

not located on or is not visible from the crossroad will be permitted to display a business logo sign subject to all of the following conditions:

a. The business demonstrates that additional signs are in place which are adequate to direct the motorist to its location. Such signs shall be maintained at all times while the business logo sign is displayed.

b. The business furnishes logo trailblazer signs to the program administrator at its own cost. If a logo trailblazer sign is to be placed on a city or county road, written approval must be obtained from the local government entity having authority for sign placement prior to installation of the logo trailblazer sign. Logo trailblazer signs shall be maintained by the Program Administrator.

~~c.~~ Space is available to display the business logo sign on an existing logo structure.

~~e. Such business will be permitted to renew its business logo sign permit annually unless one or more approved businesses that are visible from the crossroad have applied and no space is available on the logo structure. In such cases, the businesses qualified under this exception which are nearest the crossroad shall be approved for permit renewal.~~

(b) No change.

(c) A business shall qualify for a business logo sign in one direction only and at one half the standard annual permit fee if either of the following conditions are met:

1. The business is located at an interchange that serves one direction only.

2. The business is located at an interchange serving both directions, but the business can only serve motorists traveling in one direction because of the interchange configuration or because of sign spacing. ~~A permit for a business logo sign issued to a business serving one direction only shall not be renewed at the next billing date after six businesses serving both directions have been qualified for logo permits.~~

(d) through (h)7. No change.

(11) Permitting.

(a) Permit Period. All permits shall expire annually on December 31. However, initial permits approved after September 30, will expire December 31 of the year following approval.

(b) Permit Fees. Annual permit fees shall be \$1,000.00.

1. Payment of permit fees shall be by U.S. currency, postal money order, bank draft, cashier's check, personal check, or business check. If a personal or business check is not honored for any reason by the bank on which it is drawn, the application for which the fee was submitted will be denied. If an individual or company issues two or more checks to the Department or the Program Administrator which are not honored, no further personal or business checks will be accepted from that individual or company, regardless of whether restitution has been made on previous checks.

2. For an initial permit application, the permit fee will be prorated with 1/12 of the annual permit fee charged for each month or portion thereof remaining in the calendar year after the date of approval of the application. The fee for applications approved after September 30 will also include fees for the next calendar year.

3. For an initial permit application for a full service or self service gas business willing to provide gas pumping service to motorists with disabilities, the permit fee for the initial year of participation will be \$1,200. Subsequent annual permit renewal fees will be \$1,000.

4. Permits for the attraction category shall be awarded by the Department annually to the highest bidder. However, the fees shall not be less than the fees established for logo participants in other logo categories. Businesses seeking to be placed on the Department's qualified bidders list for the attraction category must submit a completed Logo Application for Attractions, Form Number FLI-163-1, Rev. ~~08/04~~ ~~09/01~~, incorporated herein by reference to the address specified on the form. The Logo Application for Attractions, Form Number FLI-163-1, Rev. ~~08/04~~ ~~09/01~~, may be obtained from the Program Administrator, Florida Logos, Inc., 3764 New Tampa Highway, Lakeland, Florida 33815 4706 Capital Circle, S. W., Tallahassee, FL 32310. Applicants whose applications meet program requirements will be issued a PIN number and bidding instructions.

(c) Initial Permit Application. A business applying for a business logo sign must submit a completed Logo Application/~~Annual Permit Renewal~~, Form Number FLI-163, Rev. ~~08/04~~ ~~09/01~~, incorporated herein by reference, to the address specified on the form. The Logo Application/~~Annual Permit Renewal~~, Form Number FLI-163, Rev. ~~08/04~~ ~~09/01~~, may be obtained from the Program Administrator.

1. Completed applications will be approved or denied within 90 days of receipt. A written notice of the approval or denial will be furnished to the applicant.

2. Permit fees must be received by the Program Administrator within 30 days of the notification of permit approval.

3. After notification of approval of the application, the applicant shall be responsible for providing the Program Administrator with all required ~~a~~ business logo signage which meets the specifications provided herein.

4. The business logo sign will be affixed to the display panel by the Department or its agent within 30 days of receipt of the sign or the permit fee, whichever is later.

5. Whenever space is not available on a logo structure for a business logo sign, the Program Administrator shall review the application for distance pursuant to paragraph (10)(b) above, and for operating hours pursuant to subparagraph (10)(e)4., and will place the business on a waiting list in the order of the dates on which they were received. A notice will be provided to the business indicating its position on the

waiting list. When space becomes available, notice will be provided to the business with the highest priority allowing the business 30 days within which to submit an application in accordance with this section.

6. For gas, food, and lodging categories only, applications received for businesses within three miles of an interchange have priority over businesses that are within three to six miles of an interchange.

(d) Priority of Applications.

1. Each permit holder that timely applies for renewal under this Rule will retain priority over other applicants, except when retaining priority would conflict with sub-subparagraph (10)(a)5.b.e. of this Rule.

2. Initial permit applications received after October 10, 1996, will be assigned priority based upon the date and time of receipt by the Program Administrator. The application received earliest will be given the highest priority.

3. All processing of permit applications will be in order of assigned priority. A business that fails to submit an application within 30 days of notice that space has become available will be deemed to have withdrawn its application and must resubmit its application in order to be assigned priority, which will be based on date and time of receipt as an initial permit application.

4. Acceptance of an application and assignment of processing priority does not constitute approval of an application. Approval or denial of applications will be granted after processing is complete.

(e) Process for Annual Permit Renewal.

1. Each holder of a valid logo permit must submit the full annual permit fee(s) to the Program Administrator, which permit fee(s) must be received by the Program Administrator no later than 5:00 p.m. on December 1 of each year. On or before November 1 of each year, the Program Administrator will provide a Notice of Annual Permit Renewal to each holder of a valid permit. Failure to receive the Notice will not excuse timely submission of the permit renewal application by the permit holder.

2. It is the responsibility of the permit holder to keep the Program Administrator informed concerning address changes, ownership changes, contact changes, billing address changes, and any other changes impacting notification or participation eligibility that have occurred since the last renewal period. Each permit holder must submit a completed Logo Application/Annual Permit Renewal, form number FLI-163, Rev. 09/01, to the Program Administrator by fax, mail, or hand delivery no later than December 1. If the application is mailed or faxed it must be received no later than 5:00 p.m. on December 1. If the application is hand delivered it must arrive and be date and time stamped by the Program Administrator no later than 5:00 p.m. on December 1.

3. If the Program Administrator has not received the annual permit fee(s) by 5:00 p.m. on December 1, the following procedure will be followed: The permit fee amount must be received and be date and time stamped by the Program Administrator no later than 5:00 p.m. on December 1.

a. The Program Administrator will send a notice to the permit holder by certified mail return receipt requested, informing the business that a late renewal fee has been assessed to the business equal to five percent of the total annual permit fee. If such notice is returned as undeliverable from the last known address as set forth in subparagraph (11)(e)2., no further notice will be required.

b. Permit holders must submit the annual permit fee(s) and late renewal fee(s) to the program administrator within 30 days from the date of receipt of the late renewal notice.

c. If the Program Administrator has not received the annual permit fee(s) and appropriate late renewal fee(s) as specified above, the permit will expire and the business logo sign will be removed from the display panel. Should the business subsequently reapply for a permit, such reapplication will be processed as an initial permit application in accordance with this section.

4. ~~If the completed application and permit fee are not received by the Program Administrator by 5:00 p.m. on December 1, the permit will expire and the business logo sign will be removed from the display panel. Should the business subsequently reapply for a permit, such reapplication will be processed as an initial permit application in accordance with this section.~~

(12) Denial, denial of renewal, revocation, suspension, voiding, or cancellation of permit.

(a) Denial. An application for a business logo permit will be denied if:

1. Space is not available;
 2. The business does not meet the eligibility requirements;
- or

~~(b)3. Denial of Renewal. Renewal will be denied if applicable permit fee(s) and late renewal fee(s) are not received within 30 days of receipt of the late renewal notice. A completed Logo Application/Annual Permit Renewal, form FLI-163, Rev. 09/01, and applicable permit fees are not received by the Program Administrator by 5:00 p.m. on December 1.~~

~~(c)(b) Revocation. A business's permit to participate in the logo program will be revoked if:~~

1. The business no longer meets the eligibility requirements outlined in this Rule chapter and has not requested a suspension.

2. The business made a false, deceptive, or fraudulent statement in its application or in any other information submitted to the Department or the Program Administrator.

3. The business has modified or revised a business logo sign or logo structure without authorization by the Department or the Program Administrator.

~~(d)~~(e) Suspension. A business logo permit will be suspended when the business notifies the Program Administrator that it is temporarily unable to provide the services required and requests suspension of the permit.

1. The maximum period of suspension shall be 90 days except in cases of national disaster or when substantial physical changes such as retrofitting of fuel tanks must be made to the business, in which case an additional 90 days will be granted by the Program Administrator upon receipt of complete construction or engineering specifications for the physical changes and a construction schedule supporting the need for additional time.

2. The logo sign permit must remain in force, including payment of all fees, during the period of suspension.

3. The Program Administrator shall cover or remove the business logo sign until the business is again able to provide services.

4. If the circumstances requiring suspension of the permit are not resolved within the time frame in subparagraph (12)(c)1., above, the Program Administrator shall revoke the business logo sign permit in accordance with paragraph (12)(b), above.

~~(e)~~(d) Voiding. If the Department or the Program Administrator must remove logo structures pursuant to paragraph (3)(d), the Program Administrator shall void the business logo sign permit. The Program Administrator shall reimburse the business for the unexpired permit term, on a pro rata basis.

