

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

TIME AND DATE: 9:30 a.m., May 5, 2004
PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Frank Dino, Bureau of Life and Health Forms and Rates, Office of Insurance Regulation, e-mail: dinof@dfs.state.fl.us

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

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Uniform Primary and General Election Ballot
PURPOSE AND EFFECT: Amend the rule to include ballot format for additional certified voting systems, and to clarify the language.

SUMMARY: The proposed rule generally updates the text of the rule to include ballot formats for voting systems certified since the rule was adopted.

SUMMARY OF STATEMENT OF REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 101.151(8) FS.
LAW IMPLEMENTED: 101.151(8) FS.

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

TIME AND DATE: 10:00 a.m., Monday May 10, 2004
PLACE: The Collins Building, Room 102, 107 West Gaines Street, Tallahassee, Florida 32399-0250

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sarah Jane Bradshaw, 107 West Gaines Street, Suite 100, Tallahassee, Florida 32399-0250, (850)245-6200

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing should advise the Department at least 5 calendar days before the hearing by contacting Marielba Torres at (850)245-6200.

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.032 Uniform Primary and General Election Ballot.

(1) The purpose of this rule is to prescribe a uniform primary and general election ballot design for each certified voting system.

(2) The title shall be printed across the top of an optical scan ballot and on the first ballot screen of a touchscreen ballot in all caps bold.

(a) The title of the presidential preference primary ballot shall read as follows:

OFFICIAL PRESIDENTIAL PREFERENCE PRIMARY
BALLOT

PARTY

COUNTY, FLORIDA

(date)

(b) The title of the primary ballot shall read as follows:
OFFICIAL PRIMARY BALLOT

PARTY

COUNTY, FLORIDA

(date)

(c) The title of the general election ballot shall read as follows:

OFFICIAL GENERAL ELECTION BALLOT

COUNTY, FLORIDA

(date)

(d) The title of a nonpartisan ballot shall read as follows:
OFFICIAL NONPARTISAN BALLOT


COUNTY, FLORIDA

(date)

(3) Ballot instructions shall be printed directly under the title on the front side of an optical scan paper ballot. For a touchscreen ballot, the ballot instructions may appear at any point before the listing of candidates or may be prominently posted in each voting booth.

(a) For optical scan voting systems, the following shall apply:

1. The ballot instructions for those certified voting systems using ovals to be filled in next to the voter's choice, shall read as follows:

- a.
- TO VOTE, COMPLETELY FILL IN THE OVAL  NEXT TO YOUR CHOICE.
- Use (insert appropriate marking device) ~~only the marking device provided or a number 2 pencil.~~

• If you make a mistake, don't hesitate to ask for a new ballot. If you erase or make other marks, your vote may not count. (For absentees, the following instruction may be used: If you make a mistake, cross through the mistake with an ✖ and fill in the oval ● next to your correct choice. If you are unable to correct your mistake, you may request another ballot.)

b. In a general election, if there are write-in candidates, add the following:

• To vote for a candidate whose name is not printed on the ballot, fill in the oval, and write in the candidate's name on the blank line provided for a write-in candidate.

2. The ballot instructions for those certified voting systems using an arrow to point to the voter's choice shall read as follows:

a.

• TO VOTE, COMPLETE THE ARROW → POINTING TO YOUR CHOICE.

• Use (insert appropriate marking device) only the marking device provided or a number 2 pencil.

• If you make a mistake, don't hesitate to ask for a new ballot. If you erase or make other marks, your vote may not count. (For absentees, the following instruction may be used: If you make a mistake, cross through the mistake with an ✖ and complete the arrow → pointing to your correct choice. If you are unable to correct your mistake, you may request another ballot.)

b. In a general election, if there are write-in candidates, add the following:

• To vote for a candidate whose name is not printed on the ballot, complete the arrow, and write in the candidate's name on the blank line provided for a write-in candidate.

(b) For certified touch screen voting systems the following shall apply:

1. For the Global ES 2001 Blended system, the instructions shall be as follows:

a.

• Make your selection by touching the screen on the candidate's name or anywhere in the candidate area or on the Yes or No position until the X appears.

• If you change your mind, touch the candidate's name or the Yes or No position again to undo the mark.

• Touch NEXT at the bottom right of the screen to move to the next ballot page.

• Touch PREVIOUS at the bottom left of the screen to move back one page.

• Touch CAST BALLOT button on the last ballot screen to record your vote.

• To begin voting, touch START. (This instruction may be modified to instruct the voter to touch NEXT, if necessary, because of the placement of the instructions.)

b. In a general election, if there are write-in candidates, add the following prior to the cast ballot instruction:

• To vote for a candidate whose name is not printed on the ballot, touch WRITE-IN and a touch keyboard will appear. Key in the candidate's name on the keyboard and then touch RECORD WRITE-IN.

2. For the ES&S iVotronic, the instructions shall be as follows:

a.

• Make your selection by touching your choice on the screen until it becomes highlighted.

• If you change your mind, touch the new choice and the highlight will appear on your new choice or if you change your mind, touch the same choice again to undo the highlight, as appropriate.

• Touch NEXT or NEXT PAGE at the bottom right of the screen to move to the next ballot page.

• Touch PREVIOUS or PREVIOUS PAGE at the bottom left of the screen to move back one page.

• Touch REVIEW or REVIEW BALLOT on the last ballot page to review your selections.

• Press the flashing red VOTE button to cast your ballot.

b. In a general election, if there are write-in candidates, add the following prior to the cast ballot instruction:

• To vote for a candidate whose name is not printed on the ballot, touch WRITE-IN and a touch keyboard will appear. Type the candidate's name and then touch ACCEPT.

3. For the Sequoia AVC Edge, the instructions shall be as follows:

• Insert your Voter Card into the bright yellow slot located at the bottom left of the voting machine. Push it all the way in until you feel it "click."

• Touch anywhere in the box that contains the name of your choice. Confirm that a green check mark appears in the circle located in the box in which your choice appears.

• You may change your vote by touching the same selection again. The candidate is unselected and all circles for that contest appear again.

• Write-in a qualified candidate, during a General Election only, by touching Write-In on the candidate list. When the on-screen keyboard appears, key in the candidate's name, then touch OK. The write-in candidate's name now appears on the list of candidates.

• Continue to the following page by touching NEXT at the bottom right of the screen. To return to the previous page, touch BACK at the bottom left of the screen.

• Review a summary of all your votes on the REVIEW page. To make a change, touch the office or issue to return to the ballot page for that race.

• Complete your voting by touching the yellow square on the final screen. Your ballot is now cast. Your voter card will eject. Return it to a poll worker.

(4) Following the instructions, the headings, office titles, and candidates shall be listed in the order provided in Section 101.151, F.S. Nonpartisan offices shall appear following the partisan offices and before constitutional amendments or other issues. Nonpartisan offices shall be preceded by the heading "Nonpartisan" and shall appear in the following order: Justice of the Supreme Court, Judge of a District Court of Appeal, Circuit Judge, County Judge, and School Board Member. Unless otherwise provided by county charter, if a county elects other county officers on a nonpartisan basis, the order of those offices shall be the same as the order in Section 101.151, F.S., for partisan offices and shall follow school board member. Nonpartisan municipal candidates shall be listed following nonpartisan county candidates, followed by nonpartisan special district candidates. Partisan municipal candidates shall be listed following the partisan county candidates, followed by partisan special district candidates. County, municipal, and special district issues shall appear following constitutional amendments.

(b) The headings and office titles shall be in all caps bold. The last name of the candidate shall be in all caps. ~~The first name shall be in~~ upper and lower case.

(5) Under each office title, including joint candidacies, heading shall be printed "(Vote for One)". For joint eandidacies, there shall be printed "(Vote for One Pair)". In races where more than one vote is permitted, there shall be printed "(Vote for no more than (enter # to be elected))".

(6) The marking space for a voter to mark a choice shall be as follows:

(a) For ~~Diebold Global~~ Accuvote, on the left of the voter's choice.

(b) For ES&S and Sequoia Optech, on the right of the voter's choice.

(c) For ES&S M-100, 150, ~~and 550, and 650~~ on the left of the voter's choice.

(d) For ~~Diebold Global~~ ES 2001 Blended, on the left of the voter's choice.

(e) For ES&S iVotronic, on the right of the voter's choice.

(f) For Sequoia AVC Edge, on the right of the voter's choice.

(7) When required, the appropriate abbreviation of a party name or no party affiliation shall be to the right of the candidate's name, in all caps. The party abbreviation shall be the abbreviation provided to the supervisors on the official certification of candidates for the election. The party abbreviation shall not be enclosed in parentheses. Party abbreviation shall not be included on primary ballots, unless there is a Universal Primary Contest on the ballot as provided in subsection (12).

(8) No race shall appear in more than one column on an optical scan ballot or on more than one screen of a touchscreen ballot.

(9) On optical scan ballots, when races and/or questions are printed on both sides of the ballot, the words "VOTE BOTH SIDES OF BALLOT" shall be printed on the bottom of the front and back of the ballot in all caps bold.

(10) For counties offering multiple languages on touchscreen ballots, the language choice may appear prior to the first ballot screen.

(11) For constitutional amendments, the number designation, constitutional amendment and Article and Section shall be in all caps bold. The ballot title for an issue shall be in upper and lower case bold. The substance of the issue shall be in upper and lower case. Following the substance shall be the words YES and NO shall be in all caps bold.

(12) When a primary includes one or more Universal Primary Contests as defined in Rule 1S-2.002, F.A.C., the following shall apply:

(a) The words "Universal Primary Contest" shall appear underneath the office title of the Universal Primary Contest and before the "(Vote for ...)" text.

(b) The names of all candidates for all partisan offices, including candidates for the Universal Primary Contest, shall be displayed with an appropriate abbreviation of party name.

(13) Each supervisor of elections shall determine the font sizes based on the number of candidates and races on the ballot. However, on optical scan ballots no font size shall be smaller than 10 point and on touchscreen ballots, the ballot image displayed to the voter on the screen must measure no less than 10 point. On any ballot, each category shall have consistent font sizes. For example, if one candidate's name is in 10 point type, the names of all candidates on that ballot shall be in 10 point type.

(14)(a) If in any election there are more candidates than will fit in one column or screen, or a candidate's name is so long that the party abbreviation will not fit to the right of the candidate's name, or a candidate's name is too long to fit on one line in the minimum font size, the supervisor of elections shall certify that fact and provide a copy of the proposed ballot to the Division of Elections for approval prior to the printing or distribution of the ballot. The Division shall verify that the facts and circumstances provided by the supervisor require deviation from the rule prior to giving its approval.

(b) Likewise, if circumstances dictate that a supervisor of elections must deviate from the rule in any other respect, the supervisor must certify the facts of the circumstances and obtain the approval of the Division of Elections prior to the printing or distribution of the ballot. The Division shall verify that the facts and circumstances provided by the supervisor require deviation from the rule prior to giving its approval.

(15) All other specifications for ballots must comply with the Florida Election Code.

(16) A primary ballot for the ~~Diebold Global~~ Accuvote voting system shall be substantially in accordance with Form DS-DE 30, eff. ____ 4/02, hereby incorporated by reference

and available from the Division of Elections. A general election ballot for the Diebold Global Accuvote voting system shall be substantially in accordance with Form DS-DE 31, eff. ____ 4/02, hereby incorporated by reference and available from the Division of Elections.

