

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-6.024 Subcontractors Requirement Regarding Proof of Coverage.

(1) Under Section 440.05(14), Florida Statutes, an officer of a corporation who elects to be exempt from Chapter 440, Florida Statutes, may not recover benefits or compensation under Chapter 440, Florida Statutes, and a carrier may not consider any officer of a corporation who holds a valid certificate of election to be exempt for purposes of determining the appropriate premium for workers' compensation coverage. In order to be consistent with the provisions of Section 440.05(14), Florida Statutes, in instances where a subcontractor is a corporation and has an officer or officers who elect to be exempt, and the subcontractor provides a copy of the officer's or officers' certificate of election to be exempt to a contractor pursuant to Section 440.10(1)(c), Florida Statutes, the subcontractor is not required to also provide evidence of workers' compensation insurance to the contractor if the subcontractor has no employees who may recover benefits under Chapter 440, Florida Statutes, at any time during the life of the contract or project for which evidence of exemption or coverage is required. If a subcontractor hires one or more employees at any time during the life of a contract, that subcontractor must provide the contractor with evidence of workers' compensation insurance before any such employee or employees can perform any work related to that contract.

Specific Authority 440.05(9), 440.591 FS. Law Implemented 440.02(15), 440.05(14), 440.10(1)(c) FS. History--New 1-1-04, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bruce Brown, Bureau Chief, Bureau of Compliance, Division of Workers' Compensation, Department of Financial Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dan Sumner, Deputy Division Director, Division of Workers' Compensation, Department of Financial Services

DATE PROPOSED RULE APPROVED BY THE AGENCY HEAD: December 11, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 3, 2003

### Section III Notices of Changes, Corrections and Withdrawals

#### DEPARTMENT OF STATE

#### Division of Elections

RULE NO.: 1S-2.031  
RULE TITLE: Recount Procedures  
SECOND NOTICE OF CHANGE

Notice is hereby given that proposed Rule 1S-2.031 published in the FAW, Page 4903, Vol. 29, No. 45, on December 12, 2003, has been further changed to reflect comments received from the public and from the Joint Administrative Procedures Committee.

Changes were made to Rule 1S-2.031, F.A.C., so that it now reads:

1S-2.031 Recount Procedures.

(1) All procedures relating to machine and manual recounts shall be open to the public.

(2) At least two members of the canvassing board shall be present during all times a machine or manual recount is being conducted.

(3) All recounts are to be ordered by the board responsible for certifying the results of the race or races being recounted.

(4) As used in this rule, "undervote" means that the tabulator recorded no vote for the office or question or that the elector did not designate the number of choices allowed for the race.

(5) Machine Recounts shall be conducted as follows:

(a) The canvassing board responsible for ordering the machine recount shall be responsible for notifying the candidates or committees in the affected race or races that a machine recount will be conducted. In addition, notice of the machine recount shall be posted on the door of the public entrance to the building where the supervisor of elections office is housed so that the notice is accessible to the public 24 hours a day.

(b) Optical Scan Ballot Machine Recounts.

1. The tabulating equipment being used in the recount must be tested pursuant to the provisions of s. 101.5612, F.S. The canvassing board may, but is not required to, use the same tabulating equipment that ballots were originally tabulated on. If the test shows no error, the results of the machine recount shall be deemed correct. If the test indicates an error, the canvassing board shall correct the error and repeat the machine recount.

2. Procedure when only one race is being recounted or where more than one race is being recounted and the voting system will allow for the sorting of overvotes and undervotes in more than one race at the same time:

a. The supervisor of elections shall change the election parameters so that the recounted race or races will be tabulated and so that ballots containing overvotes and undervotes in the recounted race or races can be sorted from the other ballots during the machine recount.

b. The canvassing board or its representatives shall put each ballot through the tabulating equipment and determine the votes in the recounted race or races. During this process, the overvoted and undervoted ballots in the recounted race or races must be sorted.

c. Sorted ballots shall be placed in a sealed container or containers until it is determined whether a manual recount will be conducted. Seal numbers shall be recorded at the time the ballots are placed in the containers.

