Laverne Love vs. Department of Education and The State Board of Education; Case No.: 03-4392RU

Donald Colbert, M.D. vs. Department of Health; Case No.: 03-4210RU

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

**NONE**

**Section IX**  
**Notices of Petitions and Dispositions**  
**Regarding Non-rule Policy Challenges**

**NONE**

**Section X**  
**Announcements and Objection Reports of**  
**the Joint Administrative Procedures**  
**Committee**

**NONE**

**Section XI**  
**Notices Regarding Bids, Proposals and**  
**Purchasing**

**DEPARTMENT OF EDUCATION**

**NOTICE TO PROFESSIONAL CONSULTANTS**

Florida State University, State of Florida, announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project No. BR-242

Project and Location: Johnston Building Dining Improvements  
Florida State University  
Tallahassee, Florida

This project will completely restore and renovate the East Wing of the William H. Johnston Building. The building's distinctive interior characteristic is its ornate interior wood truss/ceiling volume spaces found in both the East and West Halls. These spaces have been modified over the years to provide lower ceilings more suitable for office and administrative spaces. The restoration of these spaces into full height dining rooms is a primary focus of this project. The project will include a new kitchen and East Hall of the Johnston Building, serving students, staff and faculty. When completed, the renovated portion of the facility is expected to be approximately 21,100 sf. The building envelope will be restored, including the roof, windows, doors and other openings, while preserving the historic nature of the facility. The project will also include related site improvements, including an accessible pedestrian interface with adjacent buildings, outdoor dining courtyard, loading docks and concealed areas for trash removal. The scope of this project will include the removal of all hazardous materials contained within the areas affected. The selected firm will provide design, construction documents and administration for the referenced project which is budgeted at approximately \$5,336,365 for construction. The project delivery system will be construction management. Blanket professional liability insurance will be required for this project in the amount of \$500,000, and will be provided as a part of Basic Services.



**INSTRUCTIONS:**

Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. A completed Florida State University "Professional Qualifications Supplement," dated August 8, 2003. Applications on any other form, or on versions dated prior to 8/8/03, will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit six (6) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

The plans and specifications for Florida State University projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$50,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained through our website, [www.fpc.fsu.edu](http://www.fpc.fsu.edu), or by contacting: Lynetta Mills, Facilities Design and Construction, 109 Mendenhall Maintenance Building A, Florida State University, Tallahassee, Florida 32306-4152, (850)644-2843 telephone, (850)644-8351 facsimile.

For further information on the project, contact: Jim Reynolds, Project Manager, at the address and phone listed above.

Submittals must be received in the above office, by 2:00 p.m., local time, on Tuesday, January 13, 2004. Facsimile (FAX) or electronic submittals are not acceptable and will not be considered.

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**PUBLIC ANNOUNCEMENT FOR  
CONSTRUCTION MANAGEMENT SERVICES**

PROJECT NUMBER: FSDB 20040010

PROJECT NAME: New Model Apartments

PROJECT LOCATION: The Florida School for the Deaf and the Blind, 205 N. San Marco Avenue, St. Augustine, FL. 32084-2799

The Florida School for the Deaf and the Blind (FSDB) requests qualifications from construction management firms to provide Construction Management at Risk Services for the construction of a new model apartments complex and all associated site development work for the 1.33 acres of land which this project is to be located upon. The construction budget for this project is \$4,320,000.

Applicant must be a licensed general contractor in the State of Florida at the time of application. Further, if a corporation, the applicant must be registered by the Department of State, Division of Corporations, to operate in the State of Florida at the time of application.

The selection will be made in accordance with Section 255.29(3), F.S. and the procedures and criteria established by the Division of Building Construction.

Firms interested in being considered for this project must submit four (4) copies of their application with a table of contents and tabbed sections in the following order:

1. A letter of interest detailing the firm's qualifications to meet the above referenced selection criteria.
2. A current Experience Questionnaire and Contractor's Financial Statement, form DBC5085.
3. Resumes of proposed staff and staff organization.
4. Any examples of project reporting manuals, schedules, past experience and examples of similar projects completed by the firm.
5. A description of the applicant's plan for Minority Business Enterprise and Women-Owned Business Enterprise.
6. References from prior clients received within the last five years.

Submit four (4) copies of application to the: The Florida School for the Deaf and the Blind, Attn. Lloyd Jenkins, Project Manager, Facilities Department, 207 North San Marco Avenue, Building 27, St. Augustine, FL 32084-2799.

For further information, contact: Lloyd Jenkins, Project Manager, (904)827-2363.

Response Due Date: January 9, 2004, no later than 3:00 p.m.