(17) A primary ballot for ES&S Optech voting system shall be substantially in accordance with Form DS-DE 32, eff. ____ 4/02, hereby incorporated by reference and available from the Division of Elections. A general election ballot for ES&S Optech voting system shall be substantially in accordance with Form DS-DE 33, eff. ____ 4/02, hereby incorporated by reference and available from the Division of Elections.

(18) A primary ballot for Sequoia Optech voting system shall be substantially in accordance with Form DS-DE 64, eff. ____ 4/02, hereby incorporated by reference and available from the Division of Elections. A general election ballot for Sequoia Optech voting system shall be substantially in accordance with Form DS-DE 65, eff. ____ 4/02, hereby incorporated by reference and available from the Division of Elections.

(19) A primary ballot for ES&S M-100, 150, ~~and 550~~, and 650 voting systems shall be substantially in accordance with Form DS-DE 16, eff. ____ 4/02, hereby incorporated by reference and available from the Division of Elections. A general election ballot for ES&S M-100, 150, ~~and 550~~, and 650 voting systems shall be substantially in accordance with Form DS-DE 17, eff. ____ 4/02, hereby incorporated by reference and available from the Division of Elections.

(20) A primary ballot for Diebold Global ES 2001 Blended touchscreen voting system shall be substantially in accordance with Form DS-DE 44, eff. ____ 4/02, hereby incorporated by reference and available from the Division of Elections. A general election ballot for Diebold Global ES 2001 Blended touchscreen voting system shall be substantially in accordance with Form DS-DE 45, eff. ____ 4/02, hereby incorporated by reference and available from the Division of Elections.

(21) A primary ballot for ES&S iVotronic touchscreen voting system shall be substantially in accordance with Form DS-DE 22, eff. ____ 4/02, hereby incorporated by reference and available from the Division of Elections. A general election ballot for ES&S iVotronic touchscreen voting system shall be substantially in accordance with Form DS-DE 23, eff. ____ 4/02, hereby incorporated by reference and available from the Division of Elections.

(22) A primary ballot for Sequoia AVC Edge touchscreen voting system shall be substantially in accordance with Form DS-DE 46, eff. ____ 4/02, hereby incorporated by reference and available from the Division of Elections. A general election ballot for Sequoia AVC Edge touchscreen voting

system shall be substantially in accordance with Form DS-DE 47, eff. ____ 4/02, hereby incorporated by reference and available from the Division of Elections.

(23) The ES&S iVotronic audio ballot must provide the following:

(a) Instructions.

1. Language instructions shall be as follows:

a. If English is the only language available, the message “Press the diamond button to begin voting” shall be given.

b. If multiple language choices are available, the following message shall be given: “Please select your ballot language. Select your choice by using the down arrow button. Press the diamond shaped select button to confirm your choice.” This message is to be read audibly in each language allowed as a choice until a selection is made.

2. General instructions shall be as follows:

a. “To repeat these instructions press the up arrow. You will be notified at completion. The up and down arrows control your movement from contest to contest and candidate to candidate. To vote a contest you must press the diamond shaped button to enter the candidate or issue selections. Moving up or down through the candidates or issues will bring you back to the contest titles. When you arrive at a contest, the selections for that contest will be repeated to you so that you may review your ballot at any time. If you wish to change your selection, you may do so by moving to your new choice and selecting it by pressing the diamond button.

To begin voting, press the diamond button. End of instructions.”

b. After the instructions are given and the diamond button is pressed, the system will read the election title, date, and number of contests on the ballot (election header). Following the election header, the system will read the contest number, office title, vote for statement, and number of candidates.

c. After the diamond button is pressed to enter a contest, the system shall read the candidate number, name of candidate, party designation, if required, and an indication of whether or not the candidate has been selected by the voter.

3. Write-In Instructions: When a voter has selected to write in the name of a candidate, the following message shall be given:

“Use the down arrow button to begin the alpha selection process. Press the diamond button to select a letter. Navigate using the up and down arrow buttons. When complete, arrow down until you reach the return to ballot message at the end of the alphabet. Press the diamond button. The write-in candidate will be read to you. To accept the write-in candidate, press the diamond button.”

4. If the voter tries to overvote a contest, the following message shall be given:

“You have already checked the maximum candidates in this contest. If you wish to select a different candidate in this contest, you must first uncheck a previous selection by moving to that candidate and pressing the diamond button.”

5. At the end of the ballot, the following message shall be read:

“You have reached the end of the ballot. To continue, change or review your ballot, press the diamond button. To review your selections, use the up and down arrow buttons to move through the contest titles to hear your selections. To cast your ballot now, press the vote button located at the top center of the voting terminal.”

6. When a constitutional amendment is on the ballot the message shall read as follows:

“Constitutional amendment number ____. Proposing an amendment to Article ____, section ____ of the Florida Constitution.”

a. The ballot title will then be read.

b. Following the ballot title, the substance of the amendment shall be read.

c. Following the substance of the amendment, the choices of Yes and No shall be given.

(b) All audio ballot instructions and information shall be given without voice inflection which either favors or disfavors any potential selection.

(c) The order of the audio ballot shall be the same as the order of the touchscreen ballot.

(24) The Sequoia AVC Edge audio ballot must provide the following:

(a) Instructions.

1. Language instructions shall be as follows:

If multiple language choices are available, the following message shall be given: “Press the round red select button to begin language selection. Press the triangle shaped green next and yellow back buttons to review language selections and then press the round red select button for your selected language.” This message is to be read audibly in each language allowed as a choice until a selection is made. Once the language is chosen, the system will announce the selection, for example, “English selected.”

2. General instructions shall be as follows:

a. After the selection of the language is complete, or if English is the only language available, the following message of general instructions will be given, “Press the round red select button at any time to exit this recording. Use the left and right pointing triangle shaped green next and yellow back buttons to move back and forth through the choices for each contest. When you hear the desired choice, press the round red select button to select your choice or deselect your choice. For write-in choices, use the left and right pointing triangle shaped

green next and yellow back buttons, and the round red select button to spell out the desired choice. Press the square blue help button at any time to hear help instructions.”

b. After the general instructions are heard, then the first contest title information is read. After hearing the contest title, further instructions are available by pressing the blue help button. Upon pressing the blue help button, the following message shall be read, “Use the left and right pointing triangle shaped green next and yellow back buttons to move through the contests and propositions. Press the round red select button to enter a contest and make choices. When you are finished, move to the end of the contest list to the choice “Done Voting” and select that.”

c. After the general instructions and contest help instructions are read, the following message shall be read, “Press the SELECT button to begin voting in the first contest.” After pressing the SELECT button, the following message will be added, “Please wait while the list of choices is read. After the list is read, press the right pointing green triangle shaped next button to hear the first choice. Repeat this action until you hear the choice you want then press the round red select button to select your choice.”

d. After the instructions and helps are given, and the red select button is pressed, the system will read the election header information, and then proceed to read the contest number, office title, vote for statement and the number of candidates.

e. After entering a contest, the voter may obtain instructions on the process of making a selection within a contest, by pressing the blue help button. The system shall read, “Use the left and right pointing triangle shaped green next and yellow back buttons to move through the list of candidates. Press the round red select button to make choices or to cancel them. At the end of this list of candidates is a selection to exit to the next contest.” When a contest is fully voted, the system will read, “This contest is fully voted. Press the round red select button to exit this contest and hear the title of the next choice.” If there are additional contests, the next contest title information will be read.

3. Write-in Instructions.

a. When a voter has selected to write in the name of a candidate, the following message shall be read, “Use the left and right pointing triangle shaped green next and yellow back buttons to move through the alphabet. Press the round red select button to select letters and spell the desired name. At the end of the list of letters are numbers, punctuation and choices to enter or cancel your choice.”

b. To review the write-in name entered, the voter shall use the left and right pointing triangle shaped green next and yellow back to get to message that shall read, “Review this write-in entry.” After pressing the red select button, the following message shall be read, “The write-in entries you have made are....”, after which the write-in letters, entered by

the voter, shall be read. After completing the review of name of the write-in candidate, the following message shall be read, "Press the round red select button to confirm the write-in selection."

4. If the voter tries to overvote a contest, the following message shall be given: "This contest is fully voted. To select this choice you must first deselect the choice you have already made. If you need help, press the square blue help button for instructions for deselecting a choice."

a. During this review process the contest title information shall be given, along with one of the following messages, "This contest is fully voted." "This contest is not fully voted." "No selections have been made in this contest." Any and all candidates that have been selected shall be read for the voter's review.

b. After the review is completed, the voter shall press the green next button to complete voting, and the following messages shall be given, "Voting is completed. Press the round red select button if you are done voting. Otherwise use the left and right pointing triangle shaped green next and yellow back buttons to move back to the ballot."

c. If, after the voter presses the red select button to indicate that voting is done, there are any undervoted contests, the following message shall be given, "You have not made all the choices you are entitled to. To return to the ballot press the left pointing yellow triangular back button. To cast your ballot as it is, press the round red select button."

d. If the voter has not made any choices on the ballot (a blank ballot), the following message shall be given, "You have not made any selections on this ballot."

6. At the conclusion of the review process, the following message shall be given, "Press the round red select button when you are finished, this will record your vote. Press the left pointing yellow back button to return to the ballot."

a. After pressing the red select button, the following message shall be given, "Press the round red select button. Your vote is being recorded."

b. After the vote has been recorded, the following message shall be given, "Thank you for voting."

7. When a constitutional amendment is on the ballot the message shall read as follows: "Constitutional amendment number _____. Proposing an amendment to Article _____, section _____ of the Florida Constitution."

a. The ballot title will then be read.

b. Following the ballot title, the substance of the amendment shall be read.

c. Following the substance of the amendment, the choices of Yes and No shall be given.

(b) All audio ballot instructions and information shall be given without voice inflection which either favors or disfavors any potential selection.

(c) The order of the audio ballot shall be the same as the order of the touchscreen ballot.

~~(25)~~(24) All forms referenced in this rule may be obtained from the Division of Elections, Room 100, The Collins Building, 107 West Gaines Street, Tallahassee, Florida 32399-0250, (850)245-6200.

Specific Authority 101.151(8) FS. Law Implemented 101.151(8) FS. History--New 6-6-02, Amended 9-8-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sarah Jane Bradshaw, Assistant Division Director
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Edward C. Kast, Director, Division of Elections, Department of State
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 7, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 22, 2003

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLES: Standards
RULE NOS.: 5F-2.001

Adoption of the General Code and the Codes of Liquid-Measuring Devices, Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices, Hydrocarbon Gas Vapor-Measuring Devices, Vehicle-Tank Meters, and Vehicle Tanks Used as Measures of National Institute of Standards and Technology Handbook 44 5F-2.014

PURPOSE AND EFFECT: The purpose of Rule 5F-2.001, F.A.C., is to adopt the 2004 edition of the chemical and physical standards set forth in the American Society for Testing and Materials. These standards will be used for quality testing of regulated petroleum products. The effect will be that the Department will use the most recent nationally recognized standards for petroleum products developed by a consensus organization. The purpose of Rule 5F-2.014, F.A.C., is to adopt the 2004 edition of NIST Handbook 44 which contains specifications and testing criteria for liquid and vapor measuring devices. The effect will be the incorporation of the most recent specifications and testing criteria of measuring devices developed by a consensus organization.

SUMMARY: Proposed Rules 5F-2.001 and 5F-2.014, F.A.C., will specify that the 2004 Annual Book of ASTM Standards and 2004 edition of NIST Handbook 44, respectively, are the accepted standards for implementation of Chapter 525, 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: 525.14, 525.037, 531.40, 531.41(3) FS.

LAW IMPLEMENTED: 525.01, 525.037, 525.07, 525.14, 531.40 FS.