3. Procedure when more than one race is being recounted by machine and the voting system does not allow the sorting of overvotes and undervotes on more than one race at a time:

a. The canvassing board or its representatives shall put each ballot through the tabulating equipment and determine the votes in the affected races.

b. The canvassing board shall produce vote counts for those races involved in the machine recount.

c. Prior to a manual recount being conducted, the supervisor of elections shall change the election parameters and the ballots for the manually recounted race or races shall be put back through the tabulating equipment and overvotes and undervotes for each race shall be sorted separately.

(c) Touchscreen Ballot Machine Recounts

1. The county canvassing board shall be required to produce printed vote totals for the affected race or races for each precinct.

2. The county canvassing board shall verify that the total votes for the recounted race or races taken from the printed vote totals for each precinct are the same as the total votes shown on the county totals from election night. If there is a discrepancy, the county canvassing board shall investigate and resolve the discrepancy.

(6)(+) The following procedures apply to manual recounts of optical scan ballots involving all county, multicounty, federal or statewide offices or issues required by law to be recounted:

~~(a)~~ All procedures related to the manual recount shall be open to the public.

~~(b)~~ At least two members of the county canvassing board shall be present during all times the recount is in process.

~~(c)~~ The county canvassing board shall supervise the procedure used to identify and sort overvotes and undervotes in the affected race or issue. If the manual recount is being conducted at a location different from the location of the sorting process or is not being started immediately after the sorting, the sorted ballots shall be placed in a sealed container or containers until the manual recount is started. Seal numbers shall be recorded and announced at the time they are placed on the containers and the seal number shall be announced when the seal is broken and the ballots are removed from the container for the recount.

~~(a)(+)~~ Ballots with overvotes and undervotes shall be transported to the location of the manual recount by two members of the county canvassing board and a sworn law enforcement officer. From the time the manual recount is started until completion of the recount, including times of recess, the ballots shall be guarded by a sworn law enforcement officer.

~~(b)(+)~~ If the manual recount is ordered by the Elections Canvassing Commission, the Commission shall notify the candidates and chairmen of the state executive committee of the political parties, if applicable, entitled to representatives or the chairmen of the political committees, if any, in the case of a ballot ~~an~~ issue, that a manual recount has been ordered. The candidates or chairmen are responsible for contacting the supervisor of elections in each county involved in the manual recount to find out when and where the recount will be conducted and the number of representatives such candidate or committee is entitled to have present during the manual recount process.

~~(c)(+)~~ If the manual recount is ordered by the county canvassing board, the supervisor of elections shall notify the candidates and chairmen of the county executive committee of the political parties, if applicable, entitled to representatives or the chairmen of the political committees, if any, in the case of ~~an~~ a ballot issue, that a recount has been ordered and shall provide information regarding the time and the place of the manual recount and the number of representatives such candidate or committee is entitled to have present during the manual recount process.

~~(d)(+)~~ In addition, each county canvassing board shall provide public notice of the time and place of the manual recount immediately after determining the need for a manual recount pursuant to Section 102.166, F.S. The notice shall be in either a newspaper of general circulation in the county or posted in at least four conspicuous locations in the county. Because of the time constraints in conducting the manual recount, the canvassing board shall also contact media outlets in the community so that the public is made aware of the

recount as soon as possible. The manual recount shall begin as soon as practicable in order for the recount to be concluded in time for the certification of results to be submitted pursuant to Section 102.112, F.S.

~~(e)(h)~~ The manual recount shall be conducted in a room large enough to accommodate the necessary number of counting teams, the canvassing board members and representatives of each candidate, political party or political committee entitled to have representatives. Members of the public and the press (observers) shall be allowed to observe the recount from a separate area designated by the county canvassing board, which area may be outside of the actual recount area but which will allow the observers to view the activities. In addition to the sworn law enforcement officer guarding the ballots, there shall be a sworn law enforcement officer to keep order in and around the recount area.

~~(f)(i)~~ The canvassing board shall determine the number of overvotes and undervotes to be manually recounted. If the recount involves candidates or issues on a statewide or multicounty basis, each county canvassing board shall notify the Elections Canvassing Commission of the number of overvotes and undervotes in the county for the affected race. Any candidate whose ultimate success or failure in the race could be adversely or favorably impacted by the manual recount, presuming recount results most favorable and least favorable to the candidate, shall be entitled to representatives at the recount as provided in (g). In addition, in any primary where more than one candidate may proceed to a subsequent primary or general election, the candidates receiving the highest and second highest number of votes shall be entitled to representatives as provided in (g) at the recount if the recount could result in those candidates switching positions in the official returns. In a first primary election, any candidate who could move into first or second place if all of the overvotes and undervotes were allocated to such candidate and any candidate who could lose his or her position in first or second place if all of the overvotes and undervotes were allocated to another candidate shall be entitled to representatives at the recount. In a second primary or general election or if there is only one primary, any candidate who could move into first place if all of the overvotes and undervotes were allocated to such candidate and any candidate who could lose his or her position in first place if all of the overvotes and undervotes were allocated to another candidate shall be entitled to representatives at the recount.