Firms will be short-listed on January 20, 2004. Following the short-list selection, a Pre-interview workshop will be held on January 29, 2004, 9:00 a.m. for all short-listed firms. Interviews will be conducted on February 11, 2004. A final selection will be made after the interviews have taken place.

The results of the short-list and final selection will be posted at FSDB, 207 N. San Marco Ave., Building #27, St. Augustine, FL and can be viewed during regular working days between the hours of 7:00 a.m. through 4:00 p.m. beginning 24 hours after each selection. Any protest of the selections must be made within 72 hours of the postings. Failure to file a protest within 72 hours (not including Saturday, Sunday, or a legal holiday) after posting shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. Final selection results will also be posted in the Florida Administrative Weekly.

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NOTICE TO PROFESSIONAL CONSULTANTS  
FOR

Request for Qualifications (RFQ)  
Professional Services

INDUSTRIAL HYGIENE AND ENVIRONMENTAL  
CONSULTING SERVICES ON AN ANNUAL  
CONTRACT BASIS

The Office of Facilities Planning and Construction announces that professional services are required for an annual contract for Industrial Hygiene and Environmental Consulting Services for Duval County Public Schools. The firm selected will be responsible for assigned projects having estimated construction cost and study fees not exceeding the threshold amounts of \$1,000,000 (construction) and \$50,000 (study fees) respectively, provided for in §287.055 Florida Statutes. This will be a multiple award contract for an initial period of one year with an option to renew for two additional one-year periods.

Applications are to be sent to:

Duval County Public Schools  
Facilities Planning and Construction  
1701 Prudential Drive – 5th Floor  
Jacksonville, FL 32207-8182

PROJECT MANAGER: Bruce Ackerman

PHONE NO.: (904)390-2220

RESPONSE DUE DATE:

RFQ's ARE DUE ON OR BEFORE JANUARY 6, 2004

AND WILL BE ACCEPTED UNTIL 4:30 P.M.

MBE GOALS: 15% participation overall

Information on the selection process can be found at [www.educationcentral.org/facilities](http://www.educationcentral.org/facilities) under Forms and Standards, General Documents, Selection of Architect/Engineer.

Applicants are advised that all plans, drawings and specifications for this project may be reused by the Owner as a prototype for future projects in the District.

ADVERTISEMENT FOR BIDS

Invitation To Bid (ITB)

For a

Asbestos Abatement Contractor

Sealed bids will be received by Duval County Public Schools, Division of Facilities Services, Room 535, 1701 Prudential Drive, Jacksonville, FL 32207 until the time and date(s) recorded below and immediately thereafter publicly opened and recorded in the Duval County Public Schools, School Board Building, located at 1701 Prudential Drive, 5th Floor, Room 541, Jacksonville, Florida.

BIDS ARE DUE ON OR BEFORE JANUARY 6, 2004

AND WILL BE ACCEPTED UNTIL 2:00 P.M.

OFFICIAL PROJECT TITLE: ASBESTOS REMOVAL  
SERVICES ON AN ANNUAL CONTRACT BASIS

DCPS PROJECT NO.: M-81850

SCOPE OF WORK: This project will consist of removing asbestos materials from various School Board Buildings and Schools on an as needed basis, with an estimated cost of \$500,000.00 annually. This will be an award contract for an initial period of one year with an option to renew for two additional one-year periods.

All contractors that are interested in bidding are required to attend a mandatory pre-bid conference to be held on December 17, 2003, 2:00 p.m., Room 541, 5th Floor, 1701 Prudential Drive. Failure to attend the pre-bid conference shall result in disqualification of that firm's proposal. Attendees will be required to sign an attendance register.

All bidders and subcontractors shall be licensed Contractors and registered corporations as required by the laws of the State of Florida.

Contract documents for bidding may be obtained for a refundable fee of \$50.00 at the office of:

GLE Associated, Inc.  
9000 Cypress Green Drive  
Suite 105, Wing B  
Jacksonville, FL 32256

DCSB Point of Contact: Bruce Ackerman, 390-2220

Contract documents for bidding may be examined at but not obtained at Duval County Public Schools, Facilities Services, 5th Floor, 1701 Prudential Drive, Jacksonville, FL 32207.

MBE Participation Goal: 15%

The Bid Award Recommendation will be posted on the first floor bulletin board at the Duval County School Board Building, 1701 Prudential Drive, Jacksonville, Florida 32207-8182.

The purpose of the Pinellas County School Readiness Coalition, Inc. is to provide quality school readiness programs and services for children birth to age thirteen. The focus of this Request for Proposals is to offer a quality, seamless service delivery system for school readiness services in Pinellas County.