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

TIME AND DATE: 10:00 a.m., Monday, May 10, 2004

PLACE: Division of Standards' Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Eric Hamilton, Bureau Chief, Bureau of Petroleum Inspection, 3125 Conner Blvd., Bldg. #1, Tallahassee, FL 32399-1650, (850)488-9740

THE FULL TEXT OF THE PROPOSED RULES IS:

5F-2.001 Standards.

(1) Gasoline. The following specifications apply to gasoline sold or offered for sale in Florida. Specific variations or exemptions may be made by the Department of Agriculture and Consumer Services for gasoline designed for special equipment or service.

(a) Standards. All gasoline shall conform to the chemical and physical standards for gasoline as set forth in the American Society for Testing and Materials designation D 4814-03a ~~D 4814-02~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel."

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the American Society for Testing and Materials designation D 4814-03a ~~D 4814-02~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel."

(2) Kerosene (Kerosine). The following specifications apply to kerosene No. 1-K and No. 2-K sold or offered for sale in Florida.

(a) Standards. All kerosine No. 1-K and No. 2-K shall conform to the chemical and physical standards for kerosene No. 1-K and No. 2-K as set forth in the American Society for Testing and Materials designation D 3699-03 ~~D 3699-02~~, "Standard Specification for Kerosine."

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the American Society for Testing and Materials designation D 3699-03 ~~D 3699-02~~, "Standard Specification for Kerosine."

(3) Diesel Fuel Oils No. 1-D and No. 2-D. The following specifications apply to diesel fuel oils No. 1-D and No. 2-D sold or offered for sale in Florida.

(a) Standards. All diesel fuel oils No. 1-D and No. 2-D shall conform to the chemical and physical standards for diesel fuel oils No. 1-D and No. 2-D as set forth in the American Society for Testing and Materials designation D 975-03 ~~D 975-02~~ "Standard Specification for Diesel Fuel Oils."

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the American Society for Testing and Materials designation D 975-03 ~~D 975-02~~, "Standard Specification for Diesel Fuel Oils."

(6) Materials. The following materials are hereby incorporated by reference. Copies of these publications may be obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428, or <http://www.astm.org>.

(a) American Society for Testing and Materials D 4814-03a ~~D 4814-02~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel";

(b) American Society for Testing and Materials D 3699-03 ~~D 3699-02~~, "Standard Specification for Kerosine";

(c) American Society for Testing and Materials D 975-03 ~~D 975-02~~, "Standard Specification for Diesel Fuel Oils";

Specific Authority 525.037, 525.14 FS. Law Implemented 525.01, 525.037, 525.14 FS. History—Amended 1-15-68, 7-1-71, 7-1-73, 12-1-73, 11-16-74, 2-13-80, 5-3-83, Formerly 5F-2.01, Amended 5-3-90, 8-13-92, 11-29-94, 11-13-97, 12-9-98, 8-3-99, 7-31-00, 9-3-01, 8-15-02, 6-29-03, _____.

5F-2.014 Adoption of the General Code and the Codes of Liquid-Measuring Devices, Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices, Hydrocarbon Gas Vapor-Measuring Devices, Vehicle-Tank Meters, and Vehicle Tanks Used as Measures of National Institute of Standards and Technology Handbook 44.

The general code and the codes of liquid-measuring devices, liquefied petroleum gas and anhydrous ammonia liquid-measuring devices, hydrocarbon gas vapor-measuring devices, vehicle-tank meters, and vehicle tanks used as measures relating to specifications, tolerances, and other technical requirements for commercial weighing and measuring devices, contained in National Institute of Standards and Technology Handbook 44, 2004 ~~2003~~ Edition, published by U.S. Department of Commerce are hereby adopted by reference as rules of the Department of Agriculture and Consumer Services. Copies may be obtained from the Superintendent of Documents, U. S. Government Printing Office, Washington, D. C. 20402 or at <http://ts.nist.gov/ts/hdocs/230/235/h442001.htm>.

Specific Authority 525.14, 531.40, 531.41(3) FS. Law Implemented 525.07, 531.40 FS. History—New 1-1-74, Amended 7-1-74, Repromulgated 12-31-74, Amended 4-18-75, 1-25-76, 1-17-77, 2-15-79, 6-4-80, 4-5-81, 5-2-82, 6-30-83, 7-15-84, 8-11-85, Formerly 5F-2.14, Amended 7-7-86, 4-5-87, 4-27-88, 5-31-89, 8-21-90, 8-5-91, 12-10-92, 11-29-94, 11-13-97, 12-9-98, 8-3-99, 7-31-00, 9-3-01, 8-15-02, 6-29-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Eric Hamilton
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Ben Faulk, Director, Division of
Standards
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: April 5, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: March 19, 2004

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLE: Adoption of Uniform Packaging and Labeling Regulation

RULE NO.: 5F-3.001

PURPOSE AND EFFECT: The purpose of Rule 5F-3.001, F.A.C., is to amend it to adopt the most recent national standards for packaging and labeling requirements as adopted by the National Conference on Weights and Measures and published in 2004 edition of National Institute of Standards and Technology Handbook 130. Adoption of the current national standards will make Florida's requirements uniform with the national requirements and facilitate interstate commerce and trade.

SUMMARY: Updates Rule 5F-3.001, F.A.C., to adopt the current national requirements for the packaging and labeling of commodities as adopted by the National Conference on Weights and Measures and published as the "Uniform Packaging and Labeling Regulation" in the 2004 edition of National Institute of Standards and Technology Handbook 130.

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: 531.41(3) FS.

LAW IMPLEMENTED: 531.41(4), 531.47, 531.49 FS.

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

TIME AND DATE: 10:00 a.m., Monday, May 10, 2004

PLACE: Division of Standards' Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Max Gray, Bureau Chief, Bureau of Weights and Measures, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399-1650, (850)488-9140

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-3.001 Adoption of Uniform Packaging and Labeling Regulation.

The Department of Agriculture and Consumer Services hereby adopts the Uniform Packaging and Labeling Regulation promulgated by the United States Department of Commerce, National Institute of Standards and Technology, NIST Handbook 130, ~~2004~~ ~~2003~~ Edition, as the Rule for packaging and labeling of commodities and incorporates said uniform regulation herein by this reference. A copy of NIST Handbook 130, ~~2004~~ ~~2003~~ Edition, may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, Phone: (202)512-1800 or <http://ts.nist.gov/ts/htdocs/230/235/h130-01.htm>. Copies of this uniform regulation are available from the Division of Standards, Bureau of Weights and Measures, 3125 Conner Boulevard, Lab #2, Tallahassee, Florida 32399-1650, Phone: (850)488-9140.

Specific Authority 531.41(3) FS. Law Implemented 531.41(4), 531.47, 531.49 FS. History—New 1-1-73, Formerly 5F-3.01, Amended 6-14-95, 8-27-98, 8-19-99, 7-3-00, 9-3-01, 6-23-02, 6-29-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Max Gray, Chief, Bureau of Weights and Measures
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Ben Faulk, Director, Division of
Standards

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: April 5, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: March 19, 2004

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLE: Specifications, Tolerances and Other Technical Requirements for Commercial Weighing and Measuring Devices

RULE NO.: 5F-5.001

PURPOSE AND EFFECT: The purpose of this rule is to amend Rule 5F-5.001, F.A.C., to adopt the most recent national standards for weighing and measuring devices developed by the National Conference on Weights and Measures and published in the 2004 edition of National Institute of Standards and Technology Handbook 44. Adoption of the standards provides for uniformity of Florida's requirements with the national requirements to facilitate interstate commerce and trade.

SUMMARY: Rule 5F-5.001, F.A.C., adopts the current national standards for specifications, tolerances and other technical requirements for commercial weighing and measuring devices as published in the 2004 edition of National Institute of Standards and Technology Handbook 44.

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: 531.40, 531.41(3) FS.

LAW IMPLEMENTED: 531.40 FS.

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

TIME AND DATE: 10:00 a.m., Monday, May 10, 2004

PLACE: Division of Standards' Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Max Gray, Bureau Chief, Bureau of Weights and Measures, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399-1650, (850)488-9140

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-5.001 Specifications, Tolerances, and Other Technical Requirements for Commercial Weighing and Measuring Devices.

(1) The specifications, tolerances, and other technical requirements for commercial weighing and measuring devices adopted by the National Conference on Weights and Measures and contained in National Institute of Standards and Technology (NIST) Handbook 44, 2004 ~~2003~~ Edition, are hereby adopted as rules for the requirements for commercial weighing and measuring devices of the Department of Agriculture and Consumer Services. A copy of NIST Handbook 44, 2004 ~~2003~~ Edition, may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, Phone (202)512-1800 or at <http://ts.nist.gov/ts/htdocs/230/235/h442001.htm>.

(2) The violation of any of the provisions of these rules and regulations is subject to the penalties and remedies provided in the Weights, Measures, and Standards Law, Chapter 531, Florida Statutes.

Specific Authority 531.40, 531.41(3) FS. Law Implemented 531.40 FS. History—New 1-1-73, Amended 7-1-74, 4-18-75, 1-25-76, 1-17-77, 3-29-78, 2-15-79, 6-4-80, 4-5-81, 5-2-82, 6-30-83, 7-15-84, 8-11-85, Formerly 5F-5.01, Amended 7-7-86, 4-5-87, 4-27-88, 5-31-89, 8-21-90, 8-5-91, 12-10-92, 6-21-94, 8-16-95, 10-8-96, 8-27-98, 8-19-99, 7-3-00, 9-3-01, 6-23-02, 6-29-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Max Gray, Chief, Bureau of Weights and Measures

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ben Faulk, Director, Division of Standards

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 5, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 19, 2004

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLE: Performance Specifications and Standards

RULE NO.:

for Motor Vehicle Brake Fluid 5F-6.001

PURPOSE AND EFFECT: The purpose of Rule 5F-6.001, F.A.C., is to adopt the most recent version of Motor Vehicle Safety Standard No. 116, Motor Vehicle Brake Fluid, revised October 1, 2003.

SUMMARY: Proposed Rule 5F-6.001, F.A.C., will specify that the Motor Vehicle Safety Standard No. 116, Motor Vehicle Brake Fluid, revised October 1, 2001, is the accepted standard for implementation of Chapter 526, Florida Statutes.

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: 526.52(1) FS.

LAW IMPLEMENTED: 526.53(1),(2), 526.54 FS.

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

TIME AND DATE: 10:00 a.m., Monday, May 10, 2004

PLACE: Division of Standards' Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Eric Hamilton, Bureau Chief, Bureau of Petroleum Inspection, 3125 Conner Blvd., Bldg. #1, Tallahassee, FL 32399-1650, (850)488-9740

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-6.001 Performance Specifications and Standards for Motor Vehicle Brake Fluid.

(1) The performance specifications and standards for brake fluid adopted by the United States Department of Transportation and contained in Motor Vehicle Safety Standard

No. 116, Motor Vehicle Brake Fluid, revised October 1, 2003 ~~October 1, 2004~~, are hereby adopted as rules of the Department of Agriculture and Consumer Services.

(2) The violation of any provisions or standards of this rule is subject to penalties, provided in Chapter 526, Part II, Florida Statutes.