~~(g)(j)~~ Each candidate entitled to representatives as outlined in ~~(f)(i)~~ is entitled to a number of representatives equal to the number of counting teams plus an additional representative for the county canvassing board. If the race being recounted is a partisan race, each political party with candidates entitled to representatives is entitled to one representative. Each candidate or political party entitled to representatives must provide a list of the names of each representative designated.

~~(h)(k)~~ In order to be entitled to representatives at the manual recount, a political committee supporting or opposing a ballot ~~an~~ issue which is being recounted must have provided in its statement of organization, on file before the election, that the committee is specifically supporting or opposing the issue in question. If more than one committee is registered as supporting or opposing the issue, each side shall be entitled to one representative per counting team plus one for the canvassing board, regardless of the number of committees supporting or opposing the ballot issue. The canvassing board shall notify each committee chairman of the number of representatives it is entitled to have present at the recount, which shall be determined by taking the total number of representatives allowed and dividing it by the number of registered committees on that side of the issue based on the number of committees involved. The committee chairman must provide a list of the names of each representative designated.

~~(i)(l)~~ In the case of a manual recount regarding the retention of a judicial candidate, the judicial candidate is entitled to representatives equal to the number of counting teams plus an additional representative for the county canvassing board. If there are political committees organized to oppose the retention of such judicial candidate, those committees are entitled to representatives pursuant to ~~(h)(k)~~.

~~(j)(m)~~ Representatives and observers must not interfere with or disturb the recount in any way. If the conduct of the representatives or observers impedes the recount process, the recount will stop until the situation is corrected. If the disturbance continues, upon majority vote of the canvassing board, the persons causing the disturbance shall be removed from the premises by the law enforcement officer charged with maintaining order at the recount.

~~(k)(n)~~ Prior to the beginning of the manual recount, the canvassing board shall review the rules and statutes governing recount procedures and voter intent with the members of the counting teams and with the representatives entitled to be present. At the beginning of the manual recount, the seal numbers on the containers shall be announced as they are broken and compared to the numbers previously recorded.

~~(l)(o)~~ Each counting team shall review the ballots before them to determine if there is or is not a clear indication that the voter has made a definite choice, as specified in Rule 1S-2.027, F.A.C. If the counting team is unable to make the determination, or if there is an objection to the decision of the counting team by a designated representative, the ballot shall be set aside for the county canvassing board's determination.

~~(m)(p)~~ Each counting team shall place the ballots in stacks indicating:

1. Votes for each candidate or issue choice;
2. Ballots which the counting team has determined there is no clear indication that the voter made a definite choice for an office or ballot question; and

3. Ballots to be set aside for the canvassing board's determination.

~~(n)(4)~~ The counting team shall count and record the number of votes for each candidate or issue choice, the number of ballots which the counting team has determined there is no clear indication that the voter made a definite choice, and the number of ballots which are to be given to the canvassing board for its determination and shall submit those totals to the county canvassing board.

~~(o)(4)~~ Each ballot set aside because the counting team was unable to make a determination that there is a clear indication that the voter has made a definite choice must be placed in a separate envelope with a notation of the precinct number, why the team was unable to make the determination, and the names of the members of the counting team. If a ballot was set aside because of an objection to the decision of the counting team by a representative, the envelope must contain the precinct number, the names of the members of the counting team, the counting team's initial determination, the reasoning behind the challenge and the name and representative capacity of the person bringing the challenge.

~~(p)(4)~~ The county canvassing board shall review each ballot set aside to determine if there is or is not a clear indication that the voter has made a definite choice, as specified in Rule 1S-2.027, F.A.C. All three members of the county canvassing board must be present for this determination and the determination must be by majority vote.