~~(f)~~(e) Notice. In cases of denial, denial of renewal, revocation, or voiding, the Program Administrator shall provide a written notice to the applicant or permittee by certified mail. The notice shall contain a statement of the reason for the action and an explanation of the permittee's rights under Chapter 120, Florida Statutes.

1. Prior to revoking a logo permit, the Program Administrator shall issue a Notice of Noncompliance by certified mail. This notice shall state the noncompliance found and provide the following:

a. The permittee shall have 30 days from receipt of the Notice of Noncompliance to correct the noncompliance.

b. If corrective action is not accomplished within the 30-day period, the Program Administrator shall issue a notice of intent to revoke the permit.

2. The business logo sign shall be removed from the logo structure(s) after the revocation or denial action is final or after the final disposition of any request for an administrative proceeding pursuant to Chapter 120, Florida Statutes. The Program Administrator shall reimburse the business for the unexpired term of the business logo sign, permit, on a pro rata basis.

~~(g)~~(f) Cancellation. If a participant decides to no longer participate in the logo program, the participant must provide to the Program Administrator a written notice of its decision not to participate. Upon receipt of the notice, the Program Administrator will cancel the participant's permit and remove the participant's business logo sign.

(13) Variances and waivers. The Department will consider and act on petitions for variances to or waivers of the provisions of this rule chapter, in accordance with Sections 120.542 and 479.261(7), Florida Statutes, and Chapter 28-104, Florida Administrative Code.

(a) A variance will be granted under Section 479.261(7), Florida Statutes, when it is shown that such variance is necessary to serve the interest of the traveling public or when required to ensure equitable treatment of program participants. In the event of a conflict between these two considerations, the interests of the traveling public will prevail.

(b) When considering the standards of Section 120.542(2), Florida Statutes, the purposes of Section 479.261, Florida Statutes, will be achieved by other means if the variance or waiver serves the interest of the traveling public or ensures equitable treatment of program participants. In the event of a conflict between these two considerations, the interests of the traveling public will prevail.

Specific Authority 334.044(2) FS. Law Implemented 334.044(28), 479.261 FS. History—New 6-26-85, Formerly 14-85.04, Amended 3-20-91, 10-10-96, 12-31-96, 10-8-97, 5-25-99, 8-31-99, 7-15-02, 1-7-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Roger Eudy, Administrator, Motorist Information Services
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: José Abreu, P.E., Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 3, 2004
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 30, 2004

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Agency Travel Rule
 RULE TITLE: Agency Travel Rule
 PURPOSE AND EFFECT: Adopting by reference changes to travel policy.
 SUMMARY: Department of Citrus travel rule.

RULE CHAPTER NO.: 20-115
 RULE NO.: 20-115.001

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

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

SPECIFIC AUTHORITY: 601.15(8)(a) FS.

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

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

TIME AND DATE: 10:30 a.m., September 15, 2004

PLACE: Quality Inn & Suites Conference Center, 6525 US 27, North, Sebring, FL, (863)385-4500

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

THE FULL TEXT OF THE PROPOSED RULE IS:

20-115.001 Agency Travel Rule.

The Department hereby adopts by reference those portions of Fiscal Policy #304, Revised 6-16-04 4-4-99, and as may be modified, pertaining to reimbursement of actual and necessary expenses for travel outside the state of Florida.

Specific Authority 601.15(8)(a) FS. Law Implemented 601.15(8)(a) FS. History--New 2-24-04, Amended _____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 20, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 2, 2004

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: International Promotions RULE CHAPTER NO.: 20-116

RULE TITLES: Purpose 20-116.001 Payments 20-116.002

PURPOSE AND EFFECT: Establishing consistency between state and federal rules governing reimbursement of expenditures for FAS-funded international programs and events.

SUMMARY: Establishing by rule the guidelines for reimbursement of FAS-funded international programs and events.

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

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

SPECIFIC AUTHORITY: 601.15(10)(a),(h), 601.15(8)(b),(c) FS.

LAW IMPLEMENTED: 601.15(10)(h), 601.15(8)(b),(c) FS.

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

TIME AND DATE: 10:30 a.m., September 15, 2004

PLACE: Quality Inn & Suites Conference Center, 6525 US 27, North, Sebring, FL, (863)385-4500

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

THE FULL TEXT OF THE PROPOSED RULES IS:

20-116.001 Purpose.

The purpose of this rule is to establish consistency between state and federal rules governing reimbursement of expenditures related to approved international promotional programs and events utilizing USDA Foreign Agricultural Service (FAS) and Florida Department of Citrus (FDOC) matching funds.

Specific Authority 601.15(10)(a),(h), 601.15(8)(b),(c) FS. Law Implemented 601.15(8)(b),(c), 601.15(10)(h) FS. History--New _____.

20-116.002 Payments.

(1) Pursuant to regulations found at 7 CFR 1485.16 (incorporated herein by reference), which allow for the expenditure of federal funds appropriated to the USDA Commodity Credit Corporation (CCC) for FAS programs; and pertaining to amounts advanced by cooperators and participants, such regulations allow for or exclude reimbursement of the cost of specified items; and pursuant to 7 CFR 1485.16(6), which provides that a participant may seek reimbursement for expenditures associated with retail, trade and consumer exhibits and shows; and pursuant to 7CFR 1485.16(12), which specifically provides that alcoholic beverages that are not an integral part of an approved promotional activity are ineligible for reimbursement by the CCC, no expenditures or reimbursements shall be made for the purchase of alcoholic beverages unless the Executive Director, or his/her designee, has attested that alcoholic beverages are an integral part of the approved promotional activity prior to the event. Such attestation shall be set forth in the cost estimate or purchase order for the promotional activity.

(2) Funds that are from sources other than USDA FAS and required FDOC matching identified line items in the FDOC Operating Budget shall not be expended under this rule.

Specific Authority 601.15(10)(a),(h), 601.15(8)(b),(c) FS. Law Implemented 601.15(8)(b),(c), 601.15(10)(h) FS. History—New _____

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 21, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 6, 2004

DEPARTMENT OF CORRECTIONS

RULE TITLES: Food Services – General Policy
Control of Food Service Equipment

RULE NOS.: 33-204.001
33-204.004

PURPOSE AND EFFECT: The purpose and effect of the proposed rule repeal is to delete unnecessary language.

SUMMARY: A rule stating the general intent of the food services program and a rule providing internal operating procedures for maintenance of food services equipment are being repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: (If one has been prepared)

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

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

33-204.001 Food Services – General Policy.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 1-18-89, Formerly 33-30.001, Repealed _____

33-204.004 Control of Food Service Equipment.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 1-18-89, Formerly 33-30.004, Amended 8-9-00, Repealed _____

NAME OF PERSON ORIGINATING PROPOSED RULE: Tina Hayes

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 29, 2004

DEPARTMENT OF CORRECTIONS

RULE TITLE: Intrastate Travel
RULE NO.: 33-302.106

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete unnecessary and obsolete language.

SUMMARY: Unnecessary and obsolete language is being deleted from the rule.

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: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-302.106 Intrastate Travel and Transfer of Supervision.

(1) No offender shall ~~Officers are required to instruct each offender under the officer's supervision not to~~ change his or her residence, or leave the county of residence, without first procuring the consent of the officer. In order for an offender's request for ~~to obtain~~ permission to travel ~~to be considered by the officer,~~ the following conditions must exist:

(a) through (c) No change.

(d) The offender has provided the officer with reasonable advance notice of his or her request to travel ~~to allow and has provided~~ the officer ample time to verify the travel plan and review any documentation prior to travel authorization.

(e) through (g) No change.

(2) An officer shall discuss the offender's routine travel needs during the initial interview to determine whether the offender must travel daily, weekly, or monthly between counties due to the location of her or his residence and her or his employment site, school, medical needs, program, or other approved need. If the offender must travel across county lines to get to her or his employment site, school, program, doctor, or routine shopping, the officer will document this specific information ~~in the electronic case notes~~ and give the offender a blanket approval for this travel, provided the travel is verified

and is not prohibited by the supervision orders. If the offender's residence or purpose of travel out of county changes, the blanket approval will be suspended until the offender's travel needs are revisited, reviewed, and approved. Any other travel out of county must be approved in advance.