Specific Authority 526.52(1) FS. Law Implemented 526.53(1)(2), 526.54 FS. History—New 5-8-78, Formerly 5F-6.01, Amended 12-9-98, 12-9-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Eric Hamilton

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ben Faulk, Director, Division of Standards

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 5, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 19, 2004

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLE: Adoption of Uniform Methods of Sale

RULE NO.: 5F-7.005

PURPOSE AND EFFECT: The purpose of this rule is to adopt the most recent national standards for the method of sale of commodities established by the National Conference on Weights and Measures and published in the 2004 edition of National Institute of Standards and Technology Handbook 130. Adoption of the national standards will make Florida's requirements for methods of sale uniform with the national standards and facilitate interstate commerce and trade.

SUMMARY: Adopts the current national model methods of sale of commodities being sold by weight, measure or count, as published in National Institute of Standards and Technology Handbook 130 to provide for interstate commerce, facilitate value comparison and provide adequate quantity information for consumers and purchasers.

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: 531.41(3) FS.

LAW IMPLEMENTED: 531.41(4), 531.45 FS.

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

TIME AND DATE: 10:00 a.m., Monday, May 10, 2004

PLACE: Division of Standards' Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Max Gray, Bureau Chief, Bureau of Weights and Measures, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399-1650, (850)488-9140

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-7.005 Adoption of Uniform Methods of Sale.

The Florida Department of Agriculture and Consumer Services hereby adopts the Uniform Regulation for the Method of Sale of Commodities, as published by the United States Department of Commerce, National Institute of Standards and Technology, NIST Handbook 130, 2004 ~~2003~~ Edition, as the Rule for the method of sale for commodities, and incorporates said uniform regulation herein by this reference. A copy of NIST Handbook 130, 2004 ~~2003~~ Edition, may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, Phone: (202)512-1800 or <http://ts.nist.gov/ts/htdocs/230/235/h130-01.htm>. Copies of this uniform regulation are available from the Division of Standards, Bureau of Weights and Measures, 3125 Conner Boulevard, Lab #2, Tallahassee, Florida 32399-1650, Phone: (850)488-9140.

Specific Authority 531.41(3),(4), 531.45 FS. Law Implemented 531.41(3),(4), 531.45 FS. History—New 1-8-90, Amended 6-14-95, 8-27-98, 8-19-99, 7-3-00, 9-3-01, 6-23-02, 6-29-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Max Gray, Chief, Bureau of Weights and Measures

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ben Faulk, Director, Division of Standards

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 5, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 19, 2004

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE CHAPTER TITLE: Aquaculture Best Management Practices

RULE CHAPTER NO.: 5L-3

RULE TITLE: Aquaculture Best Management Practices Manual

RULE NO.: 5L-3.004

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Chapter 5L-3, F.A.C., to include addendums relating to regulation of the use of noise makers, air cannons, and other bird depredation devises, and transgenic species to the aquaculture best management practice manual,

dated October, 2002. The manual change will specifically include addendums for preventing wildlife depredation; and non-native and restricted non-native species.

SUMMARY: The proposed rule establishes the procedures to follow and best management practices to implement by aquaculture producers in order to obtain an aquaculture certificate of registration from the Florida Department of Agriculture and Consumer Services.

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

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

SPECIFIC AUTHORITY: 570.07(23), 597.004(2)(b) FS.

LAW IMPLEMENTED: 597.002, 597.003, 597.004 FS.

WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE TO: Kal Knickerbocker, Department of Agriculture and Consumer Services, Division of Aquaculture, 1203 Governor's Square Boulevard, 5th Floor, Tallahassee, FL 32301

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: 9:00 a.m., Monday, May 10, 2004

PLACE: Division of Aquaculture Conference Room, 1203 Governor's Square Boulevard, 5th Floor, Tallahassee, Florida 32301

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist, Bureau of Personnel Management, (850)921-6262, at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kal Knickerbocker, Department of Agriculture and Consumer Services, Division of Aquaculture, 1203 Governor's Square Boulevard, 5th Floor, Tallahassee, Florida 32301, (850)488-4033

The proposed rule and reference manual are available by contacting Kal Knickerbocker at the above address and telephone number or can be obtained on the Division of Aquaculture's website at www.FloridaAquaculture.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

5L-3.004 Aquaculture Best Management Practices Manual.

(1) The Best Management Practices manual used by the Department under Chapter 5L-3, F.A.C., is adopted and incorporated by reference in this section. The manual is listed below by subject title and date. Copies of the manual may be obtained by contacting the Department.

(2) Aquaculture Best Management Practices Manual, October, 2002 Addendum entitled Preventing Wildlife Depredation, effective _____ and Addendum entitled Non-Native and Restricted Non-Native Species, effective _____.

Specific Authority 570.07(23), 597.004(2)(b), 791.07 595.004(2)(b) FS. Law Implemented 597.003, 597.004 FS. History--New 10-4-00, Amended 12-29-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kal Knickerbocker

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sherman Wilhelm, Director, Division of Aquaculture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 6, 2004

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Florida Teacher Certification Examinations

RULE NO.: 6A-4.0021

PURPOSE AND EFFECT: The purpose of this rule amendment is to update the registration application for the Florida Teacher Certification Examinations; to update the weighting of the essay and multiple-choice sections of the English 6-12 subject area examination; to establish a transitional passing score for the Computer Science K-12 subject area examination; and to revise the language pertaining to the setting of standard passing scores for the Professional Education Test and the Middle Grades Integrated Curriculum 5-9 and Physical Education K-12 subject area examinations to allow for the collection of sufficient data. The effect is that an updated registration application will be available; the weighting of the essay and multiple-choice sections of the English 6-12 subject area examination will be updated; a transitional passing score will be established for the Computer Science K-12 subject area examination; and sufficient data will be collected for setting the standard passing scores for the Professional Education Test and the Middle Grades Integrated Curriculum 5-9 and Physical Education subject area examinations.

SUMMARY: The registration application will be updated; scoring weighting will be updated, a transitional passing score will be established; and the collection of sufficient data for setting standard passing scores will be enabled.

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 the notice.

SPECIFIC AUTHORITY: 1012.55(1), 1012.56, 1012.59 FS.
 LAW IMPLEMENTED: 1012.56 FS.
 A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
 TIME AND DATE: 8:30 a.m., May 18, 2004
 PLACE: 325 West Gaines Street, Tallahassee, Florida 32399-0400
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathy Fearon, Accountability, Research, and Measurement, 325 W. Gaines St., Room 414, Tallahassee, FL 32399, (850)245-0513

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.0021 Florida Teacher Certification Examinations.

- (1) through (3) No change.
- (4) Registration, late registration and refunds.

(a) Registration for the examinations shall be for the initial examinations or for one (1) or more examinations not previously passed. To register to take the examinations, an applicant shall submit a completed application which shall be received by the test administration agency at least fifty (50) days preceding the examination date.

1. Before October 1, ~~2004, 2003~~, a complete application shall consist of the following:

a. A completed application Form ~~CG-20-03A~~ ~~CG-20-03~~, Registration Application: Certification Examinations for Florida Educators, which includes the applicant's signature. Form ~~CG-20-03A~~ ~~CG-20-03~~, Registration Application: Certification Examinations for Florida Educators is hereby incorporated by reference and made a part of this rule to become effective ~~October 2004~~ ~~July 2003~~. This form may be obtained without cost from the Bureau of Educator Certification, Florida Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

b. A twenty-five (25) dollar fee for each registration for a subject area specialty examination or any combination of subtests for a subject area specialty examination, for each registration for the professional skills examination, and for each registration for the general knowledge test or any combination of subtests for the general knowledge test.

c. A charge of one hundred (100) dollars in addition to the fees described in sub-subparagraph 6A-4.0021(4)(a)1.b., FAC., for certification applicants taking a supplemental examination.

2. Beginning October 1, ~~2004, 2003~~, a completed application shall consist of the following:

a. A completed application Form ~~CG-20-04~~ ~~CG-20-03A~~, Registration Application: Certification Examinations for Florida Educators, which includes the applicant's signature. Form ~~CG-20-04~~ ~~CG-20-03A~~ is hereby incorporated by reference and made a part of this rule to become effective

October 1, ~~2004, 2003~~. This form may be obtained without cost from the Bureau of Educator Certification, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

b. A twenty-five (25) dollar fee for each registration for a subject area specialty examination or any combination of subtests for a subject area specialty examination, each registration for the professional skills examination, and each registration for the general knowledge test or any combination of subtests for the general knowledge test.

c. A charge of one hundred (100) dollars in addition to the fees described in sub-subparagraph 6A-4.0021(4)(a)2.b., FAC., for certification applicants taking a supplemental examination.

3. An incomplete application shall be returned to the applicant. Applications which are completed and resubmitted to the test administration agency after the fifty (50) day deadline shall be acceptable only if the applicant complies with requirements specified in paragraph 6A-4.0021(4)(b), FAC.

(9) Scoring of the subject area specialty examinations.

(c) For subject area specialty examinations listed below, a score earned prior to October 1, 1990, shall be considered a passing score and shall be valid for certification in that subject area for a period of two (2) years from the test administration date. Effective October 1, 1990, a passing score for these subject area examinations will be a scaled score of at least two hundred (200). This scaled passing score will be equivalent to the following scores on the April, 1989 test administration:

SUBJECT	SCORE
Art K-12	63 correct items
Elementary Education 1-6	84 correct items
English 6-12	71 on a scale that weights the multiple choice section seventy (70) eighty (80) percent and the essay section thirty (30) twenty (20) percent.
Hearing Impaired K-12	66 correct items
Mathematics 6-12	60 correct items
Music K-12	64 correct items
Primary Education K-3	88 correct items
Social Science 6-12	102 correct items

(n) ~~After sufficient data have been collected~~ ~~Not later than September 1, 2004~~, the Commissioner of Education shall review examinee performance levels for the Professional Education Examination, the Middle Grades Integrated Curriculum 5-9 Examination, and the Physical Education K-12 Examination and determine whether to recommend to the State Board of Education to maintain or change the existing passing scores.

(o) Effective July 2004, the passing score for the subject area specialty examination listed below shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to the raw score on the July 2004 test administration as defined below.

Computer Science K-12. An examination raw score that results in an examinee passing rate of eighty-three (83) percent, which was the passing rate of teacher candidates who took the Computer Science K-12 specialty examination for the first time during the 2002-2003 examination administration year. In the event that fewer than fifty (50) examinees are tested in the July 2004 administration, the passing score shall be sixty-three (63) percent of the items.

(p) After sufficient data have been collected, the Commissioner of Education shall review examinee performance levels for the Computer Science K-12 Examination and determine whether to recommend to the State Board of Education to maintain or change the existing passing scores.

(q)(e) The Commissioner of Education shall review the passing score for each of the General Knowledge Subtests, each of the subject area specialty examinations, and the Professional Education Examination not less than once every five (5) years and determine whether to recommend to the State Board of Education to maintain or change the existing passing scores.

(r)(p) Before July 1, 2004, the subject area specialty examinations approved for use in the Florida Teacher Certification Examinations are listed by subject area in the publication, "Competencies and Skills Required for Teacher Certification in Florida, Eighth Edition."

(s)(e) Beginning July 1, 2004, the subject area specialty examinations approved for use in the Florida Teacher Certification Examinations are listed by subject area in the publication "Competencies and Skills Required for Teacher Certification in Florida, Ninth Edition."

(11) Score reports for the reading, writing, mathematics, professional skills, and subject area examinations.

(b) The examinee shall be sent two (2) authenticated score reports as described in paragraph 6A-4.0021(10)(a), F.A.C. In addition, a copy of the score report may be issued by the test administration agency without a fee to one (1) Florida college or university and to one (1) Florida school district provided the examinee identifies the recipient or recipients of the score report on either the CG-20-03A ~~CG-20-02~~, Registration Application: Certification Examinations for Florida Educators or the CG-20-04 ~~CG-20-03~~, Registration Application: Certification Examinations for Florida Educators.