The School Readiness Coalition desires to contract for all of the services described herein: subcontracted and certificate/voucher school readiness programs, developmental screening of children and referrals, school readiness assessments, social/health referrals, wait list management, Quality Grant management, child care eligibility, provider services (monitoring and technical assistance), resource development and enhancement, provider reimbursement to

include management of the Child Care Purchasing Pool, training, contract management, data base management and general administrative functions.

The Coalition proposes entering into a contract for a period of one (1) year with possible subsequent renewal of the contract for two (2) additional years subject to: (i) satisfactory performance evaluations by the Coalition, (ii) availability of funds as determined by the Coalition, and (iii) changes in programmatic or service related needs as determined at the sole discretion of the Coalition. The contract may also be affected by any changes in statute or rule that may arise during the contract period.

For a copy of RFP #2003-001 please contact:

Janet Chapman, Senior Program Consultant  
Pinellas County School Readiness Coalition, Inc.  
6698 68th Avenue, Suite A  
Pinellas Park, FL 33781  
(727)547-5615

#### Invitation to Negotiate ("ITN")

The Broward County School Readiness Coalition is seeking Competitive Sealed Replies to an ITN for the delivery of School Readiness Services. Replies must be received by 1:00 p.m. on Tuesday, January 27, 2004, at Broward County School Readiness Coalition, 3800 Inverrary Boulevard, Suite 400, Lauderhill, Florida 33319.

The purpose of the ITN is to procure a comprehensive, integrated School Readiness system that prepares children for success in school and in life, that is responsive to the needs of children and families in Broward County. The ITN delineates five core component areas of the School Readiness system: Resource and Referral/Family Education and Supports; Eligibility Determination and Enrollment/Slot Management and Payment; Technical Assistance/Training; Quality Rating; and Developmental Screening. Vendors may submit Competitive Sealed Replies to one or more of the core component areas, however, a Vendor will not be awarded both the Quality Rating component and the Technical Assistance/Training component.

ITN specifications may be requested by certified mail to:

Heather Strauss  
Broward County School Readiness Coalition  
3800 Inverrary Boulevard  
Suite 400  
Lauderhill, FL 33319

A Mandatory Letter of Intent to Submit a Competitive Sealed Reply is due Tuesday, January 6, 2004, by 5:00 p.m. by certified mail to the above address. A Vendor's Conference will be held at 2:00 p.m. on Thursday, December 18, 2003, at the same address.

The Broward County School Readiness Coalition recognizes the diversity of the Broward County population and the need for a Contractor who receives an award under this ITN to be sensitive to that diversity.

#### **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**

##### **REQUEST FOR BIDS NO. 03/04-016WR WELL DRILLING OF APPROXIMATELY 8 MONITOR WELLS, IN SUWANNEE, LEVY, COLUMBIA AND DIXIE COUNTIES**

The Suwannee River Water Management District (DISTRICT) invites interested contractors to submit sealed bids to drill approximately eight (8) monitor wells in Suwannee, Levy, Columbia, and Dixie Counties.

Responses to this request are due at the DISTRICT office by 3:00 p.m., January 2, 2004.

The RFB document will be available on the District's website at [www.mysuwanneeriver.com](http://www.mysuwanneeriver.com) under "Services/Bids" on December 12, 2003. This bid will also be posted at [www.demandstar.com](http://www.demandstar.com). Or requests for the RFB 03/04-016WR should be directed to Suzanne Richardson, (386)362-1001 or 1(800)226-1066 (Florida only)

If you have questions regarding the project, please direct them to: David Hornsby, (386)362-1001 or toll free (Florida only) 1(800)226-1066, Fax (386)362-1056.

##### **REQUEST FOR BIDS NO. 03/04-017WR GEOTECHNICAL SERVICES AND WELL INSTALLATION OF APPROXIMATELY 60 MONITOR WELLS, IN SUWANNEE, LAFAYETTE AND DIXIE COUNTIES**

The Suwannee River Water Management District (DISTRICT) invites interested contractors to submit sealed bids to provide monitoring well installation of approximately sixty (60) wells with oversight by a Florida licensed professional geologist in Suwannee, Lafayette, and Dixie Counties.

Responses to this request are due at the DISTRICT office by 3:00 p.m., January 2, 2004.

The RFB document will be available on the District's website at [www.mysuwanneeriver.com](http://www.mysuwanneeriver.com) under "Services/Bids" on December 12, 2003. This bid will also be posted at

www.demandstar.com. Or requests for RFB 03/04-017WR document should be directed to Suzanne Richardson, (386)362-1001 or 1(800)226-1066 (Florida only).