~~(3) Non-emergency travel requests submitted for travel across county lines that do not involve an overnight stay require two business days notice from the offender to allow the officer sufficient time to verify the travel plans. If the visit to the other county will exceed two days, the officer shall instruct the offender to go to the other county's local law enforcement for the purpose of criminal registration within 48 hours of entering the other county, as provided in section 775.13, F.S. This instruction shall be documented on Form DC3-220, Travel Permit and in the electronic case notes. Form DC3-220 is incorporated by reference in subsection (4) of this rule.~~

~~(4) Inter-county travel in Florida approved for a visit of thirty days or less does not require a "Travel Permit," DC3-220, unless the offender is a sex offender or requires specific or additional instructions that must be written on a travel permit. Sex offenders require a travel permit for all out of county travel. If the offender is granted permission to travel and visit another county and subsequently requests an extension of the visit out of county, which will exceed thirty days, the officer will transfer the offender's supervision to the other county, unless exceptional circumstances exist that are approved by a supervisor which would allow the offender to remain out of the county on an extended travel permit without transferring the offender. The officer will complete Form DC3-237, Intrastate Transfer Request, for this purpose. Form DC3-220, Travel Permit, and Form DC3-237 are hereby incorporated by reference. Copies of these forms may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida, 32399-2500. The effective date of Form DC3-220 is 10-2-01. The effective date of Form DC3-237 is 4-15-03.~~

~~(3)(5) An offender approved for Once a travel shall be responsible for permit is issued to an offender, the officer shall instruct the offender regarding travel issues, including the following:~~

~~(a) through (c) No change.~~

~~(4) The following conditions apply to offenders when travel is authorized:~~

~~(a)(d) That any Ddeviations to the approved travel are shall not be authorized;~~

~~(b)(e) That Ttravel is shall be authorized only as indicated on the travel permit; and~~

~~(c)(f) That Ffailure to comply with instructions shall be a violation of supervision.~~

~~(6) An officer shall transfer the supervision of an offender who is granted permission to travel and remain in another county outside of her or his county of residence in the State of Florida for more than thirty consecutive days unless~~

~~exceptional circumstances exist that are approved by a supervisor which would allow an offender to remain out of county on an extended travel permit without transferring the offender.~~

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 3-21-00, Amended 10-2-01, 4-15-03, _____

NAME OF PERSON ORIGINATING PROPOSED RULE:
Beth Atchison

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 8, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 23, 2004

DEPARTMENT OF CORRECTIONS

RULE TITLE: Designation of Institutions for Youthful Offenders

RULE NO.:

33-601.223

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to eliminate unnecessary language and to revise the list of institutions designated to house youthful offenders.

SUMMARY: The proposed rule eliminates unnecessary language and revises the list of institutions designated to house youthful offenders.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: (If one has been prepared)

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

SPECIFIC AUTHORITY: 944.09, 944.1905, 958.11 FS.

LAW IMPLEMENTED: 944.09, 944.1905, 958.11 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.223 Designation of Institutions for Youthful Offenders.

(1) Upon completion of the reception process, each youthful offender shall be transferred to an institution designated for his or her age and custody in accordance with Section 958.11, F.S.

~~(2) Youthful offenders who are 14-18 years of age at the time of reception shall be assigned to separate institutions than those 19-24 years of age, except when the facilities for 14-18 year olds exceeds 100 percent of maximum capacity, then 18 year olds may be assigned to facilities for 19-24 year old youthful offenders.~~

~~(3) Youthful offenders initially assigned to facilities designated for 14 year olds to 18 year olds who turn 19 years old or above may remain with the younger age group if it is in the best interest of the inmate and the department.~~

~~(4) Youthful offenders 19 years old and above will be housed with the younger age group based upon mental or physical vulnerability when necessary to protect the safety of the youthful offender or the institution.~~

~~(2)(5)~~ The following institutions are designated as youthful offender institutions:

- (a) Indian River Correctional Institution;
- ~~(b) Hillsborough Correctional Institution;~~
- ~~(b)(e)~~ Lancaster Correctional Institution and Lancaster Work Camp;
- ~~(c)(d)~~ Brevard Correctional Institution and Brevard Work Camp;
- ~~(d)(e)~~ Sumter Correctional Institution – male Basic Training Program;
- ~~(e)(f)~~ Lowell Correctional Institution – Women’s Unit – Basic Training Program.
- ~~(f)(g)~~ Lake City Correctional Institution.
- ~~(h) Hendry Correctional Institution.~~
- ~~(g)(i)~~ Hernando Correctional Institution.
- ~~(h) Taylor Correctional Institution Annex.~~
- ~~(i) Marion Correctional Institution (G Dormitory)~~

Specific Authority 944.09, 944.1905, 958.11 FS. Law Implemented 944.09, 944.1905, 958.11 FS. History—New 10-11-95, Amended 9-11-97, 4-14-98, Formerly 33-33.009, Amended 3-13-01, Formerly 33-506.103, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tina Hayes
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 6, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 23, 2004

DEPARTMENT OF CORRECTIONS

RULE TITLE: Rules of Prohibited Conduct and Penalties for Infractions
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to implement SB 1596 by providing a disciplinary charge for having been found by a court to have brought a frivolous or malicious collateral criminal proceeding filed after September 30, 2004.

RULE NO.: 33-601.314

SUMMARY: The proposed rule provides a disciplinary charge for having been found by a court to have brought a frivolous or malicious collateral criminal proceeding in accordance with Section 944.279(1), F.S.

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: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.14, 944.279, 944.28 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.314 Rules of Prohibited Conduct and Penalties for Infractions.

The following table shows established maximum penalties for the indicated offenses. As used in the table, “DC” means the maximum number of days of disciplinary confinement that may be imposed and “GT” means the maximum number of days of gain time that may be taken. Any portion of either penalty may be applied.

	Disciplinary	Maximum Disciplinary Actions
Section 1 through Section 8	No change.	
Section 9 – MISCELLANEOUS INFRACTIONS		
9-1 through 9-31	No change.	
9-32	<u>In accordance with s. 944.279(1), F.S., if found by the court to have brought a frivolous or malicious suit, action, claim, proceeding or appeal in any court which is filed after June 30, 1996, or to have brought a frivolous or malicious collateral criminal proceeding</u> or is found by the court to have knowingly or with reckless disregard for the truth brought false information or evidence before the court.	60 DC + All GT
9-33 through 9-34	No change.	
Section 10 through Section 11	No change.	

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.14, 944.279, 944.28 FS. History—New 3-12-84, Formerly 33-22.12, Amended 1-10-85, 12-30-86, 9-7-89, 11-2-90, 6-2-94, 10-01-95, 3-24-97, 7-9-98, 8-13-98, Formerly 33-22.012, Amended 9-30-99, 6-7-00, 4-18-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tina Hayes
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 6, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 23, 2004

DEPARTMENT OF CORRECTIONS

RULE TITLE: Interstate Corrections Compact
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to correct an error in the rule to provide that inmates confined in a Florida correctional institution under the interstate corrections compact shall have the same program and work opportunities as provided to Florida inmates. Providing program and work opportunities on the same basis as the sending state, as is provided in the current rule, is not practical.
SUMMARY: The proposed rule provides that inmates confined in a Florida correctional institution under the interstate corrections compact shall have the same program and work opportunities as provided to Florida inmates.
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: 941.57, 944.09 FS.
LAW IMPLEMENTED: 941.55, 941.56, 941.57 FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

- 33-601.401 Interstate Corrections Compact.
- (1) Definitions. As used in this Rule Chapter:
- (a) through (d) No change.
- (2) through (3) No change.
- (4) When Florida is the Receiving State.
- (a) through (c) No change.

(d) Inmates confined under the Interstate Corrections Compact shall be afforded the opportunity and shall be required to participate in programs of occupational training, industrial or other work on the same basis as inmates of Florida the sending state. Qualified inmates will be eligible for participation in Community Work Release Programs with the approval of the sending state. Approval will be obtained through the Interstate Corrections Compact Administrator.

(e) through (5) No change.

Specific Authority 941.57, 944.09 FS. Law Implemented 941.55, 941.56, 941.57 FS. History—New 7-7-81, Formerly 33-21.01, Amended 12-30-96, Formerly 33-21.001, Formerly 33-301.101, Amended 3-9-03, 9-23-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tina Hayes
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 6, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 23, 2004

DEPARTMENT OF CORRECTIONS

RULE TITLE: Community Release Programs
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to define the circumstances under which an inmate will not be authorized to work at paid employment, and to remove reference to the inmate welfare trust fund which was been abolished by Senate Bill 954 (2003).
SUMMARY: The proposed rule defines the circumstances under which an inmate will not be authorized to work at paid employment, provides a definition for ‘work release center,’ and removes reference to the inmate welfare trust fund which was been abolished by Senate Bill 954 (2003).
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: 945.091 FS.
LAW IMPLEMENTED: 945.091 FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.602 Community Release Programs.

(1) Definitions.

(a) through (g) No change.

(h) Work Release Center – refers to a facility where a community based transition program is conducted for approved community custody inmates prior to release from custody.

(2) through (6) No change.

(7) Employment.

(a) Employment sought must be for at least 35 hours per week and for no more than 60 hours per week.

(b)(a) The department will not authorize paid employment for an inmate to work at paid employment with a given employer if:

1. through 2. No change.

3. The employer treats the inmate with less regard than other employees; ~~or~~

4. The employer expects more services from the inmate than of employees in comparable positions ~~or~~

5. The inmate wants to be employed at an establishment where:

a. The primary clientele focus is children;

b. There is a perception that children without parental supervision visit the establishment frequently; or

c. Children are normally dropped off by parents to be supervised by the employment site staff.

(b) through (k) renumbered (c) through (l) No change.

(m) The employer shall provide a current work schedule for the inmate to the work release center each week prior to the inmate being allowed to depart for work.

~~(n)(4)~~ No change.

(8) through (11) No change.

(12) Advance of Funds. The Department of Corrections is authorized to advance monies up to \$75.00 from the General Revenue Inmate Welfare Fund for an inmate who needs money for clothing, equipment, tools, transportation or incidental expenses in order to begin working at paid employment. The financial plan for the disbursement of the inmate's earnings prepared, as provided in subsection 33-601.602(10), F.A.C., shall provide for the repayment of any such advancement of monies from the inmate's earnings. If the inmate's employment is terminated or if for any other reason the advancement of monies is not repaid from the inmate's earnings, the advancement of monies remains a personal obligation of the inmate and, after suitable proceedings to ensure due process, other sources of funds available to the inmate shall be taken to the extent possible to satisfy the advancement of monies. Any property the inmate has with the department shall be taken to satisfy the debt, provided that before any property is taken, the inmate shall be given a hearing before the classification team

to determine the fact and the amount of the debt. The inmate shall be given 24 hours written notice of such hearing. The inmate shall be allowed to present relevant evidence and argument. All or part of the discharge gratuity as provided in Rule 33-601.502, F.A.C., shall be taken, but only if the Department of Corrections finds that such action will not jeopardize the inmate's ability to transition himself into the community.