~~(q)(4)~~ The records of the manual recount shall detail the number of votes each candidate or issue choice received and the number of ballots not allocated to any candidate or issue choice. The canvassing board shall then certify the number of votes for each candidate or issue choice by combining the totals on the machine during the sorting process with the totals of the manual recount.

~~(r)(4)~~ The activities of the canvassing board in making determinations of ballots to be counted shall be recorded by either audio or audio/video tape. In addition, minutes of the manual recount shall be made and approved by the canvassing board. All tapes and minutes shall be made available to the public within 2 weeks of the time the canvassing board certifies the results of the election.

~~(s)~~ If ballots were sorted for more than one race during the machine recount, the following additional procedures shall be used:

1. The election parameters shall be changed so that only overvoted and undervoted ballots for one recounted race will be sorted.

2. All ballots previously sorted pursuant to subsection (5)(b)2. shall be put back through the tabulating equipment to sort the ballots for the first manually recounted race.

3. If there is another race to be manually recounted, following the first manual recount, the sorted ballots from the first manually recounted race will be combined with the other sorted ballots.

4. The election parameters shall be changed to sort the overvoted and undervoted ballots for the next manually recounted race.

5. All previously sorted ballots shall be put back through the tabulating equipment to sort the ballots for the next manually recounted race.

6. The canvassing board shall make an identifying mark or notation on each sorted ballot, in an area that does not interfere with the counting of the ballot, to indicate that the ballot was a manually recounted ballot for a particular race.

~~(t)~~ If ballots were not sorted during the machine recount, the following procedures shall be used:

1. The election parameters shall be changed so that overvotes and undervotes in the first manually recounted race are identified and sorted for manual review.

2. Following the manual recount, if there is another race to be recounted, the sorted ballots from the first manual recount must be placed back in with the other ballots. The election parameters shall be changed to identify and sort ballots for the next manually recounted race.

3. The canvassing board shall make an identifying mark or notation on each sorted ballot, in an area that does not interfere with the counting of the ballot, to indicate that the ballot was a manually recounted ballot for a particular race.

~~(7)~~ When a manual recount is ordered and touchscreen ballots are used, no manual recount of undervotes and overvotes cast on a touchscreen system shall be conducted since these machines do not allow a voter to cast an overvote and since a review of undervotes cannot result in a determination of voter intent as required by Section 102.166(5), F.S. In this case, the results of the machine recount conducted pursuant to (5)(c) shall be the official totals for the touchscreen ballots.

~~(8)(2)~~ Following a manual recount, the county canvassing board shall examine the ballots that were not allocated to any candidate or issue choice to determine if revisions to the voter intent rule are necessary and shall so notify the Division of Elections.

Specific Authority 102.166 FS. Law Implemented 102.166 FS. History--New 5-30-02, Amended \_\_\_\_\_.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Plant Industry**

RULE CHAPTER NO.: 5B-57	RULE CHAPTER TITLE: Introduction or Release of Plant Pests, Noxious Weeds, Invasive Plants, Arthropods, and Biological Control Agents
RULE NOS.: 5B-57.001 5B-57.004	RULE TITLES: Definitions Introduction, Possession or Movement of Arthropods, Biological Control Agents, Plant Pests, <del>or</del> Noxious Weeds, and Invasive Plants Regulated by the Department
5B-57.010	Noxious Weed and Invasive Plant Classification Procedures

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 52, December 26, 2003, issue of the Florida Administrative Weekly.

**THE FULL TEXT OF THE RULE CHANGE IS:**

**5B-57.001 Definitions.**

For the purpose of this rule chapter, the following definitions shall apply:

(1) Arthropod. Any segmented invertebrate animal having jointed appendages and an exoskeleton, including insects, spiders, ticks, mites, and scorpions, but excluding crustaceans for the purpose of this rule chapter.

(2) Beneficial Organisms. Any organism which benefits Florida's native or agricultural plants, or benefits one without adversely impacting the other, by improving plant health or growth, or which may adversely affect pest species such as arthropods, fungi, bacteria, viruses, and nematodes.

(3) Biological control agent. Any biological agent such as bacteria, fungi, viruses, arthropods, parasitoids, parasites, nematodes, and predators that adversely affects pest species.

(4) Compliance agreement. A written agreement between the department and any person engaged in growing, handling, or moving articles, plants, plant products, plant pests, noxious weeds, invasive plants, arthropods, or biological control agents regulated under this rule chapter, wherein the person agrees to comply with stipulated requirements.