If you have questions regarding the project, please direct them to: David Hornsby, (386)362-1001 or toll free (Florida only) 1(800)226-1066, Fax (386)362-1056.

**DEPARTMENT OF MANAGEMENT DISTRICTS**

**PUBLIC ANNOUNCEMENT FOR MECHANICAL OR AIR CONDITIONING CONTRACTORS TO PROVIDE CONSTRUCTION MANAGEMENT SERVICES, CONTINUING AREA CONTRACTS AREA 5 and 6 COMBINED**

The State of Florida, Department of Management Services, Division of Facilities Management and Building Construction requests qualifications from mechanical or air conditioning contractors to provide construction management services in Area 5, counties of Citrus, Hardee, Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, Sarasota, Sumter; combined with Area 6, counties of Brevard, Lake, Orange, Osceola, Seminole, Volusia and other counties as may be determined necessary by the owner.

For details please visit the Department’s website listed below and click on “Search Advertisements – Division of Facilities Management and Building Construction.” [http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu)

**PUBLIC ANNOUNCEMENT FOR MECHANICAL OR AIR CONDITIONING CONTRACTORS TO PROVIDE CONSTRUCTION MANAGEMENT SERVICES, CONTINUING AREA CONTRACTS AREA 7, 8 AND 9 COMBINED**

The State of Florida, Department of Management Services, Division of Facilities Management and Building Construction requests qualifications from mechanical or air conditioning contractors to provide construction management services in Area 7, Charlotte, Collier, De Soto, Glades, Hendry, Highlands, Lee, Area 8, Indian River, Martin, Okeechobee, Palm Beach, St. Lucie, Area 9, Broward, Dade, Monroe and other counties as may be determined necessary by the owner.

For details please visit the Department’s website listed below and click on “Search Advertisements – Division of Facilities Management and Building Construction.” [http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu)

**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.”

**CANAVERAL PORT AUTHORITY**

**PROFESSIONAL SERVICES NOTICE**

Pursuant to the Consultants’ Competitive Negotiations Act, Section 287.055 Florida Statutes, the Canaveral Port Authority (CPA) gives notice that the CPA is seeking architectural/engineering services for conceptual design, design development, final design and construction services phases of the landside design of improvements to CT#4 to accommodate intermediate size cruise ships with capacities of up to 2600 passengers. Firms or individuals desiring to provide such professional services to the CPA must furnish four (4) copies of a resume of their qualifications and past experience on USGA Form 254 & 255 with pertinent supportive data to Chief of Engineering, Canaveral Port Authority, P. O. Box 267, Cape Canaveral, FL 32920, not later than 3:00 p.m. on 2 Jan 2004.

A committee established by the Chairman, will meet on 9 Jan 2004 at 10:00 a.m. in the Port Commission Meeting Room to develop a shortlist of a minimum of three most highly qualified firms which will be invited to make a 15 minute maximum presentation before the CPA Commission at a regularly scheduled meeting to be held at 2:00 p.m. on January 21, 2004, at which time a ranking will be established. Firms should emphasize their experience in cruise/passenger terminal design as well as their ability to produce functional, constructible plans and specifications of cruise/passenger terminals within rigid time and budget constraints.

**SCHOOL READINESS COALITION OF SARASOTA COUNTY**

The School Readiness Coalition of Sarasota County, Inc, announces its intention to procure services for the fiscal year beginning on July 1, 2004. Included in these services will be the functions of Child Care Resource and Referral, Eligibility Determination and Provider Payment, Technical Assistance to Child Care Providers, Screening Services for Children, and Infant and Toddler Services.

The formal “Invitation To Negotiate” document can be downloaded electronically from the Coalition’s official website online at [www.sarasotaschoolreadiness.org](http://www.sarasotaschoolreadiness.org) or can be obtained by contacting the Coalition’s business office via email at [sarasotaschoolreadiness@comcast.net](mailto:sarasotaschoolreadiness@comcast.net).

The deadline for businesses to reply with a "Notice of Intent to Submit a Sealed Reply" is December 29, 2003, and the actual "Sealed Replies" are due by February 3, 2004 to the Coalition office at 4727 Elder Berry Drive, Sarasota, FL 34241.

Certified Minority Business Enterprises are encouraged to participate in the solicitation process and to attend the scheduled Vendor Conference on January 13, 2004.