(13) through (16) No change.

Specific Authority 945.091 FS. Law Implemented 945.091 FS. History—New 12-7-97, Amended 4-13-98, 10-20-98, Formerly 33-9.023, Amended 3-14-01, 9-2-01, 10-27-03, 3-2-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Tina Hayes

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 29, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 9, 2004

DEPARTMENT OF CORRECTIONS

RULE TITLE:

Use of Force

RULE NO.:

33-602.210

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify provisions addressing videotaping requirements notification requirements, and use of electronic immobilization devices; correct staff titles; and revise an existing form to delete unnecessary language.

SUMMARY: The proposed rule: clarifies that videotaping is not required when chemical agents are used on an inmate creating a disturbance in his cell when the officer is trying to resolve the situation without cell extraction; clarifies that the duty warden is notified immediately after a spontaneous use of force in the warden's absence; clarifies circumstances under which application of restraints for medical reasons is required to be videotaped only for use of four-point and five-point restraints; replaces title of "OIC" with "shift supervisor"; removes provision allowing use of electronic immobilization devices following administration of chemical agents; revises Refusal of Health Care Services Affidavit to delete unnecessary sections and provide for additional witness.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: (If one has been prepared)

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.35 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.210 Use of Force.

(1) No change.

(2) Physical force shall be employed only as a last resort when it reasonably appears that other alternatives are not feasible to control the situation and will not be used solely in response to verbal abuse that does not rise to a level of a disturbance. When the use of force is justified, only that amount and type of force that reasonably appears necessary to accomplish the authorized objective shall be used. All authorized use of force incidents will be videorecorded in their entirety, except that videotaping the administration of chemical agents is not required for use on an inmate creating a disturbance in his or her cell when the officer is attempting to resolve the situation without extracting the inmate from the cell. Videotaping will be initiated after the final exposure to chemical agents if cell extraction or other uses of force are necessary. All spontaneous use of force incidents will be videotaped from the point the video camera operator arrives at the scene. Videotaping shall continue uninterrupted until the incident is under control, the involved inmate is escorted to medical, and the inmate is subsequently returned to secure housing. Videotaping of post use of force medical exams shall be done in such a manner as to provide the privacy needed for the exam. If it is necessary to transport the inmate to an outside facility for treatment or to another department facility for secure housing purposes, videotaping shall continue until the inmate is loaded and secured in the transport vehicle.

(3) through (4) No change.

(5) The warden or, in his absence, the duty warden will be consulted and give her or his permission prior to use of physical force. In spontaneous use of force incidents when circumstances do not permit prior approval, the warden or, in his absence, the duty warden will be notified immediately following any use of force incident. Whenever force is authorized, the employee who was responsible for making the decision to use force pursuant to subsection (1) shall prepare, date and sign the Authorization for Use of Force Report, form DC6-232 either during, or immediately after, the tour of duty when force was used. If the authorization for force is given after normal working hours, the person authorizing the force shall complete and sign Form DC6-232 within one working day (Monday through Friday) following the incident. Form DC6-232 is incorporated by reference in subsection (20) of this rule.

(6) through (9) No change.

(10) Force or restraint may be used to administer medical treatment when ordered by a physician or clinical associate, and only when treatment is necessary to protect the health of other persons, as in the case of contagious and venereal diseases, or when treatment is offered in satisfaction of a duty to protect the inmate against self-inflicted injury or death. The physician or clinical associate shall prepare a report documenting the reasons that force or restraint was authorized. Form DC6-232, Authorization for Use of Force Report, shall be used for this purpose. The physician's or clinical associate's report shall be attached to the Institutions Report of Force Used when actual force is used, or the Incident Report, Form DC6-210, in cases when restraints are applied without the use of force as described above. In each instance a DC4-701C, Emergency Room Record, shall be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. Form DC4-708, Diagram of Injury, shall also be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. In each case, the examination shall be complete and result in a clear statement by the medical provider that there is or is not an injury, and the record shall provide sufficient documentation to support that conclusion. In all cases where physical force is used to manage an inmate, the inmate and any employee who is involved will be required to receive a medical examination or will sign a Refusal of Health Services Affidavit, Form DC4-711A, declining the examination. In those cases where an injury is claimed but not substantiated by medical examination, the statement by the medical provider shall indicate this, and the documentation shall be sufficient to support that no injury was found upon examination. Forms DC4-711A, DC4-701C and DC4-708 are incorporated by reference in subsection (20) of this rule. When the use of ~~psychiatric restraints (leather or vinyl waist belt, wrist cuffs and leg restraints; protective helmets;~~ four-point or five-point restraints) is authorized and the inmate does not offer resistance to the application of the restraints, the completion of an Institutions Report of Force Used, Form DC6-230, or an Institutions Report of Force Used Staff Supplement, Form DC6-231, will not be required. In these situations, where there is no resistance to the application of psychiatric restraints, the application of the restraints will be videotaped and an Incident Report, Form DC6-210, will be completed. The videotape, the completed incident report, and the completed Authorization for Use of Force Report, Form DC6-232, will be forwarded to the warden or acting warden for review within one working day. The warden will forward the videotape and associated reports to the institutional inspector within five working days. The institutional inspector will ensure that all documentation is complete and will forward all materials to the Office of the Inspector General, as outlined in subsection (8) above, for review. If at any time prior to or during the application of the psychiatric restraints the inmate offers resistance to the application, the steps outlined in

subsection (6) above will be followed, to include the completion of the Authorization for Use of Force Report, Form DC6-232.

(11) through (13) No change.

(14) Use of Chemical Agents.

(a) through (l) No change.

(m) Procedure for the use of chemical agents on disruptive inmates under controlled conditions:

1. through 2. No change.

3. Prior to using chemical agents, the inmate again shall be counseled with by the shift supervisor ~~ØIC~~ concerning his behavior.

a. If this attempt to counsel with the inmate is unsuccessful, the inmate will be given a final order by the shift supervisor ~~ØIC~~ to cease his actions. The inmate will also be informed at this time that chemical agents will be administered if he continues his disruptive behavior.

b. through c. No change.

d. If the second administration of chemical agents fails to control the inmate’s disruptive behavior, the duty warden shall again be consulted to determine the next course of action. Additional actions include:

I. Additional administration of the same type or other type of chemical agent;

~~II. Use of electronic immobilization devices; and~~

~~III. Other uses of force as authorized by this rule.~~

e. No change.

f. Except in cases of extreme emergency as determined by the warden or duty warden, the confinement or close management lieutenant or the shift supervisor shall counsel with, issue the final order, and be present during the administering of chemical agents. If the shift supervisor ~~ØIC~~ is unavailable, the shift supervisor ~~ØIC~~ shall provide a written explanation as to why he was not available to supervise the administration of chemical agents.

(n) through (o) No change.

(p) Inmates exposed to chemical agents shall be ordered by the shift supervisor ~~ØIC~~ to shower and change both inner and outer wear within 20 minutes after exposure for decontamination purposes.

1. through 2. No change.

3. The shift supervisor ~~ØIC~~ shall again order the inmate to shower. If the inmate refuses again, this refusal shall also be documented in writing and witnessed by the shift supervisor ~~ØIC~~ and medical staff.

4. through 5. No change.

(15) through (19) No change.

(20) The following forms are hereby incorporated by reference. Copies of these forms are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) through (e) No change.

(f) DC4-711A, Refusal of Health Services Affidavit, effective July 25, 2002.

(g) through (n) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.35 FS. History—New 4-8-81, Amended 10-10-83, 9-28-85, Formerly 33-3.066, Amended 3-26-86, 11-21-86, 4-21-93, 7-26-93, 11-2-94, 2-12-97, 11-8-98, Formerly 33-3.0066, Amended 10-6-99, 2-7-00, 7-25-02, 8-25-03, 2-25-04,

NAME OF PERSON ORIGINATING PROPOSED RULE: Tina Hayes

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 29, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 18, 2004

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Works of the District RULE CHAPTER NO.: 40D-6

RULE TITLES: Policy and Purpose RULE NOS.: 40D-6.011

Definitions 40D-6.021

Implementation 40D-6.031

Permits Required 40D-6.041

Exemptions 40D-6.051

Encroachment Lines 40D-6.091

Content of Application 40D-6.101

Permit Processing Fee 40D-6.201

Conditions for Issuance of Permits 40D-6.301

Duration of Permits 40D-6.321

Modification of Permits 40D-6.331

Completion Report 40D-6.411

PURPOSE AND EFFECT: The purpose of the proposed rulemaking is to repeal Chapter 40D-6, F.A.C. in its entirety. The effect will be to eliminate an obsolete and unnecessary regulatory requirement for Works of the District permits when activities are proposed that will affect a waterbody adopted by the District as a “Works”.

SUMMARY: The proposed rulemaking will repeal Chapter 40D-6, F.A.C. in its entirety.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District’s determination that the proposed revisions to Chapter 40D-6, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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: 373.044, 373.113, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.084, 373.085, 373.086, 373.087, 373.103, 373.109, 373.429, 403.813 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-6.011 Policy and Purpose.