Specific Authority 1012.55(1), 1012.56, 1012.59 FS. Law Implemented 1012.56 FS. History—New 8-27-80, Amended 1-11-82, 1-6-83, 5-3-83, 10-5-83, 10-15-84, Formerly 6A-4.021, Amended 12-25-86, 4-26-89, 4-16-90, 7-10-90, 4-22-91, 10-3-91, 8-10-92, 11-28-93, 4-12-95, 7-1-96, 9-30-96, 10-1-99, 7-17-00, 7-16-01, 3-24-02, 7-16-02, 3-24-03, 7-21-03, 12-23-03,

NAME OF PERSON ORIGINATING PROPOSED RULE: Cornelia Orr, Chief, Assessment and School Performance, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jeanine Blomberg, Deputy Chief of Staff, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 6, 2004

DATE NOTICE OF PROPOSED DEVELOPMENT PUBLISHED IN FAW: March 5, 2004

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: RULE NO.:

Florida Educational Leadership Examination 6A-4.00821

PURPOSE AND EFFECT: The purpose of this rule amendment is to update the registration application for the Florida Educational Leadership Examination. The effect is that an updated registration application will be available.

SUMMARY: The registration application will be updated.

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 the notice.

SPECIFIC AUTHORITY: 1012.56, 1012.59 FS.

LAW IMPLEMENTED: 1012.56 FS.

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

TIME AND DATE: 8:30 a.m., May 18, 2004

PLACE: 325 West Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathy Fearon, Accountability, Research, and Measurement, 325 W. Gaines St., Room 414, Tallahassee, FL 32399, (850)245-0513

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.00821 Florida Educational Leadership Examination.

(1) through (3) No change.

(4) Registration, late registration, and refunds.

(a) Registration for the examination shall be for the initial examination or for one (1) or more subtests not previously passed. To register to take the examination, an applicant shall submit a completed application to the test administration agency. The completed application shall be received by the test administration agency at least fifty (50) days preceding the examination date.

1. Before October 1, 2004 ~~2003~~, a completed application shall consist of the following:

a. A completed application Form CG-20-03A ~~CG-20-03~~, Registration Application: Certification Examinations for Florida Educators, which includes the applicant's signature. Form CG-20-03A ~~CG-20-03~~, Registration Application: Certification Examinations for Florida Educators is hereby incorporated by reference and made a part of this rule to become effective October 2004 ~~July 2003~~. This form may be obtained without cost from the Bureau of Educator Certification, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

b. A fifty (50) dollar registration fee.

c. A charge of one hundred (100) dollars in addition to the fees described in sub-subparagraph 6A-4.00821(4)(a)1.b., FAC., for certification applicants taking the examination on a supplemental administration date.

2. Beginning October 1, 2004, ~~2003~~, a completed application shall consist of the following:

a. A completed application Form CG-20-04 ~~CG-20-03A~~, Registration Application: Certification Examinations for Florida Educators, which includes the applicant's signature. Form CG-20-04 ~~CG-20-03A~~ is hereby incorporated by reference and made a part of this rule to become effective October 2004 ~~2003~~. This form may be obtained without cost from the Bureau of Educator Certification, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

b. A fifty (50) dollar registration fee.

c. A charge of one hundred (100) dollars in addition to the fees described in sub-subparagraph 6A-4.0021(4)(a)2.b., FAC., for certification applicants taking a supplemental examination.

3. An incomplete application shall be returned to the applicant. Applications which are completed and resubmitted to the test administration agency after the fifty (50) day deadline shall be acceptable only if the applicant complies with requirements specified in paragraph 6A-4.00821(4)(b), FAC.

(b) Late registration for the examination shall be for the initial examination or for one (1) or more subtests not previously passed. Before October 1, 2004, ~~2003~~, an applicant who did not submit a completed application to the test administration agency within the fifty (50) day deadline may register for the examination by completing the requirements listed in subparagraph 6A-4.00821(4)(a)1., FAC., and submitting a thirty (30) dollar late charge. Beginning October 1, 2004 ~~2003~~, an applicant who did not submit a completed application to the test administration agency within the fifty (50) day deadline may register for the examination by completing the requirements listed in Rule 6A-4.00821(4)(a)2., FAC., and submitting a thirty (30) dollar late charge. All items shall be received by the test administration agency at least thirty (30) days preceding the examination date. Late registration shall be accepted on a space available basis.

(c) Refunds. Fees shall be refunded provided written requests for refunds are received by the test administration agency at least thirty (30) days preceding the examination date. Failure to appear for or to complete an examination shall result in forfeiture of fees.

(5) through (8) No change.

(9) Score reports.

(a) No change.

(b) The examinee shall be sent two (2) authenticated score reports. In addition, a copy of the score report may be issued by the test administration agency without a fee to one (1) Florida college or university and to one (1) Florida school district provided the examinee identifies the recipient or recipients of the score report on either the CG-20-03A ~~CG-20-02~~, Registration Application: Certification Examinations for Florida Educators or the CG-20-04 ~~CG-20-03~~, Registration Application: Certification Examinations for Florida Educators.

(10) No change.

Specific Authority 1012.56, 1012.59 FS. Law Implemented 1012.56 FS. History—New 12-25-86, 1-11-89, 5-19-98, 10-5-99, 7-17-00, 7-16-01, 3-24-02, 10-17-02, 3-24-03, 7-21-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Cornelia Orr, Chief, Assessment and School Performance, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jeanine Blomberg, Deputy Chief of Staff, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 6, 2004

DATE NOTICE OF PROPOSED DEVELOPMENT PUBLISHED IN FAW: March 5, 2004

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Residency for Tuition Purposes

RULE NO.: 6A-10.044

PURPOSE AND EFFECT: The residency rule governs residency decisions made by the public postsecondary community college, state universities, independent institutions as it relates to FRAG and any other institution receiving state financial aid. The rule attempts to provide consistency among institutions in making the residency determination, by defining which VISA categories are eligible to establish residency for determination and by specifying certain dates and documents that should be used for making the determination of residency.

SUMMARY: The amendments include: The establishment of two new VISA categories as eligible to establish residency for tuition purposes; identifies the Articulation Coordinating Committee as the entity responsible for ensuring consistency among institutions; provides technical amendments; establishes which date should be used on the declaration of domicile from which an application may establish residency; states that all reference to federal and state governments shall

be interpreted as U.S. federal and state government; establishes standards for determining dependent and independent All Florida residents; clarifies that the definition of a legally married person shall be consistent with Chapter 741, Florida Statutes; stipulates that non-residents who are enrolled as full-time students must present clear and convincing evidence of meeting the requirements for residency for tuition purposes and that they are not here primarily to attend an institution of higher education and establishes the last day of registration for which a student intends to enroll as the date by which all documents for determining residency must be submitted by the student.

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 the notice.

SPECIFIC AUTHORITY: 1009.21 FS.

LAW IMPLEMENTED: 1009.21 FS.

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

TIME AND DATE: 8:30 a.m., May 18, 2004

PLACE: 325 West Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Connie Graunke, Department of Education, 325 West Gaines Street, Room 1414, Tallahassee, Florida 32399-0400, (850)245-9536

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-10.044 Residency for Tuition Purposes.

The State Board of Education ~~Community Colleges and the Board of Regents~~ shall maintain consistent policies and practices for the classification of students as residents for tuition purposes to facilitate the transfer of students among institutions. The ~~policies and~~ practices may vary to accommodate differences in governance, but the determinations of classification or reclassification shall be consistent to assure that students are of being classified the same regardless of the institution determining the classification.

(1) The classification of a student as a Florida resident for tuition purposes by a public Florida community college or university shall be recognized by other public postsecondary institutions to which the student may later seek admission provided that student has attended that institution within the last 12 months ~~unless the classification was erroneous or the student did not then qualify as a resident for tuition purposes.~~

~~(2) Once a public institution has classified a student as a resident for tuition purposes, institutions to which the student may transfer are not required to re-evaluate the classification unless inconsistent information suggests that an erroneous classification was made or the student's situation has changed.~~

~~(3) Changes the State Board of Education Community Colleges and the Board of Regents intend to make in the policies and practices for the classification of students as residents for tuition purposes shall be filed with the Articulation Coordinating Committee.~~

(2) The Articulation Coordinating Committee shall ensure that consistent documents and processes are being used by institutions in carrying out the policies of the State Board of Education in classifying or re-classifying applicants as residents for tuition purposes.

~~(3)(4) Non-U.S. citizens such as permanent residents, parolees, asylees, refugees, or other permanent status persons (e.g., conditional permanent residents and temporary residents), who have applied to and have been approved by the U.S. Bureau of Citizenship and Immigration Services Immigration and Naturalization Service with no date certain for departure shall be considered eligible to establish Florida residency for tuition purposes.~~

~~(4) In addition,~~ Nonimmigrants holding one of the following visas shall be considered eligible to establish Florida residency for tuition purposes. Persons in visa categories not listed herein shall be considered ineligible to establish Florida residency for tuition purposes.

- (a) Visa category A – Government official.
- (b) Visa category E – Treaty trader or investor.
- (c) Visa category G – Representative of international organization.
- (d) Visa category H-1 – Temporary worker performing professional nursing services or in a specialty occupation.
- (e) Visa category H-4 – Only if spouse or child of alien classified H-1.
- (f) Visa category I – Foreign information media representative.
- (g) Visa category K – Fiance, fiancée, spouse or a child of United States citizen(s).
- (h) Visa category L – Intracompany transferee (including spouse or child).
- (i) Visa category N – Parent or child of alien accorded special immigrant status.
- (j) Visa category O-1 – Workers of “extraordinary” ability in the sciences, arts, education, business, or athletics.
- (k) Visa category O-3 – Only if spouse or child of O-1 alien.
- (l) Visa category R – Religious workers.
- (m) Visa category NATO 1-7 – Representatives and employees of NATO and their families.

(n) Visa category T – Victims of trafficking who cooperate with federal authorities in prosecutions of traffickers and their spouses and children.

(o) Visa category V – Spouses and children of lawful permanent residents.

(5) Non-U.S. citizens who fall within the following categories shall also be considered eligible to establish Florida residency for tuition purposes:

- (a) Citizens of Micronesia.
- (b) Citizens of the Marshall Islands.
- (c) Beneficiaries of the Family Unity Program.
- (d) Individuals granted temporary protected status.
- (e) Individuals granted withholding of deportation status.
- (f) Individuals granted suspension of deportation status or cancellation of removal.
- (g) Individuals granted a stay of deportation status.
- (h) Individuals granted deferred action status.
- (i) Individuals granted deferred enforced departure status.
- (j) Applicants for adjustment of status.
- (k) Asylum applicants with INS receipt or Immigration Court stamp.

(6) If a declaration of domicile, pursuant to Section 222.17, Florida Statutes, is being used as one of the documents to establish residency for tuition purposes, the date that an applicant shall be deemed as establishing residency for tuition purposes shall be twelve (12) months from the date that the Clerk of Circuit Court notes the declaration was sworn and subscribed to them.

(7) For purposes of this rule, any reference to federal or state government shall be construed as meaning U.S. federal or state government.

(8) An applicant shall be classified at the time of initial classification as an “All Florida” resident for tuition purposes and the institution to which the applicant is applying shall grant the applicant residency for tuition purposes if all of the following criteria are met. If the applicant does not meet all of the criteria, he or she must be evaluated further to determine residency status.