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## Section XII Miscellaneous

### DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE OF INTENT TO FIND  
PUBLIC SCHOOLS INTERLOCAL AGREEMENT  
CONSISTENT WITH SECTION 163.3177(2) AND (3),  
FLORIDA STATUTES  
DCA DOCKET NO. 32-01

The Department gives notice of its intent to find the Public Schools Interlocal Agreement ("Agreement") entered into by Jackson County, Alford, Bascom, Cottondale, Graceville, Grand Ridge, Greenwood, Jacob, Malone, Marianna, Sneads and the Jackson County School Board, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Jackson County Board of County Commissioners; Administration Building, 2864 Madison Street, Marianna, Florida 32448-4021.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2) and (3), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Jackson County, Alford, Bascom, Cottondale, Graceville, Grand Ridge, Greenwood, Jacob, Malone, Marianna, Sneads and the Jackson County School Board. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

-s-Valerie J. Hubbard, AICP  
Director, Division of Comprehensive Planning  
Department of Community Affairs  
Division of Community Planning  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

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NOTICE OF INTENT TO FIND  
PUBLIC SCHOOLS INTERLOCAL AGREEMENT  
CONSISTENT WITH SECTION 163.31777(2) AND (3),  
FLORIDA STATUTES  
DCA DOCKET NO. 33-01

The Department gives notice of its intent to find the Public Schools Interlocal Agreement ("Agreement") entered into by Jefferson County, the City of Monticello and the Jefferson County School Board, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Jefferson County School Board, 1490 W. Washington Street, Monticello, Florida 32344.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2) and (3), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100 and a copy mailed or

delivered to Jefferson County and City of Monticello and the Jefferson County School Board. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

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Charles Gauthier, AICP  
 Chief of Comprehensive Planning  
 Department of Community Affairs  
 Division of Community Planning  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

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**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

Notice of Publication for a New Point  
 Franchise Motor Vehicle Dealer in a County of More  
 than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Victory Motorcycles, intends to allow the establishment of Bottom Line Operations, Inc. d/b/a Indian Motorcycle Sarasota, as a dealership for the sale of Victory motorcycles, at 6051 N. Washington Blvd. (301), Sarasota (Sarasota County), Florida 34243, on or after November 24, 2003.

The name and address of the dealer operator(s) and principal investor(s) of Bottom Line Operations, Inc. d/b/a Indian Motorcycle Sarasota are dealer operator(s) and principal investor(s): Donald Smith, 517 Albee Rd., West, Nokomis, FL 34275.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Michael W. Malone, VP Finance, CFO, Victory Motorcycles, 2100 Highway 55, Medina, MN 55340.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
 Franchise Motor Vehicle Dealer in a County of More  
 than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Polaris Industries, intends to allow the establishment of Ferrara's Garage, as a dealership for the sale of Victory motorcycles, at 670 S. Wickham Road, Melbourne (Brevard County), Florida 32904, on or after November 24, 2003.

The name and address of the dealer operator(s) and principal investor(s) of Ferrara's Garage are dealer operator(s) and principal investor(s): Anthony Ferrara, Anthony L. Ferrara and Filomena Ferrara, 670 S. Wickham Road, Melbourne, FL 32904.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Michael W. Malone, VP Finance, CFO, Polaris Industries, 2100 Highway 55, Medina, MN 55340.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Mod Cycles Corp., intends to allow the establishment of Flacycle, Inc., as a dealership for the sale of Yumbo motorcycles, at 6022 South Tamiami TR, Sarasota (Sarasota County), Florida 34231, on or after November 12, 2003.

The name and address of the dealer operator(s) and principal investor(s) of Flacycle, Inc., are dealer operator(s) and principal investor(s): Bruce Friedlander, 533 Laurel, Venici, FL 34234.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Raul Romero, Jr., Sales Manager, Mod Cycles Corp., 7547 N. W. 52nd Street, Miami, FL 33166.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

**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."

**AGENCY FOR HEALTH CARE ADMINISTRATION**

NOTICE OF BATCHED APPLICATION RECEIPT  
AND

NOTICE OF TENTATIVE PUBLIC HEARINGS

The Agency For Health Care Administration has received and accepted the following Certificate of Need applications for review in the batched Other Beds and Services review cycle with an application due date of November 26, 2003.