~~(1) The purpose of Chapter 40D-6 of these Rules and Regulations is to implement the declared water policy of the Southwest Florida Water Management District and the state of Florida insofar as it relates to the works of the District. The Southwest Florida Water Management District adopted rules relating to protection of the works of the District on February 20, 1964. The Rules so adopted which are still applicable are set forth herein. The Rules in this Chapter are for the protection of the works of the District.~~

~~(2) The Governing Board of the Southwest Florida Water Management District in discharging its duties and responsibilities, has committed itself in writing to the Secretary of the Army to perform the requirements of local cooperation under the project, "Four River Basins, Florida" (H.D. 585, 87th Congress, 2nd Session). Among these requirements is the following:~~

~~"In the case of all canals, reservoir outlets, floodways, and natural streams on which upstream projects works are provided, the necessary floodway should be preserved or the rights thereon secured to permit discharges which would not cause significant damages under present conditions of development."~~

~~(3) The Southwest Florida Water Management District owns, maintains, or has accepted responsibility for certain canals, water control structures, rights of way, lakes, and streams, as well as other works which are specifically names in this part as the "Works of the District."~~

~~(4) The protection of existing works from actions which would impair its capacity to accomplish the purpose for which it was intended, and the protection of other works for which planning is under way, is the responsibility of this District.~~

~~(5) These regulations establish procedures to be followed by those who find it necessary to connect to, withdraw water from, discharge water into, place construction within or across, or to otherwise make use of the works of the Southwest Florida Water Management District.~~

~~(6) State laws prohibit such work unless approved by the Governing Board of the District. This approval is usually granted in the form of a permit.~~

~~(7) The permit does not convey any property rights or privileges other than those specified in the permit; it does not authorize any injury to private property or invasion of private rights nor does waive the governing requirements of any other agency or authority. It simply expresses the assent of the Southwest Florida water Management District insofar as concerns the public's interest and protection of the water resources of the District.~~

Specific Authority 373.044, 373.113, 373.149, 373.171 FS., 61-691, Laws of Florida. Law Implemented 373.084, 373.085, 373.086, 373.087 FS. History-Readopted 10-5-74, Formerly 16J-1.001, 16J-1.01, Repealed _____.

40D-6.021 Definitions.

The terms set forth herein shall have the meanings ascribed to them unless the context clearly indicates otherwise and such meanings shall apply throughout Chapter 40D-6 of these Rules and Regulations. The terms defined in Rule 40D-1.102 shall also apply throughout Chapter 40D-6.

~~(1) "Tributaries" means the contributing streams and other watercourses including brooks, rills, and rivulets, extending upstream to the point where water usually begins to flow in a regular channel, with an alveus, or bed, and banks or sides, or to the point where the lines of ordinary high water marks converge, whichever extends the farthest up gradient.~~

~~(2) "Work of the District" means any lake or other impoundment, or stream or other watercourse, control structure, or other facility, owned and maintained by the District or adopted by the Governing Board as a work of the District.~~

Specific Authority 373.044, 373.113, 373.149, 371.171 FS., 61-691, Laws of Florida. Law Implemented 373.086 FS. History-Readopted 10-5-74, Formerly 16J-1.002, Repealed _____.

40D-6.031 Implementation.

~~(1) Chapter 40D-6 shall continue to be implemented throughout the entire area which remained as part of the District after the transfer pursuant to Chapter 76-243, Laws of Florida, which occurred at 11:59 p.m. on December 31, 1976; and shall be immediately implemented in the areas transferred as a part of the District pursuant to Chapter 76-243, Laws of Florida, which occurred at 11:59 p.m. on December 31, 1976. In addition, Chapter 40D-6 shall be immediately implemented in the area transferred as a part of the District pursuant to Chapter 78-65, Laws of Florida, which occurred on July 1, 1978. If any provisions of Chapter 40D-6 are inconsistent with prior rules and procedures, the new provisions shall apply commencing July 1, 1977.~~

~~(2) The following have been declared to be "Works of the District" by the Governing Board of the Southwest Florida Water Management District through the adoption of the indicated resolutions and motions:~~

(a) The Hillsborough River, its natural floodway and tributaries, connecting channels, canals, and lakes. By Resolution No. 63, dated October 9, 1963.

(b) The Oklawaha River, its natural floodway and tributaries, connecting channels, canals, and lakes. By Resolution No. 63, dated October 9, 1963.

(c) The Withlacoochee River, its natural floodway and tributaries, connecting channels, canals, and lakes. By Resolution No. 63, dated October 9, 1963.

(d) The Peace River, its natural floodway and tributaries, connecting channels, canals, and the lakes which are regulated by the District control structures, including their connecting channels and canals. By Resolution No. 63, dated October 9, 1963.

(e) The authorized Green Swamp Basin reservoirs, connecting channels, control structures, and discharge channels below reservoirs. (Note: The land areas required for the three (3) areas, reservoirs must be protected against encroachment by private or public works to insure proper functioning of the "Four River Basins, Florida" projects.) By Resolution No. 63, dated October 9, 1963.

(f) The Anelote River, its natural floodway and tributaries, connecting channels, canals, and lakes. By Resolution No. 63, dated October 9, 1963.

(g) Lake Tarpon, its connecting channels and canals, including the Lake Tarpon Outfall Canal. By Resolution No. 63, dated October 9, 1963.

(h) Old Tampa Bay north of Courtney Campbell Causeway and all tributary streams, channels, and canals discharging therein. By Resolution No. 63, dated October 9, 1963.

(i) The Alafia River, its natural floodway and tributaries, connecting channels, canals, and lakes. By Resolution No. 63-A, adopted March 17, 1965.

(j) The Little Manatee River, its natural floodway and tributaries, connecting channels, canals, and lakes. By Resolution No. 63-A, adopted March 17, 1965.

(k) The Palm River and Six Mile Creek, their natural floodways and tributaries, connecting channels, canals, and lakes. By Resolution No. 63, dated October 9, 1963.

(l) The Pithlachasee River, its natural floodway and tributaries, connecting channels, canals, and lakes. By motion adopted March 15, 1967.

(m) The Waccasassa River, its natural floodway and tributaries, connecting channels, canals, and lakes. By motion adopted March 15, 1967.

(n) McKay Bay north of 22nd Street Causeway, all tributaries, channels, and canals discharging therein. By motion adopted March 15, 1967.

(o) The Weeki Wachee River, its natural floodway, tributaries, connecting channels and canals. By motion adopted March 13, 1968.

(p) Lake Sloan, in Hillsborough County, together with its natural floodways and tributaries, connecting canals and lakes. By Resolution No. 538, dated April 10, 1974.

(q) Crystal River, its natural floodways and tributaries, connecting channels, canals, and lakes. By Resolution No. 542, dated April 10, 1974.

(r) Homosasa River, its natural floodways and tributaries, connecting channels, canals, and lakes. By Resolution No. 542, dated April 10, 1974.

(s) Chassahowitzka River, its natural floodways and tributaries, connecting channels, canals, and lakes. By Resolution No. 542, dated April 10, 1974.

(t) Bullfrog Creek, north of Big Bend Road (S.R. 672).

(u) Delany Creek, west of the eastern boundary of Section 30, Township 29S, Range 20E.

Specific Authority 373.044, 373.113, 373.149, 373.171, F.S., 78-65, Laws of Florida. Law Implemented 373.069, 373.084, 373.085, 373.086, 373.087, F.S. History—Readopted 10-5-74, Amended 7-21-77, 10-16-78, Formerly 16J-1.003, 16J-1.03, Repealed _____.

40D-6.041 Permits Required.

Unless expressly exempted under Rule 40D-6.051, a permit shall be required to connect to, withdraw water from, discharge water into, place construction within or across, or otherwise make use of a work of the District or to remove any facility or otherwise terminate such activity.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS., 61-691, Laws of Florida. Law Implemented 373.084, 373.085, 373.086, 403.813 FS. History—Readopted 10-5-74, Amended 12-31-74, 8-2-78, Formerly 16J-1.05(1), Repealed _____.

40D-6.051 Exemptions.

A permit shall not be required:

(1) To remove any dock, pier, piling, or boat house.

(2) To construct, alter, or remove any pumping facility withdrawing water from any stream, lake, or pond for individual domestic use or for watering residential lawns and shrubs so long as such activity does not breach or alter the bank of shoreline of constitute a hindrance to the flow of any stream or other watercourse which is a work of the District, provided however, that Chapter 40D-2 shall apply to the use of water for such purposes.

(3) To temporarily dewater an area within the limits of a work of the District for construction, alteration, or repair of buildings or other foundations and roadways, or during installation, alteration, or repair of utility pipelines, cables, culverts, and catch basins, when such temporary dewatering will be for a period not exceeding six (6) months; provided however, that the District shall be advised in writing prior to commencing such activity. A permit shall be required prior to continuation of dewatering activities beyond the initial six (6) month period.

(4) For activities exempted from Chapter 373 permits by Section 403.813(2), Florida Statutes, as amended by Chapter 78-146, Laws of Florida.

~~(5) For activities which receive an Environmental Resource Permit from the District under Chapters 40D-4, 40 or 400, F.A.C.~~

~~Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.084, 373.085, 373.086, 403.813 FS. History-Readopted 10-5-74, Amended 12-31-74, 8-2-78, Formerly 16J-1.051(2), Amended 10-26-00, Repealed _____.~~

40D-6.091 Encroachment Lines.