(a) If the student indicates he/she is an independent person he/she will qualify as an All Florida resident if all of the following criteria are met:

- 1. Their nation of citizenship is the United States.
- 2. The student is twenty-four (24) years of age or over.
- 3. Their permanent address is a Florida address.
- 4. The high school from which the student graduated is a Florida high school.
- 5. Every postsecondary school, college, or university attended is located in the State of Florida.
- 6. The student provides two (2) of the following three (3) Florida documents that are dated more than twelve (12) months old: a Florida voter’s registration, a driver’s license or a vehicle registration.

(b) If the student indicates he/she is a dependent person he/she will qualify as an All Florida resident if all of the following criteria are met:

- 1. Their nation of citizenship is the United States.
- 2. The student is under twenty-four (24) years of age.
- 3. Their mother, father or legal guardian is the person claiming Florida residence.
- 4. The mother, father or legal guardian claiming Florida residence has a Florida permanent legal address.
- 5. The mother, father or legal guardian claiming Florida residence has two (2) of the following three (3) Florida documents that are dated more than twelve (12) months old: A Florida voter’s registration, a driver’s license or a vehicle registration.

(c) Other applicants who do not fall into either of the above categories shall be further assessed by the institution to determine residency for tuition purposes and shall provide other documentation as required by the institution to make such determination.

(9) In determining the domicile of a married person, irrespective of sex, the determination of a legally married person shall be consistent with Chapter 741, Florida Statutes.

(10) No independent or dependent student shall be deemed to have gained or acquired in-state status for tuition purposes while enrolled as a full-time student at any public higher educational institution in this State, unless the student presents clear and convincing evidence that the student is establishing Florida as their permanent domicile and not establishing a mere temporary residence incident to the enrollment in higher education. The definition of full time student shall be based on the federal financial aid definition.

(11) All documentation establishing the fact that a student is a resident eligible for residency for tuition purposes must be presented prior to the last day of registration for the term for which the student intends to enroll or the student will not be classified as a resident for tuition purposes for that term. The residency status will remain in place unless the student files for a re-classification or evidence is presented which indicates the residency status of the student has changed. The institution may define term(s) to include session(s), program(s) and/or course(s) that may be offered at times other than the regular semester term. The burden of establishing the facts, which justify classification of a student as a resident for tuition purposes rests with the applicant.

Specific Authority 1009.21 229.053(1), 240.325 FS. Law Implemented 1009.21 240.4204 FS. History—New 10-6-92, Amended 10-17-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sharon Koon, Office of Accountability, Research and Measurement, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jeanine Blomberg, Deputy Chief of Staff, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 6, 2004

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE TITLE: Correctional Probation Officers

RULE NO.:

Carrying Firearms 33-302.104

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to simplify and streamline the rule by removal of obsolete and unnecessary language, to allow for the carrying of 9mm semi-automatic firearms, and to remove the requirement that weapons be carried concealed.

SUMMARY: The proposed amendments remove obsolete and unnecessary language, allow for the carrying of 9mm semi-automatic firearms, and remove the requirement that weapons be carried concealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 20.315, 790.06, 944.09 FS.

LAW IMPLEMENTED: 20.315, 790.06, 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:

33-302.104 Correctional Probation Officers Carrying Firearms.

(1) No change.

(2) Definitions.

~~(a) “Concealed firearm” means a firearm carried on or about a person in such a manner as to conceal the firearm from the ordinary sight of another person.~~

(b) through (c) renumbered (a) through (b) No change.

~~(c)(d) “Firearm card” means the document issued by the department pursuant to this rule to a correctional probation officer who has been authorized by the department to carry a firearm while on duty. Form DC3-223, Firearms Qualification and Authorization, shall be used for this propose. Form DC3-223 is hereby incorporated by reference. A copy of this form may be obtained from Department of Corrections, Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is August 13, 2003.~~

~~(e) “Deadly force” means force that is likely to cause death or great bodily harm and includes firing a firearm in the direction of a person or occupied vehicle.~~

~~(d)(f) Reviewing authority, for the purpose of this rule, refers to staff who are authorized to review and approve requests to carry firearms, issue firearm cards ~~Firearm Qualification and Authorization, DC3-223~~, maintain lists of staff under their supervision who have been authorized to carry a firearm, and permanently remove or temporarily suspend authorization for staff to carry a firearm.~~

1. through 3. No change.

(3) Authorization Procedures.

(a) No change.

~~(b) Any correctional probation officer who elects to carry a firearm while on duty shall obtain complete Form DC3-226, Request for Authorization to Carry a Firearm on Duty, and submit it for such authorization through the circuit administrator. ~~Form DC3-226, Request for Authorization to Carry a Firearm on Duty, is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is March 4, 2001.~~ Any circuit administrator or deputy regional director of probation and parole who elects to carry a firearm while on duty shall obtain authorization from ~~make application utilizing Form DC3-226 to~~ the regional director of probation and parole. A regional director of probation and parole who elects to carry a firearm while on duty shall obtain authorization from ~~make application utilizing Form DC3-226 to~~ the director of community operations. The written request application shall contain documentation that the individual has complied with the training and qualification requirements set forth in paragraph (c) below. ~~The application shall also contain a statement that the officer has read and understands Rule 33-302.104 and 33-209.103, F.A.C.~~~~

(c) Correctional probation officers who elect to carry a firearms while on duty shall complete training and qualification requirements pursuant to Rule 33-209.103, F.A.C. Correctional probation officers shall not be allowed to carry a firearm on duty until firearms qualification is successfully completed and the firearm card ~~Firearms Qualification and Authorization, Form DC3-223~~, has been issued. Qualification, re-qualification and training shall be completed using the

specific weapon that the officer will be using on duty and any type of ammunition approved by the local training center. Documentation of the model, make, and serial number of the weapon used, proof of ownership, and firearm inspection by a certified gunsmith or law enforcement armorer shall be submitted on the Firearm Inspection/Repair Certificate, Form DC3-240, along with the documentation of training and qualification in the request application for authority to carry the firearm. A receipt of purchase or affidavit of ownership for the weapon shall also be provided. Form DC3-240 is hereby incorporated by reference. A copy of the form is available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is March 4, 2001.

(d) If an officer temporarily or permanently replaces the firearm used for qualification, the officer shall notify the department of the replacement and provide the model, make and serial number of the replacement firearm. If the officer chooses to replace a revolver with a 9 millimeter semi-automatic firearm, the officer shall complete the department-approved 9mm transition course. The officer shall re-qualify with the replacement weapon and provide proof of ownership and inspection submit a Firearms Inspection/Repair Certificate, Form DC3-240, and Firearms Re-qualification Certificate, Form DC3-241, for the replacement firearm to the reviewing authority. Correctional probation officers shall not be authorized to carry more than one firearm at a time. Form DC3-241 is hereby incorporated by reference. A copy of the form is available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is March 4, 2001.

(e) Prior to approving a request to carry a firearm, the reviewing authority shall Upon review of the request application, the documentation of training and qualification pursuant to Rule 33-209.103, F.A.C., and shall complete after completing a Florida Crime Information Center/National Crime Information Center (FCIC/NCIC) check on the firearm by serial number, and an FCIC/NCIC check has been completed on the applicant. Upon approval, the reviewing authority to determine if there is a domestic violence injunction that would disqualify the applicant from possessing a firearm if convicted of domestic violence, the reviewing authority shall approve the request within 10 working days and shall issue a firearm card Firearms Qualification and Authorization Card, Form DC3-223, which establishes that the officer has been authorized to carry a firearm. Each reviewing authority shall maintain a list of all staff under their supervision who have been authorized to carry firearms. Form DC3-224, Firearm Authorization List, will be used for this purpose. Form DC3-224 is hereby incorporated by reference. A copy of this form 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 this

form is March 4, 2001. A copy of the application (Form DC3-226), documentation of qualification (Form DC3-240), firearms authorization card (Form DC3-223), and receipt or affidavit of ownership shall be placed in the employee's personnel file. Subsequent re-qualification documentation (Form DC3-241) will also be placed in the employee's personnel file.

(f) The firearms authorization card, Form DC3-223, shall expire the following year, on the last day of the month the firearms card was issued unless written documentation of re-qualification is submitted to the authorizing entity prior to the expiration of the firearms card. The officer shall be required to successfully re-qualify each year thereafter pursuant to Rule 33-209.103, F.A.C., and this rule in order to remain qualified to carry a firearm. All correctional probation officers shall be provided the opportunity to prepare for annual firearms re-qualification by participating in firearms pre-qualification training if requested. A correctional probation officer who declines the opportunity to participate in firearms pre-qualification training shall sign a statement indicating that the opportunity was provided and was declined. Form DC2-902, Refusal of Firearms Pre-qualification Training, shall be used for this purpose. Form DC2-902 is incorporated by reference in Rule 33-209.103, F.A.C.

(g) Re-qualification must occur prior to the employee's firearm card expiration date. Upon re-qualification, the firearms instructor will complete the Firearm Re-qualification Certificate, Form DC3-241, with the re-qualification score, and will sign the form as the trainer. The officer will certify that the firearm referenced on this form is the firearm used in the course of his or her duties and that he or she uses only authorized ammunition, and shall return the form to the reviewing authority for issuance of a new Firearms Qualification and Authorization Card, Form DC3-223. An FCIC/NCIC check shall be conducted during the re-qualification process. The new firearm card will be issued effective the date of re-qualification. The firearm card DC3-223 will expire the following year, on the last day of the month the firearms card was issued.

(h) No change.

(i) A correctional probation officer who fails to complete firearm pre-qualification after remedial training has been provided, and who wishes to renew authorization to carry a firearm, must re-attend and successfully complete the department approved basic correctional probation officer firearm course.

(j) A correctional probation officer who does not re-qualify prior to the date of expiration of the firearm card shall not be permitted to carry a firearm while on duty, except for firearm training purposes and must surrender the firearms card immediately to the range master. The range master or designee shall retain the firearms card from any officer failing to meet minimum qualification standards and notify the circuit

administrator via interoffice memorandum or e-mail advising that the officer will be scheduled for remedial training. The officer shall have one year from the date the firearm card expired to successfully re-qualify to continue to carry a firearm. If the officer successfully re-qualifies, after the card expires, a new firearm card will be issued with an expiration date the following year, on the last day of the month the firearms card was issued. If the officer does not successfully re-qualify within that year, the officer will be required to re-attend and successfully complete the department approved correctional probation officer basic firearms training courses. The department shall pay for the pre-qualification training, the firearms re-qualification, any remedial training, and any subsequent qualification attempt if required.

(i)(4) The officer shall immediately notify his or her immediate supervisor in the case of theft or loss of the authorized firearm. The officer shall notify local law enforcement agencies and the Florida Department of Law Enforcement in writing of the theft or loss and provide a copy to the supervisor to ensure the notification has been made as required. A Community Corrections Incident Report, Form DC3-225, shall be prepared by the officer any time a loss or theft occurs and shall be submitted to his or her immediate supervisor within 24 hours. The supervisor shall forward Form DC3-225 to the circuit administrator, who shall complete a MINS report. Form DC3-225 is incorporated by reference in Rule 33-302.105, F.A.C.

(4) Carrying a Firearm While on Duty.

(a) The firearm shall be carried by the officer only while conducting field supervision and investigation. The firearm shall be carried remain concealed out of the ordinary sight of another person in a holster about the waist or under the shoulder or in a purse or handbag or in a "fanny pack" fastened around the waist. All holsters that secure the firearm about the waist or under the shoulder shall be of a type which secures the firearm with a thumb break retainer. "Fanny packs" and purses or handbags shall have an internal holster with or without a thumb break retainer and shall have a snapped, zippered or velcroed enclosure concealing the firearm. Only the authorized firearm may be carried.