- County: Levy                      Service District: 3  
CON#: 9727    Application Receipt Date: November 26, 2003  
Facility/Project: North Central Florida Hospice, Inc.  
Applicant: North Central Florida Hospice, Inc.  
Project Description: Establish 12 inpatient hospice beds
- County: Putnam                  Service District: 3  
CON#: 9728    Application Receipt Date: November 26, 2003  
Facility/Project: North Central Florida Hospice, Inc.  
Applicant: North Central Florida Hospice, Inc.  
Project Description: Establish 10 inpatient hospice beds
- County: Volusia                  Service District: 4  
CON#: 9729    Application Receipt Date: November 26, 2003  
Facility/Project: Coastal Hospice, Inc.  
Applicant: Coastal Hospice, Inc.  
Project Description: Establish a hospice program
- County: Volusia                  Service District: 4  
CON#: 9730    Application Receipt Date: November 26, 2003  
Facility/Project: Heartland Hospice Services of Florida, Inc.  
Applicant: Heartland Hospice Services of Florida, Inc.  
Project Description: Establish a hospice program
- County: Volusia                  Service District: 4  
CON#: 9731    Application Receipt Date: November 26, 2003  
Facility/Project: Hospice of the Palm Coast, Inc.  
Applicant: Hospice of the Palm Coast, Inc.  
Project Description: Establish a hospice program
- County: Volusia                  Service District: 4  
CON#: 9732    Application Receipt Date: November 26, 2003  
Facility/Project: Vitas Healthcare Corporation of Central Florida  
Applicant: Vitas Healthcare Corporation of Central Florida  
Project Description: Establish a hospice program
- County: Volusia                  Service District: 4  
CON#: 9733    Application Receipt Date: November 26, 2003  
Facility/Project: Hospice of the Comforter, Inc.

Applicant: Hospice of the Comforter, Inc.  
Project Description: Establish a hospice program  
County: Pasco Service District: 5  
CON#: 9734 Application Receipt Date: November 26, 2003  
Facility/Project: Hernando Pasco Hospice, Inc.  
Applicant: Hernando Pasco Hospice, Inc.  
Project Description: Establish up to 16 inpatient hospice beds  
County: Orange Service District: 7  
CON#: 9735 Application Receipt Date: November 26, 2003  
Facility/Project: Heartland Hospice Services of Florida, Inc.  
Applicant: Heartland Hospice Services of Florida, Inc.  
Project Description: Establish a hospice program  
County: Sarasota Service District: 8  
CON#: 9736 Application Receipt Date: November 26, 2003  
Facility/Project: BEAM Management, LLC  
Applicant: BEAM Management, LLC  
Project Description: Establish a 120-bed skilled nursing facility through the delicensure of 120 inactive skilled nursing beds at CLC Venice Beach  
County: Charlotte Service District: 8  
CON#: 9737 Application Receipt Date: November 26, 2003  
Facility/Project: Hope of Southwest Florida, Inc.  
Applicant: Hope of Southwest Florida, Inc.  
Project Description: Establish a hospice program  
County: Charlotte Service District: 8  
CON#: 9738 Application Receipt Date: November 26, 2003  
Facility/Project: Heartland Hospice Services of Florida, Inc.  
Applicant: Heartland Hospice Services of Florida, Inc.  
Project Description: Establish a hospice program  
County: Collier Service District: 8  
CON#: 9739 Application Receipt Date: November 26, 2003  
Facility/Project: Hope of Southwest Florida, Inc.  
Applicant: Hope of Southwest Florida, Inc.  
Project Description: Establish a hospice program  
County: Collier Service District: 8  
CON#: 9740 Application Receipt Date: November 26, 2003  
Facility/Project: Heartland Hospice Services of Florida, Inc.  
Applicant: Heartland Hospice Services of Florida, Inc.  
Project Description: Establish a hospice program  
County: Indian River Service District: 9  
CON#: 9741 Application Receipt Date: November 26, 2003  
Facility/Project: Vitas Healthcare Corporation of Florida  
Applicant: Vitas Healthcare Corporation of Florida  
Project Description: Establish a hospice program  
County: Indian River Service District: 9  
CON#: 9742 Application Receipt Date: November 26, 2003  
Facility/Project: Heartland Hospice Services of Florida, Inc.  
Applicant: Heartland Hospice Services of Florida, Inc.  
Project Description: Establish a hospice program