~~(1) The Board, after Notice and hearing, may establish encroachment lines and prohibit or restrict construction out into the waters in works of the District beyond such lines.~~

~~(2) Encroachment lines shall become effective upon recording in the public records of the county wherein such lines are located.~~

~~(3) Hillsborough River Encroachment Line.~~

~~(a) No solid fill, bulkhead or seawall will be allowed out into the Hillsborough River, in Hillsborough County, beyond an encroachment line which has been established by the Governing Board for that portion of the river extending downstream from the City of Tampa Dam to the Columbus Drive Bridge unless an exception is granted by the Board as provided in Rule 40D-6.301(3).~~

~~(b) A legal description of this encroachment line has been recorded in the Official Record book 2047, beginning on page 499 of the Public Records of Hillsborough County, Florida. Aerial photo maps upon which have been shown the location of such encroachment line have also been recorded in the same Official Record Book beginning on page 505.~~

~~Specific Authority 373.044, 373.113, 373.149, 373.171 FS., 61-691, Laws of Florida. Law Implemented 373.084, 373.085, 373.086 FS. History-Readopted 10-5-74, Amended 8-11-80, Formerly 16J-1.40, 16J-1.41, Repealed _____.~~

40D-6.101 Content of Application.

~~(1) A Permit application shall be sworn to and dated by the applicant or his duly authorized agent and shall be filed with the Board on forms provided by the Board which shall include:~~

- ~~(a) The name and address of the applicant.~~
- ~~(b) The name and address of the owner or owners of the land upon which the construction or alteration is to take place, and a legal description of such land.~~
- ~~(c) Location of the work.~~
- ~~(d) Plans and specifications.~~
- ~~(e) The name and address of the person who prepared the plans and specifications.~~
- ~~(f) The name and address of the person who will construct the proposed work, when available.~~

~~(2) The Board may also require the applicant to submit other information deemed necessary.~~

~~Specific Authority 373.044, 373.113, 373.149, 373.171 FS., 61-691, Laws of Florida. Law Implemented 373.084, 373.085, 373.086 FS. History-Readopted 10-5-74, Amended 12-31-74, Formerly 16J-1.06(1),(2), Repealed _____.~~

40D-6.201 Permit Processing Fee.

~~A permit processing fee shall be paid to the District at the time a permit application is filed in the amount prescribed in the schedule set forth in Rule 40D-1.607(12), F.A.C.~~

~~Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.109 FS. History-Readopted 10-5-74, Formerly 16J-1.061, Amended 10-26-00, Repealed _____.~~

40D-6.301 Conditions for Issuance of Permits.

~~(1) To obtain a permit under Chapter 40D-6, the permitted activity:~~

- ~~(a) Must be reasonable and beneficial; and~~
- ~~(b) Must not be inconsistent with the public interest.~~

~~(2) Issuance of a permit will be denied if the permitted activity:~~

- ~~(a) Will place fill material, or any non-water use related structure within the mean annual floodplain of a lake or other impoundment, or of a stream or other watercourse.~~
- ~~(b) Will cause significant adverse effects on lands not owned, leased, or otherwise controlled by the applicant by drainage or inundation.~~

~~(c) Will restrict or alter the rate of flow of a stream or other watercourse within the floodplain of a twenty-five (25) year flood unless the land is owned, leased, or otherwise controlled by the applicant.~~

~~(d) Will place solid fill, a bulkhead, or a seawall beyond a line of encroachment established by the Board.~~

~~(e) Will cause an increase or decrease in the rate of flow of a stream or other watercourse by five percent (5%) or more.~~

~~(f) Will cause an increase in the peak rate of flow or total volume of storm runoff by ten percent (10%) or more from lands owned, leased, or otherwise controlled by applicant.~~

~~(3) The Board for good cause shown may grant exceptions to the provisions of subsection (2) above when, after consideration of all data presented, including economic information, it finds that it is not inconsistent with the public interest.~~

~~Specific Authority 373.044, 373.113, 373.149, 373.171 FS., 61-691, Laws of Florida. Law Implemented 373.084, 373.085, 373.086 FS. History-Readopted 10-5-74, Amended 12-31-74, 8-11-80, Formerly 16J-1.06(3),(4),(5), Repealed _____.~~

40D-6.321 Duration of Permits.

~~Unless revoked or otherwise modified, the duration of a Works of the District Permit issued pursuant to this chapter is:~~

- ~~(1) Five years from the date of issuance to the completion of construction and submittal of the Statement of Completion and Request for Transfer to Operation Entity, including the supporting as-built documents;~~
- ~~(2) perpetual from the date of authorization by the District for operation by the entity identified in the permit.~~

~~Specific Authority 373.044, 373.113, 373.149, 373.171 FS., Law Implemented 373.084, 373.085, 373.086, 371.103 FS. History-New 10-26-00, Repealed _____.~~

40D-6.331 Modification of Permits.

The Board may modify or revoke a permit at any time if it determines that the permitted work or works has become a danger to the public health or safety or if its operation has become inconsistent with the objectives of the District or is in violation of any regulation or order of the District, or the conditions of the permit.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS., 61-691, Laws of Florida. Law Implemented 373.084, 373.085, 373.086 FS. History-Readopted 10-5-74, Amended 12-31-74, Formerly 16J-1.06(3),(4),(5), Amended 7-2-98, Repealed _____.

40D-6.411 Completion Report.

Within thirty (30) days after the completion of construction or alteration for which a permit was granted by the District, the permittee shall file with the District a Statement of Completion and Request for Transfer to Operation Entity, as identified in Rule 40D-1.659, F.A.C.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.084, 373.085, 373.086 FS. History-Readopted 10-5-74, Formerly 16J-1.10, Amended 10-26-00, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 3, 2004

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

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

PURPOSE AND EFFECT: The purpose of the rule amendment is to incorporate by reference the Florida Medicaid Provider Reimbursement Handbook, UB-92, April 2004. The handbook has been substantively rewritten; the policy has been updated; and the chapters have been renumbered. The handbook revisions also include the Health Insurance Portability and Accountability Act (HIPAA) requirements and modifications in procedure code and claim form combinations due to HIPAA. The effect will be to incorporate by reference the Florida Medicaid Provider Reimbursement Handbook, UB-92, April 2004, in the rule.

SUMMARY: The proposed rule incorporates by reference the Florida Medicaid Provider Reimbursement Handbook, UB-92, April 2004. The handbook content was reorganized; and the Health Insurance Portability and Accountability Act (HIPAA) requirements were added.

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

Any person who wishes to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908, 409.9081 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 9:00 a.m., Tuesday, September 7, 2004

PLACE: Agency for Health Care Administration, 2728 Fort Knox Boulevard, Building 3, Conference Room C, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Melissa Bassett, Bureau of Medicaid Services, 2728 Fort Knox Boulevard, Building 3, Mail Stop 20, Tallahassee, FL 32308, (850)922-7724

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.160 Outpatient Hospital Services.

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

(2) All hospital providers enrolled in the Medicaid program must comply with the provisions of the Florida Medicaid Hospital Services Coverage and Limitations Handbook, March 2003, and the Florida Medicaid Provider Reimbursement Handbook, UB-92, April 2004 October 1998, both incorporated by reference in this rule. Both handbooks are available from the Medicaid fiscal agent contractor.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Melissa Bassett

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Alan Levine, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 26, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 23, 2004

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE CHAPTER TITLE: General Regulations RULE CHAPTER NO.: 60A-1

RULE TITLE: MyFloridaMarketPlace Transaction Fee RULE NO.: 60A-1.031

PURPOSE AND EFFECT: The purpose of this rule amendment is modify PUR 3776 and corresponding changes to the rule text. The modification will allow vendors to stop reporting fees based on Purchasing Card Transactions.

SUMMARY: Vendors required to complete PUR 3776 will no longer report fees for those transactions made through the Purchasing Card. The form instructions are modified to so indicate.

SPECIFIC AUTHORITY: 287.042(12), 287.057(23) FS.

LAW IMPLEMENTED: 287.032, 287.042, 287.057 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 1:30 p.m., September 7, 2004

PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida, 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Brown, State Purchasing, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)488-3049, Fax (850)414-6122, e-mail: brownr2@dms.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

60A-1.031 MyFloridaMarketPlace Transaction Fee.

(1) Each agency shall include language substantially similar to the following in the terms and conditions of all agency purchasing transactions involving commodities and contractual services as defined in Section 287.012, F.S. (including formal solicitations, contracts, and purchase orders), unless the transaction is exempt from the Transaction Fee pursuant to Rule 60A-1.032, F.A.C.:

MyFloridaMarketPlace Transaction Fee

The State of Florida, through the Department of Management Services, has instituted MyFloridaMarketPlace, a statewide eProcurement system. Pursuant to Section 287.057(23), F.S., (2002), all payments shall be assessed a Transaction Fee of one percent (1.0%), which the vendor shall pay to the State. For payments within the State accounting system (FLAIR or its successor), the Transaction Fee shall, when possible, be automatically deducted from payments to the vendor. If automatic deduction is not possible, the vendor shall pay the Transaction Fee pursuant to subsection 60A-1.031(2), F.A.C. By submission of these reports and corresponding payments, vendor certifies their correctness. All such reports and payments shall be subject to audit by the State or its designee.

The vendor shall receive a credit for any Transaction Fee paid by the vendor for the purchase of any item(s) if such item(s) are returned to the vendor through no

fault, act, or omission of the vendor. Notwithstanding the foregoing, a Transaction Fee is non-refundable when an item is rejected or returned, or declined, due to the vendor's failure to perform or comply with specifications or requirements of the agreement.