(5) Department. The Florida Department of Agriculture and Consumer Services.

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

(7) Interstate movement. Movement into Florida from another state or U. S. possession.

(8) Intrastate movement. Movement within the state of Florida.

(9) Invasive Plant. A naturalized plant that disrupts naturally occurring native plant communities by altering structure, composition, natural processes or habitat quality. All plants listed in s.369.251, (1) F.S. shall be included in the department's Noxious Weed and Invasive Plant List.

(10) Naturalized Plant. A plant that is reproducing es spontaneously outside of cultivation and outside its native range.

(11) Nematode. A small unsegmented worm in all of its life stages in the Phylum Nematoda.

(12) Noxious weed. Any living stage, including, but not limited to, seeds and reproductive parts, of a parasitic or other plant of a kind, or subdivision of a kind, which may be a serious agricultural threat in Florida, or have a negative impact on the plant species protected under s. 581.185, F.S., or if the plant is a naturalized plant that disrupts naturally occurring native plant communities. All plants listed in s. 369.251(1), F.S. shall be included in the department's Noxious Weed and Invasive Plant List.

(13) Noxious Weed and Invasive Plant Review Committee. A committee appointed by the department, in accordance with s. 570.0705, F.S., to review the Noxious Weed and Invasive Plant List in subsection 5B-57.010(2), F.A.C., as provided for in s. 581.091(4), F.S.

(14) Permit. An official document issued by the department or the USDA allowing under specific conditions the entry or field release of plant pests, noxious weeds, invasive plants, arthropods, and biological control agents, defining the conditions under which such activities will be allowed, and containing specific instructions for inspection, movement, and containment.

(15) Plant pest. Any living stage of any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts thereof, or viruses, or any organisms similar to or allied with any of the foregoing, or any infectious substances which can directly or indirectly injure or cause disease or damage in any plants, plant parts, or other products of plants other than permitted biological control agents.

(16) USDA. The United States Department of Agriculture.

Specific Authority ~~570.07(13)~~(23) FS. Law Implemented 581.031(4),(5),(6), 581.083, 581.091 FS. History--New 7-27-93, Amended \_\_\_\_\_.

**5B-57.004 Introduction, Possession or Movement of Arthropods, Biological Control Agents, Plant Pests, ~~or~~ Noxious Weeds, and Invasive Plants Regulated by the Department.**

(1) It is unlawful to introduce, possess, multiply, move, or release any arthropod, plant pest, biological control agent, ~~or~~ noxious weed, or invasive plant regulated by the department or the USDA except under permit issued by the department unless

a federal permit, PPQ 526, has been issued by the USDA with concurrence ~~that has been approved~~ by the Department. No permit shall be issued nor concurrence with a federal permit, PPQ 526, made unless the department has determined that the arthropod, plant pest, biological control agent, ~~or~~ noxious weed, or invasive plant can be contained to prevent escape into the environment or that it will not pose a threat to agriculture, beneficial organisms, or the environment or become a public nuisance. If the possession of a plant listed in Rule 5B-57.007, F.A.C., has resulted from natural dispersion and there is neither danger of nor intent to further disperse the plant, then no permit is required. In the case of biological control agents, they must be specialized to the target pest or pests. The Department's evaluation of permit applications may rely on findings of the Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission, the USDA, the University of Florida, or any other State or Federal agency with expertise in these areas. In cases where there is inadequate information about the potential environmental impact of importing or releasing an organism, the department will require the applicant to provide evidence that the accidental escape of organisms not intended for release would not be hazardous to Florida or U.S. agriculture, beneficial organisms, the public, or the environment and to provide contingency plans for containment should escape occur. The application procedures for permits are as follows:

(2) Application for permit shall be made on form DACS-08208 unless a USDA permit 526 has been issued. Application and Permit to Move Organisms Regulated by The State of Florida, DACS-08208, Revised 10/03 ~~01/00~~, is incorporated into this rule chapter by reference. A department Pathogen Information Form is also required for plant pathogens. Pathogen Information Form DACS-08214, revised 12/03 ~~01/00~~ is incorporated into this rule chapter by reference. Copies of all Division of Plant Industry forms may be obtained from the Division of Plant Industry, P. O. Box 147100, Gainesville, Florida 32614-7100, or at the Division of Plant Industry website:<http://www.doacs.state.fl.us/onestop/>.