County: St. Lucie Service District: 9  
CON#: 9743 Application Receipt Date: November 26, 2003  
Facility/Project: Hospice of the Treasure Coast, Inc.  
Applicant: Hospice of the Treasure Coast, Inc.  
Project Description: Establish up to 12 inpatient hospice beds  
Also, IF REQUESTED, tentative public hearings have been scheduled as follows:  
PROPOSALS: District 3  
DATE AND TIME: Wednesday, January 14, 2004, 2:00 p.m.  
PLACE: North Central Florida Health Planning Council Conference Room, 18 N. W. 33rd Court, Gainesville, FL 32607  
PROPOSALS: District 4  
DATE AND TIME: Tuesday, January 13, 2004, 10:00 a.m. – 12:00 Noon  
PLACE: Health Planning Council of N.E. Florida, Inc., Daytona Office, 101 South Palmetto Avenue, Suite 5, Daytona Beach, FL 32114  
PROPOSALS: District 5  
DATE AND TIME: Tuesday, January 13, 2004, 9:00 a.m. – 12:00 Noon  
PLACE: Baker Building Conference Room, 888 Executive Center Drive, North, St. Petersburg, FL 33702  
PROPOSALS: District 7  
DATE AND TIME: Monday, January 12, 2004, 10:00 a.m.  
PLACE: Health Council of East Central Florida, Inc. Conference Room, 1155 South Semoran Boulevard, Winter Park, Florida 32792  
PROPOSALS: District 8  
DATE AND TIME: Tuesday, January 13, 2004, 9:00 a.m.  
PLACE: Lee County Public Library Conference Room, 2050 Central Ave., Ft. Myers, FL 33901  
PROPOSALS: District 9  
DATE AND TIME: Thursday, January 15, 2004, 9:30 a.m.  
PLACE: Treasure Coast Health Council Inc., Conference Center, 4152 West Blue Heron Boulevard, Suite 229, Riviera Beach, FL 33404  
Public hearing requests must be in writing and be received at the Agency for Health Care Administration, CON Office, 2727 Mahan Drive, Mail Stop 28, Tallahassee, Florida 32308 by 5:00 p.m., December 26, 2003. In lieu of requesting and attending a public hearing, written comments submitted to the department relative to the merits of these applications will become part of the official project application file. Pursuant to subsection 59C-1.010(3), F.A.C., written comments must be received by 5:00 p.m., January 2, 2004.

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CERTIFICATE OF NEED  
EXEMPTIONS

The Agency For Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Highlands District: 5  
 ID #: 0300013 Decision: A Issue Date: 11/24/2003  
 Facility/Project: Community Hospital  
 Applicant: New Port Richey Hospital, Inc.  
 Project Description: Delicense 19 acute care beds  
 Proposed Project Cost: \$0

County: Hillsborough District: 6  
 ID #: 0300010 Decision: A Issue Date: 12/1/2003  
 Facility/Project: Memorial Hospital of Tampa  
 Applicant: Memorial Hospital of Tampa, L.P.  
 Project Description: Add six adult psychiatric beds to the existing 26 adult psychiatric beds  
 Proposed Project Cost: \$0

CERTIFICATE OF NEED  
NOTICE OF WITHDRAWAL

The Agency for Health Care Administration hereby notices withdrawal from review of the following Certificate of Need applications:

County: Sarasota Service District: 8  
 CON #: 9713 Decision Date: 10/15/2003 Decision: W  
 Facility/Project: HealthSouth Rehabilitation Hospital of Sarasota  
 Applicant: HealthSouth Rehabilitation Hospital of Sarasota  
 Project Description: Replace up to 76 comprehensive medical rehabilitation beds

County: Palm Beach Service District: 9  
 CON #: 9720 Decision Date: 10/15/2003 Decision: W  
 Facility/Project: Wellington Regional Medical Center  
 Applicant: Wellington Regional Medical Center, Inc.  
 Project Description: Establish a Level III NICU of up to 15 beds

County: Dade Service District: 11  
 CON #: 9721 Decision Date: 10/15/2003 Decision: W  
 Facility/Project: Meadowbrook Long Term Acute Care Hospital of West Gables, LLC  
 Applicant: Meadowbrook Long Term Acute Care Hospital of West Gables, LLC  
 Project Description: Establish a long term care hospital of up to 60 beds

County: Clay Service District: 4  
 CON #: 9707 Decision Date: 12/2/2003 Decision: W  
 Facility/Project: Kindred Hospital North Florida  
 Applicant: Kindred Hospitals East, L.L.C.  
 Project Description: Add 20 long-term care hospital beds

A request for administrative hearing, if any, must be made in writing and must be actually received by the Agency within 21 days of the first day of publication of this notice in the Florida Administrative Weekly pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for inpatient hospitals participating in the Florida Medicaid Program.

PURPOSE: To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for inpatient hospitals, the Agency is publishing the proposed rates, the methodologies underlying the establishment of such rates, and justifications for the proposed rates. The Agency is in the process of amending its Title XIX Inpatient Hospital Reimbursement Plan (The Plan) to incorporate changes to the reimbursement methodology.

PROPOSED RATES: Effective January 1, 2004, the proposed rates for Medicaid inpatient hospitals will be rates resulting from the current methodology used to calculate per diems rates except for the following:

Effective January 1, 2004, the Agency for Health Care Administration (AHCA) will increase disproportionate share (DSH) payments to reach the federal cap and increase upper payment limit (UPL) payments to reach the maximum of the remaining 2003-04 UPL balance based upon more current cost reporting data available for inpatient hospitals.