(b) No change.

(c) Each probation office shall have a designated secure space containing a secure locker for storage of firearms, ammunition, and reloading devices. Officers shall place their holstered firearms in the secure locker immediately upon entering the office. It is not necessary for the officer to remove the firearm from the locker for those occasions when the officer leaves the office for personal time or when the firearm is not desired. The firearm shall be removed from the locker at the conclusion of the duty day. No firearm shall be left in the probation office overnight.

(d) Any officer authorized to carry a firearm while on duty shall carry a Department of Corrections identification card and firearm authorization card while carrying the firearm on duty. If the officer is carrying a firearm on duty, he or she shall display the Department of Corrections issued badge in plain view. The officer may display the Department of Corrections issued badge on a belt or harness strap which shall remain concealed unless the firearm is visible or drawn from the holster.

(5) No change.

(6) Firearm Type and Ammunition.

(a) Correctional probation officers authorized to carry a firearm shall only be authorized to carry a five or six shot revolver of .38 or .357 caliber with a barrel length not to exceed four inches, or a 9 millimeter semi-automatic pistol, with the exception of weapons specified in Federal Firearms Regulations, 921(a)(30), as semi-automatic assault weapons.

(b) Correctional probation officers shall only be authorized to carry .38 special ammunition approved by the department for each respective weapon at standard velocity or plus p velocities with either a 125 to 158 grain semi-wad cutter hollow point or jacketed hollow point. The plus rated ammunition shall not be authorized unless the firearm is rated for that type of ammunition. All ammunition shall be factory manufactured except ammunition used for training, qualification, or re-qualification, which must be approved by the range facility for use. It shall be the correctional probation officer's responsibility to ensure that the ammunition used in his or her firearm complies with department guidelines as provided in this rule.

(c) Correctional probation officers are authorized to carry department approved reloading devices speed loaders or speed strips while carrying a firearm. These reloading devices and all accompanying ammunition shall be stored in the same secure locker as the officer's firearm immediately upon entering the office. Only that ammunition stored in a firearm or reloading device speed loader, or speed strip may be brought into an office.

(7) Use of Firearm. For the purposes of this rule, "use of a firearm" means to discharge a firearm or to have a firearm readily accessible for immediate discharge, i.e., loaded and in a person's hand.

(a) In accordance with firearms training, the firearm is to remain in a holster or holstered in a purse or fanny pack and concealed from the sight of another person at all times except:

1. through 4. No change.

(b) If the firearm is drawn while the correctional probation officer is on duty, the officer shall clearly and loudly identify himself or herself as a state probation officer.

(c)(b) In accordance with firearms training, correctional probation officers are authorized to use deadly force only after all other reasonable efforts to avoid confrontation have been exhausted, including retreat, use of handcuffs to restrain the

~~offender, use of defensive tactics or chemical agents.~~ Effective December 1, 2000, all officers authorized to carry firearms must be certified to carry chemical agents per Rule 33-302.105, F.A.C. and must carry chemical agents while carrying firearms. Effective August 13, 2003, all officers authorized to carry firearms must complete handcuff training requirements provided by the department and must carry department issued handcuffs on his or her person while carrying a firearm.

(c) through (d) renumbered (d) through (e) No change.

(8) Procedures Following Use of Firearm.

~~(a) Except during authorized training, when a correctional probation officer displays or discharges a firearm, the officer shall report the incident to his or her immediate supervisor and route all necessary paperwork as required by Rule 33-302.105, F.A.C.~~

~~(b) An officer who caused death or injury through use of deadly force shall be given an opportunity to participate in the employee assistance program. Costs of counseling above those covered by insurance shall be borne by the state.~~

(9) No change.

(10) Care and Maintenance of Firearm.

(a) through (b) No change.

~~(c) If an officer finds that his or her firearm needs repair, it shall not be carried or used for any reason. The officer shall advise his or her immediate supervisor of its condition using Form DC3-240 and shall make arrangements to have it repaired. The officer shall advise the supervisor when the repair has been completed via Form DC3-240.~~

(d) No change.

(e) Each officer shall be responsible for having the authorized firearm, including any temporary or replacement firearm, inspected annually by a certified gunsmith or law enforcement armorer to ensure that it performs properly and conforms with the manufacturer's standards. The officer shall present certification of such inspection to the reviewing authority ~~via Form DC3-240.~~

(11) No change.

Specific Authority 20.315, 790.06, 944.09 FS. Law Implemented 20.315, 790.06, 944.09 FS. History—New 5-28-86, Amended 7-7-92, 12-20-92, 03-30-94, 9-27-94, 12-19-94, 3-8-95, 2-15-98, Formerly 33-24.013, Amended 3-4-01, 12-5-01, 8-13-03, _____.

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: March 31, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 13, 2004

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: RULE NO.:

Advanced Registered Nurse 59G-4.010
Practitioner Services

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Advanced Registered Nurse Practitioner Services Coverage and Limitations Handbook, January 2004. The effect will be to incorporate by reference in the rule the current Florida Medicaid Advanced Registered Nurse Practitioner Services Coverage and Limitations Handbook, January 2004.

SUMMARY: The purpose of this rule amendment is to incorporate by reference in the rule the revised Florida Medicaid Advanced Registered Nurse Practitioner Services Coverage and Limitations Handbook, January 2004. The coverage and limitations handbook revisions include global HIPAA language, modifications in procedure code and claim form combinations due to HIPAA, policy to reflect new advanced registered nurse practitioner procedure codes, and updated fee schedules effective January 2004.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of regulatory costs 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: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.907, 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. – 11:00 a.m., May 11, 2004

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room C, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lynne Metz, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)922-7325

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.010 Advanced Registered Nurse Practitioner Services.

(1) No change.

(2) All advanced registered nurse practitioner services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Advanced Registered Nurse Practitioner Services Coverage and Limitations Handbook, January 2004 ~~March 2003~~, which is incorporated

by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMSHCFA-1500 and Child Health Check-Up 221, which is incorporated by reference in Rule 59G-4.0015-020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.907, 409.908, 409.9081 FS. History--New 12-21-80, Formerly 10C-7.52, Amended 8-18-92, Formerly 10C-7.052, Amended 8-22-96, 3-11-98, 10-13-98, 6-8-99, 4-23-00, 8-5-01, 2-20-03, 8-5-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lynne Metz

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mary Pat Moore, Interim Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 23, 2004

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

**AGENCY FOR HEALTH CARE ADMINISTRATION
Medicaid**

RULE TITLE: Birth Center Services
RULE NO.: 59G-4.030

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Birth Center and Licensed Midwife Services Coverage and Limitations Handbook, January 2004. The effect will be to incorporate by reference in the rule the current Florida Medicaid Birth Center and Licensed Midwife Services Coverage and Limitations Handbook, January 2004.

SUMMARY: The purpose of this rule amendment is to incorporate by reference in the rule the revised Florida Medicaid Birth Center and Licensed Midwife Services Coverage and Limitations Handbook, January 2004. The coverage and limitations handbook revisions include global HIPAA language, modifications in procedure code and claim form combinations due to HIPAA, policy to reflect new procedure codes, and updated fee schedules effective January 2004.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of regulatory costs 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 409.919 FS.
LAW IMPLEMENTED 383.335, 409.906, 409.907, 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. – 11:00 a.m., May 11, 2004
PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room C, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lynne Metz, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)922-7325

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.030 Birth Center Services.

(1) No change.

(2) All birth center services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Birth Center and Licensed Midwife Services Coverage and Limitations Handbook, January 2004 ~~March 2003~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMSHCFA-1500 and Child Health Check-Up 221, which is incorporated by reference in Rule 59G-4.0015-020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 383.335, 409.906, 409.907, 409.908, 409.9081 FS. History--New 4-18-85, Formerly 10C-7.532, Amended 8-18-92, Formerly 10C-7.0532, Amended 4-22-96, 3-11-98, 10-13-98, 5-24-99, 4-23-00, 8-5-01, 2-20-03, 8-5-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lynne Metz

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mary Pat Moore, Interim Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 6, 2004

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

**AGENCY FOR HEALTH CARE ADMINISTRATION
Medicaid**

RULE TITLE: Physician Services
RULE NO.: 59G-4.230

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Physician Services Coverage and Limitations Handbook, January 2004. The effect will be to incorporate by reference in the rule the current Florida Medicaid Physician Services Coverage and Limitations Handbook, January 2004.

SUMMARY: The purpose of this rule amendment is to incorporate by reference in the rule the revised Florida Medicaid Physician Services Coverage and Limitations Handbook, January 2004. The coverage and limitations handbook revisions include global HIPAA language, modifications in procedure code and claim form combinations due to HIPAA, policy to reflect new physician procedure codes, and updated fee schedules effective January 2004.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of regulatory costs 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: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.907, 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. – 11:00 a.m., May 11, 2004

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lynne Metz, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)922-7325

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.230 Physician Services.

(1) No change.

(2) All physician services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Physician Services Coverage and Limitations Handbook, ~~January 2004~~ ~~March 2003~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, ~~CMSHCFA-1500~~ ~~and Child Health Check-Up 221~~, which is incorporated by reference in Rule 59G-4.0015-020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.907, 409.908, 409.9081 FS. History—New 1-1-77, Revised 2-1-78, 4-1-78, 1-2-79, 1-1-80, Amended 2-8-82, 3-11-84, Formerly 10C-7.38, Amended 1-10-91, 11-5-92, 1-7-93, Formerly 10C-7.038, Amended 6-29-93, 9-6-93, Formerly 10P-4.230, Amended 6-13-94, 2-9-95, 3-10-96, 5-28-96, 3-18-98, 9-22-98, 8-25-99, 4-23-00, 8-5-01, 2-20-03, 8-5-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lynne Metz

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mary Pat Moore

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 5, 2004

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE TITLE:

Time for Payment of Civil Penalties

RULE NO.:

61G7-4.003

PURPOSE AND EFFECT: This rule is being amended to clarify when the payment of a penalty must be made.

SUMMARY: This Rule sets forth the time and method of payment when a civil penalty is imposed on a licensee for a violation of Chapters 455 and/or 468, F.S.

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: 455.227(3) FS.

LAW IMPLEMENTED: 120.53, 455 227(3) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW (IF NOT REQUESTED IN WRITING, A HEARING WILL NOT BE HELD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony B. Spivey, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, FL 32399-0767

THE FULL TEXT OF THE PROPOSED RULE IS:

61G7-4.003 Time for Payment of Civil Penalties.

(1) In cases where the Board imposes a civil penalty for violation of Chapter 455 or Chapter 468, F.S., or of the rules promulgated thereunder, the penalty shall be paid within 30 days of ~~the filing of the Board's order its imposition by order of the Board.~~

(2) No change.

Specific Authority 455.227(3) FS. Law Implemented 120.53, 455.227(3) FS. History—New 4-29-92, Formerly 21EE-4.003, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Employee Leasing Companies

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Employee Leasing Companies

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 30, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE TITLE:

Definitions

PURPOSE AND EFFECT: This rule is being amended to remove definitions which are no longer necessary, to add definitions that are necessary, and to clarify other definitions relative to the employee leasing company rules.

RULE NO.:

61G7-6.001

SUMMARY: This rule defines what is meant by the terms utilized in the employee leasing company rules.

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: 468.520, 468.522, 468.525 FS.