Failure to comply with these requirements shall constitute grounds for declaring the vendor in default and recovering procurement costs from the vendor in addition to all outstanding fees.

VENDORS DELINQUENT IN PAYING TRANSACTION FEES SHALL BE EXCLUDED FROM CONDUCTING FUTURE BUSINESS WITH THE STATE.

(2) On a monthly calendar basis, each vendor registered in MyFloridaMarketPlace shall report its business activity relating to State agreements using Form PUR 3776 (08/04) ~~(09/03)~~, which is hereby incorporated by reference.

(a) The vendor shall report (i) the total amount of payments received against State agreements during the reporting period (excluding Purchasing Card transactions occurring after June 30, 2004), (ii) the portion of that total that is exempt from the Transaction Fee pursuant to Rule 60A-1.032, F.A.C., (iii) the amount of Transaction Fees that have been automatically deducted by the system, and (iv) the amount of Transaction Fees that have been billed by the system but not automatically deducted.

(b) With its report, the vendor shall include payment of any Transaction Fee amounts due for the reporting period that have not been automatically deducted. Amounts due include both the amount billed during the reporting period and any amounts not billed but otherwise due (e.g., sales to non-State entities eligible to purchase from State contracts).

(c) A report is required only when fee-eligible payments have been received during the reporting period (no report is required if all payments are exempt from the Transaction Fee); provided, however, that if total Transaction Fees due are less than \$50, a vendor may carry over the balance to the next reporting period.

(d) All information provided by the vendor is material and will be relied upon by the Department in administering MyFloridaMarketPlace. Failure to file a report shall be deemed a representation by the vendor that it received no reportable payments for the period and that it owes no Transaction Fees. Any knowing and material misstatement shall be treated as fraudulent concealment from the State of the true facts relating to the conduct of the vendor's business with the State. A misrepresentation shall be punishable under law, and shall be grounds for precluding the vendor from doing future business with the State.

Specific Authority 287.042(12), 287.057(23) FS. Law Implemented 287.032, 287.042, 287.057 FS. History--New 7-1-03, Amended 2-11-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Robert Hosay, Deputy Secretary, Department of Management Services
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: William Simon, Secretary, Department of Management Services
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 15, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 25, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE TITLES: RULE NOS.:
Requirements for Burglar Alarm System Agent Identification Card 61G6-12.0015
Continuing Education Requirements for Burglar Alarm System Agents 61G6-12.0016

PURPOSE AND EFFECT: The proposed rules are intended to set forth criteria to be included on burglar alarm system agent identification cards and to set forth continuing education requirements for burglar alarm system agents.

SUMMARY: The proposed rules specify: (1) that a licensee shall issue identification cards to each of the alarm system agents and the exact information that the cards must contain, and (2) that every 2 years, a burglar alarm system agent must complete 6 hours of continuing education training in an approved course relating to the subjects of burglar alarm system installation and false alarm prevention. Identification cards shall be reissued stating that such continuing education requirement has been met.

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

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

SPECIFIC AUTHORITY: 489.507(3) FS.
LAW IMPLEMENTED: 489.507(3), 489.518(4)(a),(b),(d),(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John Knap, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61G6-12.0015 Requirements for Burglar Alarm System Agent Identification Card.

After the completion of the course outlined in Rule 61G6-12.001, F.A.C., the licensee shall issue identification cards to each of the alarm system agents. The card shall be at least 3 1/4 x 2 1/4 inches in size. The card shall contain: 1 x 1 1/4 inch full face picture of the alarm system agent; name of the holder of the card; name and license number of the unlimited electrical contractor or licensed alarm system contractor; name and address of the business organization; signature of the contractor and the card holder; and issue date and expiration date of the card. The expiration date must be within 2 years of the issue date. The identification card must be in the possession of the burglar alarm system agent while engaged in all burglar alarm system agent duties. The card shall be issued in the following format:

<u>BURGLAR ALARM SYSTEM AGENT</u>	
<u>The bearer of this card has met the training requirements pursuant to Chapter 489.518, Florida Statutes.</u>	
<u>PHOTO HERE</u>	<u>Name: Tom Brown</u>
	<u>Business: Alarm Center, Inc.,</u>
	<u>Address: 1940 N. Monroe St.</u>
	<u>Tallahassee, FL 32399</u>
	<u>Signature: Tom Brown</u>
<hr/>	
<u>Qualifier: John Doe</u>	<u>License # EC 0012345</u>
<u>Signature: John Doe</u>	
<u>Issued: October 1, 2004</u>	<u>Expires: September 30, 2006</u>

<u>BURGLAR ALARM SYSTEM AGENT</u>	
<u>The bearer of this card has met the training and CE requirements pursuant to Chapter 489.518, Florida Statutes.</u>	
<u>PHOTO HERE</u>	<u>Name: Tom Brown</u>
	<u>Business: Alarm Center, Inc.,</u>
	<u>Address: 1940 N. Monroe St.</u>
	<u>Tallahassee, FL 32399</u>
	<u>Signature: Tom Brown</u>
<hr/>	
<u>Qualifier: John Doe</u>	<u>License # EC 0012345</u>
<u>Signature: John Doe</u>	
<u>Issued: October 1, 2004</u>	<u>Expires: September 30, 2006</u>

Specific Authority: 489.507(3) FS. Law Implemented: 489.507(3), 489.518(4)(a),(b) FS. History--New _____.

61G6-12.0016 Continuing Education Requirements for Burglar Alarm System Agents.

Each burglar alarm system agent must attend 6 hours of Board-approved continuing education on burglar alarm system installation and repair and false alarm prevention every 2 years, from a Board-approved sponsor of training and through a Board-approved training course as outlined in Rule Chapter 61G6-12.001, F.A.C. The contractor shall reissue an identification card which shall state the bearer of the card has met the 6 hours of continuing education pursuant to Chapter 489.5185, F.S.

Specific Authority 489.507(3) FS. Law Implemented 489.507(3), 489.518(4)(d),(5) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrical Contractors’ Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Contractors’ Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 21, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 2, 2004

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 Opticianry

RULE TITLE: Licenses RULE NO.: 64B12-10.004

PURPOSE AND EFFECT: The Board proposes to repeal a rule.

SUMMARY: The Board is repealing the rule requirement that the license be conspicuously displayed in a public area.

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

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

SPECIFIC AUTHORITY: 484.005 FS.

LAW IMPLEMENTED: 484.013(1), 484.001 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-10.004 Licenses.

Specific Authority 484.005 FS. Law Implemented 484.013(1), 484.001 FS. History—New 12-6-79, Formerly 21P-10.04, Amended 3-30-89, Formerly 21P-10.004, 61G13-10.004, 59U-10.004, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Opticianry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2004

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLES:	RULE NOS.:
Application Fees	64B16-26.1001
Initial License Fees	64B16-26.1002
Active License Renewal Fees	64B16-26.1003
Inactive License Renewal Fees	64B16-26.1004
Approved Continuing Education	
Provider Renewal Fee	64B16-26.1012
Delinquent License Reinstatement Fees	64B16-26.1021
Permit Fees	64B16-26.1022

PURPOSE AND EFFECT: The Board proposes new rules in order to consolidate all licensure fee requirements sequentially into Chapter 64B16-26, F.A.C.

SUMMARY: The proposed new rules set forth licensure fee requirements.

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

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

SPECIFIC AUTHORITY: 456.013(9), 456.036, 465.005, 465.008, 465.009 465.012, 465.0125, 465.0126, 465.022(8), 456.036 FS.

LAW IMPLEMENTED: 456.013(2),(9), 456.036, 456.065(3), 465.007, 465.0075, 465.008, 465.009, 465.012, 465.0125, 465.0126, 465.022(8) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Danna Droz, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULES IS:

64B16-26.1001 Application Fees.

(1) The non-refundable application fee for licensure by examination shall be \$100, payable to the Board. Examination fees for the National Practice Examination and jurisprudence examination are payable to the examination vendor.

(2) The non-refundable application fee licensure by endorsement shall be \$100, payable to the Board.

(3) The non-refundable application fee for a continuing education provider seeking approved provider status shall be \$150, payable to the Board.

(4) The non-refundable application fee for individual continuing education course approval for non-approved continuing education providers shall be \$50 for each course submitted for approval, payable to the Board.

Specific Authority 465.005, 465.009 FS. Law Implemented 465.007, 465.0075, 465.009 FS. History–New _____.

64B16-26.1002 Initial License Fees.

(1) The initial license fee for a pharmacist license shall be \$190 plus a \$5 unlicensed activity fee pursuant to Section 456.065(3), F.S.

(2) The initial license fee for a consultant pharmacist license shall be \$50 plus a \$5 unlicensed activity fee pursuant to Section 456.065(3), F.S.

(3) The initial license fee for a nuclear pharmacist license shall be \$50 plus a \$5 unlicensed activity fee pursuant to Section 456.065(3), F.S.

Specific Authority 465.005, 465.0125, 465.0126 FS. Law Implemented 456.013(2), 456.065(3), 465.0125, 465.0126 FS. History–New _____.

64B16-26.1003 Active License Renewal Fees.

(1) The biennial license renewal fee for an active pharmacist license shall be \$245 plus a \$5 unlicensed activity fee pursuant to Section 456.065(3), F.S.

(2) The biennial license renewal fee for a consultant pharmacist license shall be \$50 plus a \$5 unlicensed activity fee pursuant to Section 456.065(3), F.S.