(3) The completed application for permit shall be submitted to the department for evaluation. The approval or disapproval of the application for permit shall be in accordance with the procedures outlined in Rule Chapter 28-107, F.A.C. and approval or disapproval. ~~The application review process for approval or disapproval shall be completed within 30 days provided all required information has been submitted to the department.~~

(4) Following approval by the department, a permit (DACS-08208) shall be issued. The conditions under which movement, introduction, possession, or release is permitted, and the length of time for which the permit is valid, will be specified on the permit or in a compliance agreement (DACS-08031). Compliance Agreement DACS-08031, revised 5/99 is incorporated into this rule chapter by reference.

Copies of all Division of Plant Industry forms may be obtained from the Division of Plant Industry, P. O. Box 147100, Gainesville, Florida 32614-7100, or at the Division of Plant Industry website: <http://www.doacs.state.fl.us/onestop/>.

(5) Any permit which has been issued shall be revoked by the Director of the Division of Plant Industry in accordance with the procedures outlined in Rule Chapter 28-106, F.A.C. ~~if it is determined that the holder thereof has not complied with any condition for the use of the permit. The reasons for the revocation shall be confirmed in writing as promptly as circumstances allow. Any person whose permit has been revoked may appeal the decision in writing to the director within 30 days after receiving the written notification of the revocation. The appeal shall state all the facts and reasons upon which the person relies to show that the permit was wrongfully withdrawn. The director shall grant or deny the appeal in writing, stating the reasons for the decision as promptly as circumstances allow. If there is a conflict as to any material fact, a hearing shall be held to resolve such conflict in accordance with the procedures outlined in Chapter 120 F.S.~~ Where the Director has withdrawn a permit for non-compliance with these specifications, the permitted organism involved shall be seized by the department if it is determined to pose a threat to the agricultural, horticultural, environmental, or public interests of the state as provided for in s. 581.031(15)(a), F.S.

Specific Authority 570.07(13);(23) FS. Law Implemented 581.031(6),(7), 581.083, 581.091, 581.101 FS. History—New 7-27-93, Amended 6-20-00,

5B-57.010 Noxious Weed and Invasive Plant Classification Procedures.

(1) The Department will propose the classification of a plant as a noxious weed or invasive plant and its inclusion on the Noxious Weed and Invasive Plant List, Rule 5B-57.007, F.A.C., if the plant is determined to be a serious agricultural threat in Florida, or have a negative impact on the plant species protected under Section 581.185 F.S., or if the plant is a naturalized plant that disrupts naturally occurring native communities. In making these determinations, the department will ~~utilize consider~~ information provided by the Institute of Food and Agricultural Sciences at the University of Florida or other experts that biologically justify the classification of a plant as a noxious weed or invasive plant based upon the best and currently available information. Individuals or groups seeking to have plants included in Rule 5B-57.007, F.A.C., may make application to the department on form DACS-08215. Application for Inclusion to the Noxious Weed List Form DACS-08215, Effective 12/03 is incorporated into this rule chapter by reference. Copies of all Division of Plant Industry forms may be obtained by writing the Division of Plant Industry, P. O. Box 147100, Gainesville, Florida 32614-7100, or at the Division of Plant Industry website: "<http://www.doacs.state.fl.us/onestop/>". To add a plant or

invasive plant to the list of noxious weeds and invasive plants the following information is required to assist in the development of the risk assessment: identification including scientific name and author, common synonyms, botanical classification, common names; summary of life history; native and world distribution; distribution in Florida or the United States if any; description of control efforts, if established in Florida or the United States; identification of regulation at the state level; consequences of introduction/spread; habitat suitability in Florida (predicted ecological range); dispersal potential (biological characteristics associated with invasiveness); potential economic impacts; potential environmental impacts; likelihood of introduction/spread; potential pathways into and within Florida; likelihood of survival and spread within each pathway; and supporting documentation (list of references). To remove a plant from the list the following information is required: evidence that the species no longer meets the definition of a noxious weed or invasive plant is distributed throughout its potential range or has spread too far to implement effective control; evidence that control has been unsuccessful and further efforts are not supported or feasible; or there is evidence that the plant is no longer a problem due to successful biological controls or other methods. For cultivars of a listed plant to be exempted, the following information must be supplied by IFAS: evidence of sterility and inability to cross pollinate with wild types, or evidence that the cultivar has narrower habitat suitability, less dispersal potential, less potential for negative impact on the economy and/or environment of Florida and evidence that the plant is not spreading vegetatively. The department will review the application (DACS-08215) and forward it to the Noxious Weed and Invasive Plant Review Committee within 30 days provided all required information has been submitted. The Noxious Weed and Invasive Plant Review Committee will review the application and make a final recommendation to the department to add or remove plants from Rule 5B-57.007, F.A.C. Any exemptions for cultivars, production practices, areas of distribution, or any other reasons will be denoted following the plant name on the Noxious Weed and Invasive Plant List. The department shall make a final determination regarding the disposition of the application within 30 days of receipt of the committee recommendation. Upon making a final determination, the rule amendment process will be initiated if necessary. By emergency rule, the department may add a plant to the list at any time if there is an immediate threat to the agricultural, horticultural, environmental, or public interest of the state.

