

Section I

Notices of Development of Proposed Rules
and Negotiated RulemakingDEPARTMENT OF AGRICULTURE AND CONSUMER
SERVICES

Division of Plant Industry

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Preservation of Native Flora of Florida 5B-40

RULE TITLE: RULE NO.:

Regulated Plant Index 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 melanoaleucum* (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 wrightii* (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. *Burmannia 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. *Calyptanthus 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 caribaeum* (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.~~ *Gymina 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 verbena).
- ~~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 curtissii* (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.~~ *Monotropopsis 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 pentrandra* (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. *Acoelorrhapha 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. *Calyptanthes pallens* (pale lidflower).
 17. *Carex baltzellii* (Baltzell's sedge).
 18. *Carex chapmanii* (Chapman's sedge).
 - 19.18. *Chamaesyce pergama* (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. *Erithralis 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.~~ *Reynosa 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). 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 32304 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, ~~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) No change.

(3)(a) DR-700016 Florida Communications Services Tax Return (R. 01/04) _____

(b) DR-700016 Florida Communications Services Tax Return (R. 12/03) _____

(c) DR-700016 Florida Communications Services Tax Return (R. 11/03) _____

(d) DR-700016 Florida Communications Services Tax Return (R. 10/03) _____

(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
(3)(a) DR-133	Gross Receipts Tax Return (R. 09/03 01/03)	_____ 05/03
(4)(b) DR-133N	Instructions for Filing Gross Receipts Tax Return (R. 09/03 01/03)	_____ 05/03

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 (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.~~

(3) through (4) No change.

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

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. 01/04 05/03)	<u>06/03</u>
(6)(a) F-1120	Florida Corporate Income/Franchise and Emergency Excise Tax Return (R. 01/04 01/03)	<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, 2003 2002 (R. 01/04 05/03)	<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, 2004 2003 (R. 01/04 01/03)	<u>06/03</u>
(8)	No change.	
(9)(a) F-1120X	Amended Florida Corporate Income/Franchise and Emergency Excise Tax Return (R. 01/04 01/03)	<u>06/03</u>
(b) F-1120XN	Instructions for Preparing <u>Form</u> F-1120X Amended Florida Corporate Income/Franchise and Emergency Excise Tax Return (R. 01/04 01/03)	<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. 01/04 01/01)	<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> 03/04	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 Killlearn 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 (~~1994~~). The public food service establishments covered by these rules are those defined in Sections 509.013(5) and 760.02(11), Florida Statutes (~~1994~~). 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 NBE0 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 NBE0.

- (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.

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,

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

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

- (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 or 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(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

Board of Optometry

RULE TITLE: Criteria for Selection of Examiners and Consultants
 RULE NO.: 64B13-4.005

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: Inactive Status
 RULE NO.: 64B13-11.001

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

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.

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.

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)(5), 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: RULE NO.:

Delinquent License 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: RULE NO.:

Provisional Ballots 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.