(3) The biennial license renewal fee for a nuclear pharmacist license shall be \$100 plus a \$5 unlicensed activity fee pursuant to Section 456.065(3), F.S.

Specific Authority 456.036, 465.005, 465.008, 465.0125, 465.0126 FS. Law Implemented 456.036, 456.065(3), 465.008, 465.0125, 465.0126 FS. History–New _____.

64B16-26.1004 Inactive License Renewal Fees.

(1) A licensee may elect:

(a) At the time of license renewal to place the license on inactive status by submitting a written request with the board for inactive status and submitting the inactive status fee of \$245 plus a \$5 unlicensed activity fee pursuant to Section 456.065(3), F.S.

(b) At the time of license renewal, if the license is inactive, to continue the license on inactive status by submitting a written request with the board for inactive status and submitting the inactive status renewal fee of \$245 plus a \$5 unlicensed activity fee pursuant to Section 456.065(3), F.S.

(c) At the time of license renewal to change the inactive status license to active status, provided the licensee meets the continuing education requirements of Rule 64B16-26.103, F.A.C., for each biennium the license was on inactive status, submits the reactivation fee of \$70, and the current active renewal fee set forth in Rule 64B16-26.1001, F.A.C.

(d) At a time other than license renewal to change the inactive status license to active status, provided the licensee meets the continuing education requirements of Rule 64B16-26.103, F.A.C., for each biennium the license was on inactive status and submits the reactivation fee of \$70, the current renewal fee set forth in Rule 64B16-26.1001, F.A.C., and a change of status fee of \$25.

(2) A consultant pharmacist licensee may elect:

(a) At the time of license renewal to place the license on inactive status by submitting a written request with the board for inactive status and submitting the inactive status fee of \$50 plus a \$5 unlicensed activity fee pursuant to Section 456.065(3), F.S.

(b) At the time of license renewal, if the consultant pharmacist license is inactive, to continue the license on inactive status by submitting a written request with the board for inactive status and submitting the inactive status renewal fee of \$50 plus a \$5 unlicensed activity fee pursuant to Section 456.065(3), F.S.

(c) At the time of license renewal to change the inactive status consultant pharmacist license to active status, provided the consultant pharmacist licensee meets the continuing education requirements of Rule 64B16-26.103(2), F.A.C., for each biennium the license was on inactive status and by submitting a reactivation fee of \$25, and the active consultant pharmacist renewal fee set forth in Rule 64B16-26.1003, F.A.C.

(d) At a time other than license renewal to change the inactive status license to active status by submitting a reactivation fee of \$25, a change of status fee of \$25, and the active consultant pharmacist renewal fee set forth in Rule 64B16-26.1003, F.A.C.

(3) A nuclear pharmacist licensee may elect:

(a) At the time of license renewal to place the nuclear pharmacist license on inactive status by submitting a written request with the board for inactive status and submitting the inactive status fee of \$100 plus a \$5 unlicensed activity fee pursuant to Section 456.065(3), F.S.

(b) At the time of license renewal, if the nuclear pharmacist license is inactive, to continue the license on inactive status by submitting a written request with the board for inactive status and submitting the inactive status renewal fee of \$100 plus a \$5 unlicensed activity fee pursuant to Section 456.065(3), F.S.

(c) At the time of license renewal to change the inactive status license to active status by submitting a reactivation fee of \$50, and the active nuclear license renewal fee set forth in Rule 64B16-26.1003, F.A.C.

(d) At a time other than license renewal to change the inactive status license to active status, provided the nuclear pharmacist licensee meets the continuing education requirements of Rule 64B16-28.904, F.A.C., for each biennium the license was on inactive status and by submitting a reactivation fee of \$50, a change of status fee of \$25, and the active nuclear license renewal fee set forth in Rule 64B16-26.1003, F.A.C.

Specific Authority 456.036, 465.005, 465.012, 465.0125, 456.0126 FS. Law Implemented 456.036, 456.065(3), 465.012, 465.0125, 465.0126 FS. History-New _____.

64B16-26.1012 Approved Continuing Education Provider Renewal Fee.

The biennial fee to renew as an approved continuing education provider shall be \$150.

Specific Authority 456.013(9), 465.005 FS. Law Implemented 456.013(9), 465.009, 465.012 FS. History-New _____.

64B16-26.1021 Delinquent License Reinstatement Fees.

(1) An active or inactive license that is not renewed by midnight of the expiration date of the license shall automatically revert to delinquent status.

(2) A licensee may request that a delinquent license be reinstated to active or inactive status by submitting the delinquent fee of \$245 plus the current fee for an active status or inactive status license set forth in Rule 64B16-26.1003, F.A.C., or Rule 64B16-26.1004, F.A.C.

(3) A consultant pharmacist licensee may request that a delinquent consultant pharmacist license be reinstated to an active or inactive status by submitting a delinquent fee of \$25 plus the current fee for an active or inactive status consultant pharmacist license set forth in Rule 64B16-26.1003, F.A.C., or Rule 64B16-26.1004, F.A.C.

(4) A nuclear pharmacist licensee may request that a delinquent nuclear pharmacist license be reinstated to an active or inactive license status by submitting a delinquent fee of

\$100 plus the current fee for an active or inactive nuclear pharmacist license set forth in Rule 64B16-26.1003, F.A.C., or Rule 64B16-26.1004, F.A.C.

(5) A license in delinquent status that is not renewed prior to midnight of the expiration date of the current licensure cycle shall be rendered null without any further action by the Department. Any subsequent license shall be the result of applying for and meeting all requirements imposed on an applicant for new licensure.

Specific Authority 456.036, 465.005, 465.012 FS. Law Implemented 456.036, 465.012 FS. History-New _____.

64b16-26.1022 Permit Fees.

(1) The initial permit fee for a pharmacy, as provided by Section 465.022(8)(a), F.S., shall be \$250.

(2) The biennial permit renewal fee for a pharmacy, as provided by Section 465.022(8)(b), F.S., shall be \$250.

(3) The change of location fee for a pharmacy, as provided by Section 465.022(8)(d), F.S., shall be \$100.

(4) The delinquent fee for a pharmacy permit, as provided by Section 465.022(8)(c), F.S., shall be \$100.

Specific Authority 465.005, 465.022(8) FS. Law Implemented 465.022(8) FS. History-New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 28, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 28, 2004

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE: Continuing Education Requirements for
RULE NO.: 64B32-6.007

Reactivation of License
PURPOSE AND EFFECT: This rule is to satisfy a directive required by the practice act.

SUMMARY: The Board determined the requirements for reactivation of a license to include documented proof of continuing education during and immediately preceding the period of inactive licensure.

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

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

SPECIFIC AUTHORITY: 456.036, 468.353 FS.

LAW IMPLEMENTED: 468.363 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-6.007 Continuing Education Requirements for Reactivation of License.

The continuing education requirements for reactivation of a license shall be:

(1) Those requirements specified in Section 456.036(10), Florida Statutes; and

(2) Documented proof of completion of 24 hours of approved continuing education as provided in this rule chapter and including HIV/AIDS and medical error prevention, for the preceding biennium during which the licensee held an active license.

Specific Authority 456.036, 468.353 FS. Law Implemented 468.363 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Respiratory Care

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 13, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 23, 2004

Section III Notices of Changes, Corrections and Withdrawals

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE NO.: 60A-1.002
RULE TITLE: Purchase of Commodities and Contractual Services

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3) (d)1., F.S., originally published in Vol. 30, No. 14, April 2, 2004 issue of the Florida Administrative Weekly: Changes to PUR 1000, changes to PUR 1001, and a citation correction in the rule text.

The following changes have been made to PUR 1000: Deletion of paragraph 19 “Compliance with Laws;” Rewording paragraph 1 to properly reflect the application of Chapter 287 definitions and to remove the definition of “Contractor,” as this word is defined in Chapter 287; fixing statutory citations in paragraph 2; removing all instances of “and/or” in the document and replaced them with “and” or “or,” as appropriate; adding a sentence at the end of the Transaction Fee paragraph, to include a pointer to the Termination for Cause paragraph; modifying the Lobbying and Integrity paragraph to resolve matters of statutory authority; defining “Chief Financial Officer” in the paragraph involving Leases; rewording the paragraphs involving PRIDE and RESPECT in order to accurately capture the intent of the underlying statutory references; modifying the paragraph regarding independent contractors to resolve a question of statutory authority; modifying the Insurance paragraph to remove specific limits, in order to resolve a question of statutory authority; and fixing the internal citation in the last paragraph.

The following changes have been made to PUR 1001: Rewording paragraph 1 to properly reflect the application of Chapter 287, F.S., definitions; removing a portion of the Public Records paragraph to resolve an issue of statutory authority; and modifying the Protest paragraph to properly quote the several statutory references.

Copies of the amended forms are available upon request.
PROPOSED RULE 60A-1.002 IS CHANGED TO READ AS FOLLOWS:

60A-1.002 Purchase of Commodities and Contractual Services.

(1) Agencies are delegated the conditional authority to purchase commodities or contractual services (except insurance, unless permitted pursuant to Section 287.022, F.S.) The conditions of this delegation are (i) that the agencies comply with the requirements of subsection 287.042(12)(13), F.S.; (ii) that State Purchasing retains the full supervisory authority provided by that subsection; and (iii) that State Purchasing reserves the right to rescind the authority delegated to all agencies by amendment to this rule and reserves the right to rescind the authority delegated to an agency for failure to comply with that subsection.

(2) through (7) No change.