(2) The Noxious Weed and Invasive Plant List contained in 5B-57.007 shall be subject to review, at least biennially, by the department in conjunction with the Institute of Food and Agricultural Sciences at the University of Florida. The Noxious Weed and Invasive Plant List Review Committee appointed by the department, in accordance with s. 581.091(4), F.S. and s. 570.0705, F.S., will conduct the review. All reviews

will be conducted in accordance with Section 120.525 F.S., which provides for public input. The Vice President for Agricultural and Natural Resources with the University of Florida will recommend two faculty members, one specializing in research on production agriculture and the other on natural resources, to the department to serve on the committee. A representative from the Director's Office, the Bureau of Plant and Apiary Inspection, and the Botany Section shall represent the department. The Noxious Weed and Invasive Plant List Review Committee will make recommendations to the department to add or remove plants from Rule 5B-57.007, F.A.C., based on the biological justification as described in subsection (1).

Specific Authority 570.07(13),(23) FS. Law Implemented 581.011(18), 581.031(6), 581.091(4) FS. History--New \_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 2, 2003

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Environmental Services**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
5E-13	Mosquito Control Program Administration
RULE NOS.:	RULE TITLES:
5E-13.021	Definitions
5E-13.022	Eligibility for State Aid Approved Program and/or Aid
5E-13.027	Certified Budgets, Filing
5E-13.030	State Aid Basis and Availability
5E-13.031	District or County Use of Funds
5E-13.032	Program Directors, Employment and Classification
5E-13.034	Penalty for Failure to Comply with Public Law 92-516, the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) of the U.S. Environmental Protection Agency and their Rules

- 5E-13.036 Demonstrable Increase or Other Indicator of Arthropod Population Level
- 5E-13.037 Aircraft Application for the Control of Adult Arthropods
- 5E-13.039 Protection of Natural Resources and of the Health, Safety, and Welfare of Arthropod Control Employees and the General Public
- 5E-13.040 Criteria for Licensure or Certification of Applicators

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule amendments, as noticed in Vol. 30, No. 1, of the Florida Administrative Weekly on January 2, 2004, have been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Steven Dwinell, Assistant Director, Division of Agricultural Environmental Services, 3215 Conner Blvd., Tallahassee, Florida 32399-1650

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

- RULE NO.: 59G-4.260
- RULE TITLE: Prescribed Pediatric Extended Care Services

**NOTICE OF CHANGE**

Notice is hereby given that the agency has scheduled an additional Public Hearing on Proposed Rule No. 59G-4.260 published originally in Vol. 29, No. 42, October 17, 2003 Florida Administrative Weekly. The reason for this additional hearing is for clarification of policy regarding transportation.

TIME AND DATE: 9:00 a.m. – 10:00 a.m., Tuesday, March 2, 2004

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

- RULE NO.: 61G15-24.001
- RULE TITLE: Schedule of Fees Adopted by Board

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 41, October 10, 2003, issue of the Florida Administrative Weekly. These changes are being made in response to comments from the Joint Administrative Procedures Committee in a letter dated October 31, 2003.