METHODOLOGIES: The methodology underlying the establishment of the proposed rates for Medicaid inpatient hospitals will be rates resulting from the current methodology used to calculate per diems except for an increase in the UPL and DSH balance based upon more current cost reporting data available for inpatient hospitals.

JUSTIFICATION: The justification for the proposed rate change is based on the cost reporting data available to the Agency regarding the balance of the UPL and DSH programs.

The Agency is proposing the above rates and changes in reimbursement, effective January 1, 2004. Providers, beneficiaries and their representatives, and other concerned State residents may provide written comment on the proposed rates, methodologies and justification underlying the establishment of such rates. Written comments may be submitted to: Robert Butler, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308. Written comments should be submitted no later than January 12, 2004.

Copies of the proposed reimbursement plan incorporating the above changes are not available at this time. Please contact the person listed above for a copy of the Plan when 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."

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**DEPARTMENT OF HEALTH**

On May 6, 2003, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Restriction with regard to the license of Jerome Waters, M.D., license number ME 7236. This Emergency Restriction Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On November 25, 2003, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Marc Pace, RN, license number RN 9181805. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On November 25, 2003, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Kathy Ragone, D.C., license number PN 1068561. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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**DEPARTMENT OF FINANCIAL SERVICES**

**NOTICE OF FILINGS**

Notice is hereby given that the Office of Financial Regulation has received a request by a credit union to expand its field of membership.

Specific information regarding the expansion can be found at:

[http://www.dbf.state.fl.us/banking/cu\\_expansion.html](http://www.dbf.state.fl.us/banking/cu_expansion.html).

Comments may be submitted to the Deputy Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida, 32399-0379, pursuant to provisions specified in Chapter 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., January 2, 2004):

Name and Address of Applicant: Eastern Financial Florida Credit Union, Post Office Box 829514, Miramar, Florida 33082-9514

Expansion Includes: Geographic.

Received: November 24, 2003

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

**RULES FILED BETWEEN November 24, 2003  
 and November 26, 2003**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Environmental Services**

5E-2.0311	11/26/03	12/16/03	29/42	
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**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST**

18-21.003	11/26/03	12/16/03	29/13	29/23
18-21.004	11/26/03	12/16/03	29/13	29/23

**DEPARTMENT OF CORRECTIONS**

33-302.103	11/25/03	12/15/03	29/41	
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**DEPARTMENT OF LOTTERY**

53-13.003	11/25/03	12/15/03	29/41	
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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

61-20.504	11/24/03	12/14/03	29/36	
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**Barbers' Board**

61G3-20.010	11/24/03	12/14/03	29/43	
61G3-20.0105	11/24/03	12/14/03	29/43	

**Board of Veterinary Medicine**

61G18-12.005	11/26/03	12/16/03	29/43	
61G18-12.006	11/26/03	12/16/03	29/43	
61G18-12.009	11/26/03	12/16/03	29/43	

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

62-550.200	11/25/03	11/25/03	29/41	
62-550.817	11/25/03	11/25/03	29/41	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Mental Health Program**

65E-14.001	11/24/03	12/14/03	29/35	
65E-14.003	11/24/03	12/14/03	29/35	29/40
65E-14.005	11/24/03	12/14/03	29/35	
65E-14.019	11/24/03	12/14/03	29/35	
65E-14.020	11/24/03	12/14/03	29/35	29/40
65E-14.021	11/24/03	12/14/03	29/35	29/40
65E-14.022	11/24/03	12/14/03	29/35	29/40

**FLORIDA HOUSING FINANCE CORPORATION**

67-25.002	11/26/03	12/16/03	29/37	29/45
67-25.005	11/26/03	12/16/03	29/37	
67-25.006	11/26/03	12/16/03	29/37	
67-25.007	11/26/03	12/16/03	29/37	29/45
67-25.008	11/26/03	12/16/03	29/37	29/45
67-25.009	11/26/03	12/16/03	29/37	29/45
67-25.010	11/26/03	12/16/03	29/37	
67-25.011	11/26/03	12/16/03	29/37	29/45
67-25.012	11/26/03	12/16/03	29/37	29/45
67-25.013	11/26/03	12/16/03	29/37	
67-25.014	11/26/03	12/16/03	29/37	
67-25.015	11/26/03	12/16/03	29/37	
67-25.0155	11/26/03	12/16/03	29/37	
67-25.017	11/26/03	12/16/03	29/37	29/45

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

68A-20.005	11/26/03	1/1/04	29/42	
68A-25.003	11/26/03	12/16/03	29/42	
68A-27.003	11/26/03	12/16/03	29/42	