Subsection (2)(k) is being deleted entirely and subsections (l) through (p) are being renumber (k) through (o).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Natalie Lowe, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

- RULE NO.: 61J2-3.020
- RULE TITLE: Post-licensing Education for Active and Inactive Broker and Sales Associate Licensees

**THIRD NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule referenced above in accordance with subparagraph 120.54(3)(d)1., F.S., originally published in Vol. 29, No. 11, March 14, 2003, issue of the Florida Administrative Weekly and amended in Vol. 29, No. 39, September 26, 2003 and Vol. 29, No. 45, November 7, 2003. These changes are pursuant to the comments made by the Joint Administrative Procedures Committee and for the purpose of publishing the specific text changes to the rule as amended and proposed by the Florida Real Estate Commission.

61J2-3.020 Post-licensing Education for Active and Inactive Broker and Sales Associate Licensees.

(1) No change.

(a) For a licensed sales associate, the post-licensing education requirement shall consist of one or more Commission-approved courses which shall not exceed 45 hours of 50 minutes each, inclusive of examination, in subjects as provided for in Section 475.17(3)(a), Florida Statutes including, but not limited to: agency law, property management, appraisal, real estate finance, or economics of real estate management. Post-licensing courses shall consist of a minimum of 15 hours of instruction of 50 minutes each.

(b) For a broker, the post-licensing education requirement shall consist of one or more Commission-approved courses which shall not exceed total at least 60 hours of 50 minutes each, inclusive of examination, in subjects as provided for in Section 475.17(3)(a), Florida Statutes including, but not limited to: agency law, advanced appraisal, advanced property management, real estate marketing, business law, advanced real estate investment analysis, advanced legal aspects, general



~~accounting, real estate economics, syndications, commercial brokerage, feasibility analysis, advanced real estate finance, residential brokerage, or real estate brokerage office operations.~~

(2) through (3)(a) No change.

(b) Providers must demonstrate that the credit hours awarded for distance learning are appropriate to the course offered. The provider may accomplish this objective by demonstrating that students engaged in distance learning have acquired the knowledge, skills, and/or competencies that are at least equivalent to those acquired by students enrolled in classroom studies. Post-licensure courses shall not be offered by correspondence methods.

1. through 8. No change.

9. End-of-course examinations shall not include aids such as, but not limited to, hint, back, or retry functionalities. The provider must demonstrate that there is a reasonable method in place to prevent duplication of the end-of-course examination. Students shall not take the end-of-course examination without satisfactorily completing all sessions of the syllabus.

~~10.~~ The provider must require the student to submit a statement that includes "I certify that I personally completed all assignments and have not duplicated any portion of the end-of-course examination" prior to the taking of the final examination.

Thereafter, it is the responsibility of the provider offering the Commission-approved courses to keep the course materials current and accurate, as changing times and laws require, and obtain approval from the Commission at least 60 days before implementing any significant changes to the course during its approval period. If the Commission does not approve the course, the provider may resubmit a denied course, with the mandated changes for re-evaluation.

(4) through (10) No change.

Specific Authority 475.05, 475.17 FS. Law Implemented 475.04, 475.17, 475.182 FS. History--New 1-1-89, Amended 1-4-90, 6-28-93, Formerly 21V-3.020, Amended 8-2-95, 12-30-97, 2-24-00, 7-23-00, \_\_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE NO.: 64B3-4.001  
RULE TITLE: Trainee Registration

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 29, No. 51, December 19, 2003, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Subsection (4) of 64B3-4.001 shall now read as follows:

(4) Trainee registration may not be extended beyond its expiration date except upon recommendation of the program director and approval by the Board based upon one of the following circumstances:

(a) through (d) No change.

Specific Authority 483.805(4) FS. Law Implemented 483.809(3), 483.811(2),(3),(4), 483.825, 483.827 FS. History--New 7-20-93, Formerly 21KK-4.001, 61F3-4.001, Amended 4-10-96, 7-3-97, Formerly 59O-4.001, Amended 3-19-98, 2-15-01, 3-24-02, \_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy**

RULE NO.: 64B11-6.001  
RULE TITLE: Continuing Education Program Approval

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 50, December 12, 2003, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Subsection (4)(a) of the rule shall now read as follows:

(4)(a) Programs meeting the above criteria and offered by the Florida Occupational Therapy Association (FOTA), the American Occupational Therapy Association (AOTA) and occupational therapy courses, meeting the above criteria, provided by an education program approved by an accrediting body for occupational therapy shall be approved by this Board for continuing education and shall not pay the fees required in subsection (1) of this rule.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, BIN C05, Tallahassee, Florida 32399-3255.