LAW IMPLEMENTED: 468.520, 468.522, 468.525(4),(4)(b), 468.529(1) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW (IF NOT REQUESTED IN WRITING, A HEARING WILL NOT BE HELD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, FL 32399-0767

THE FULL TEXT OF THE PROPOSED RULE IS:

61G7-6.001 Definitions.

To enable the Board and the Department to administer Part XI of Chapter 468, F.S., the Board hereby interprets the following terms as used in the definition of employee leasing as follows:

~~(1) "Actively involved" as used in Section 468.520(7), F.S., to determine whether an entity is an employee leasing company, the Board interprets actively involved to mean the actual exercise of duties on behalf of an employee leasing company. Any natural person who possesses, directly or indirectly, the power to direct or cause the direction of the management or policies of any employee leasing company, through direct or indirect control of 50 percent or more of the voting securities of an employee leasing company, is deemed actively involved.~~

~~(2) "Employment responsibilities" as used in Section 468.525(4), F.S., means all those responsibilities generally incumbent on an employer, including payment of wages and taxes and the right to hire, direct, control, discipline, and terminate employees.~~

~~(1)(3) "Full Responsibility" as used herein to determine whether an employee leasing company's contractual arrangements comply with the conditions as set forth in Section 468.525(4), F.S., means complete and total responsibility for the collection of and payment of all payroll taxes on payroll reported to and paid by the employee leasing company, which are payable to the Internal Revenue Service and/or to the State of Florida for services performed by leased employees as leased employees.~~

(4) through (5) renumbered (2) through (3) No change.

~~(6) "Long-term ongoing nature" means a situation where a client company and an employee leasing company arrange for leased employees to do more than supplement the client company's workforce in special work situations, such as employee absences, temporary skill shortages, seasonal workloads, and special assignments and projects. This definition in no way is meant to alter the concept of at-will employment.~~

(7) through (10) renumbered (4) through (7) No change.

(8) "Reserves a night of direction an control over leased employees assigned to the client's location" does not require the actual exercise of such direction and control by the employee leasing company at the jobsite at which or from which leased employees work. The client shall be allowed to exercise such direction and control as may be allocated to the client, in writing, and in conformity with Florida law.

(9) "Retains authority to hire, terminate, discipline, and reassign the leased employees" does not require the actual exercise of such authority by the employee leasing company at the jobsite at which or from which the leased employees work. The client shall be allowed to exercise such authority as may be allocated to the client, in writing, and in conformity with Florida Law.

(10) Retains a right of discretion and control over management of safety, risk, and hazard control at the worksite or sites affecting its leased employees, including:

(a) Responsibility for performing safety inspections of client equipment and premises.

(b) Responsibility for the promulgation an administration of employment and safety policies.

(c) Responsibility for the management of workers' compensation claims, claims filings, and related procedures does not require the actual exercise of such direction an control by the employee leasing company at the worksite at which or from which the leased employees work. The client shall be allowed to exercise such direction and control as may be allocated to the client, in writing, and in conformity with Florida law.

(11) "Assumes responsibility for the payment of wages" as used in Section 468.525(4)(b), F.S., means the obligation of the employee leasing company to comply with the terms of employment established by the employee leasing company with an employee relating to the payment of wages of the employee. The term does not include any obligation on the part of the employee leasing company to assume any contractual obligation which may exist between a client of an employee leasing company and any leased employee, or any other compensation or benefit, in any form, unless the employee leasing company specifically adopts such obligations by way of a written agreement entered into with the leased employee.

Specific Authority 468.520, 468.522, 468.525 FS. Law Implemented 468.520, 468.522, 468.525(4), 468.529(1) FS. History—New 7-20-92, Formerly 21EE-6.001, Amended 9-14-93, 10-24-94, 7-18-95, 4-26-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Employee Leasing Companies
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Employee Leasing
Companies
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: December 11, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: January 30, 2004

PENALTY RANGE
VIOLATION MINIMUM MAXIMUM
(a) through (w) No change.

(x) Failure to maintain positive working capital, or accounting net worth in violation of Section 468.525(3)(d), F.S.	Reprimand, probation and administrative/legal costs.	Suspension, denial or revocation of license and administrative/legal costs.
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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE TITLE: Disciplinary Guidelines; Range of Penalties
RULE NO.: 61G7-7.001

PURPOSE AND EFFECT: The Board is amending this rule to add the requirement of maintaining positive accounting net worth pursuant to Section 468.525(3)(d), F.S.

SUMMARY: This rule sets forth the disciplinary guidelines and range of penalties for violating the laws and rules of the Board of Employee Leasing Companies.

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: 468.522 FS.

LAW IMPLEMENTED: 455.227, 468.531, 468.532 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW (IF NOT REQUESTED IN WRITING, A HEARING WILL NOT BE HELD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, FL 32399-0767

THE FULL TEXT OF THE PROPOSED RULE IS:

61G7-7.001 Disciplinary Guidelines; Range of Penalties.

(1) through (b) No change.

(2) The following disciplinary guidelines shall be followed by the Board in imposing disciplinary penalties upon licensees for violation of the below mentioned statutes and rules:

(y) through (ss) No change.

(3) through (6) No change.

Specific Authority 468.522 FS. Law Implemented 468.531, 468.532, 455.227 FS. History—New 5-20-93, Formerly 21EE-7.001, Amended 5-29-94, 12-19-94, 11-9-95, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Employee Leasing Companies

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Employee Leasing
Companies

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: January 30, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE TITLE: Advertising
RULE NO.: 61G7-11.001

PURPOSE AND EFFECT: This rule is being amended to add the advertising medium of internet websites.

SUMMARY: This rule sets out the approved means of advertising.

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: 468.522, 468.530(4) FS.

LAW IMPLEMENTED: 468.530(4) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW (IF NOT REQUESTED IN WRITING, A HEARING WILL NOT BE HELD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, FL 32399-0767

THE FULL TEXT OF THE PROPOSED RULE IS:

- 61G7-11.001 Advertising.
- (1) through (1)(h) No change.
- (i) Any employee leasing company official website.
- (2) through (3) No change.

Specific Authority 468.522 FS. Law Implemented 468.530(4) FS. History--New 10-6-94, Amended 3-28-95,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Employee Leasing Companies

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Employee Leasing Companies

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 30, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE TITLE: _____ RULE NO.:

Exemption from Renewal Requirements for Spouses of Members of the Armed Forces of the United States 61G7-33.0065

PURPOSE AND EFFECT: This rule is created pursuant to statute to set out exemption and renewal criteria for spouses of members of the armed forces who are required to be away on military duty.

SUMMARY: This rule sets out the criterial for obtaining the exemption for spouses of members of the armed forces who are on active military duty.

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: 455.02(2) FS.

LAW IMPLEMENTED: 455.02(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW (IF NOT REQUESTED IN WRITING, A HEARING WILL NOT BE HELD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John W. Johnson, Executive Director, Board of Accountancy, 240 N. W. 76 Drive, Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61G7-33.0065 Exemption from Renewal Requirements for Spouses of Members of the Armed Forces of the United States.

Spouses of members of the Armed Forces of the United States are exempt from licensure renewal provisions, but only in cases of absence from the state because of their spouse's duties with the Armed Forces. Copies of the military orders requiring the change in duty station must be sent to the Board office in order to qualify for the exemption. Upon receipt of the military orders by the Board office confirming exemption eligibility, the spouse's license will be placed on inactive status with no fee required.

Specific Authority 455.02(2) FS. Law Implemented 455.02(2) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 2, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 12, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: _____ RULE NO.:

Foreign Degrees 61G15-20.007

PURPOSE AND EFFECT: This rule is being amended to add Foreign Credentials Service of America as an approved transcript evaluation service for reviewing foreign credentials. SUMMARY: This rule sets forth the criteria for applicants with foreign degrees to prove substantial equivalency to the statutory requirements of Florida.

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: 471.008 FS.

LAW IMPLEMENTED: 471.013, 471.015 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW (IF NOT REQUESTED IN WRITING, A HEARING WILL NOT BE HELD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Natalie Lowe, Executive Director, Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-20.007 Foreign Degrees.

(1) through (3) No change.

(4) The applicant must request an evaluation of substantial equivalency of his or her credentials to ABET standards through either Engineering Credentials Evaluation International, 111 Market Place, #171, Baltimore, Maryland 21202; Foreign Credentials Service of America, 1910 Justin Lane, Austin, Texas 78757-2411; or P. O. Box 13084, Baltimore, MD 21203-3084, Joseph Silny & Associates, Inc., P. O. Box 248233, Coral Gables, Florida 33124.

(5) through (6) No change.

Specific Authority 471.008 FS. Law Implemented 471.013, 471.015 FS. History—New 7-20-95, Amended 6-5-96, 4-16-98, 1-17-99, 7-28-99, 1-6-02, 6-13-02, 6-30-02, 10-2-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 18, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 12, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE TITLE: RULE NO.:

Exemption from Renewal Requirements for Spouses of Members of the Armed Forces of the United States 61G17-1.020

PURPOSE AND EFFECT: This rule is being enacted pursuant to Section 455.02(2), F.S., relating to spouses of active duty military.

SUMMARY: This rule sets out the requirements to claim exemption of renewal requirements when spouses are on active duty in the armed forces.

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: 455.02(2) FS.

LAW IMPLEMENTED: 455.02(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Knap, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G17-1.020 Exemption from Renewal Requirements for Spouses of Members of the Armed Forces of the United States. Spouses of members of the Armed Forces of the United States are exempt from licensure renewal provisions, but only in cases of absence from the state because of their spouses' duties with the Armed Forces. Copies of the military orders requiring the change in duty station must be sent to the Board office in order to qualify for the exemption. Upon receipt of the military orders by the Board office confirming exemption eligibility, the spouse's license will be placed on inactive status with no fee required. Reactivation of the inactive license will not require payment of the fee set forth in subsection 61G17-8.0011(7), F.A.C. The license will remain in inactive status for up to two renewal cycles at which time the licensee must either renew this exemption, before expiration, by submitting a current set of orders establishing eligibility for the exemption or reactivate the license. The licensee may reactivate the license by submitting an application for change of status from inactive to active and will not be required to pay the fee set forth in subsection 61G17-8.0011(15), F.A.C., nor be required to comply with any rules setting conditions for reactivation of licensure, including continuing education requirements imposed by Section 455.271(10), F.S. If a license is not reactivated nor the exemption renewed by the expiration date, the license shall become delinquent. Reactivation of the delinquent license will not require payment of the fee set forth in subsection 61G17-8.0011(12), F.A.C.

Specific Authority 455.02(2) FS. Law Implemented 455.02(2) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Surveyors and Mappers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Surveyors and Mappers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 18, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 18, 2003

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE TITLE: Requirements for Reactivation of an Inactive License
 RULE NO.: 64B17-5.001

PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUMMARY: The Board sets forth four requirements for reactivation of an inactive license to include, for each year of inactivity and for the year that the licensee last held an active license, documentation of required continuing education, HIV/AIDS courses, and medical error prevention courses.

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

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

SPECIFIC AUTHORITY: 486.025, 486.085, 486.108, 456.036 FS.

LAW IMPLEMENTED: 486.085, 486.108, 456.036 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, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 64B17-5.001 follows. See Florida Administrative Code for present text.)

64B17-5.001 Requirements for Reactivation of an Inactive License.

An inactive license shall be reactivated upon demonstration that the licensee has paid the reactivation fee, the biennial renewal fee for an active license, and if applicable, a change of status and/or delinquency fee, provided that the licensee has:

- (1) Documented completion of 10 hours of continuing education of formal approved study pertinent to practice for each year the license was inactive. No more than 6 hours of continuing education may be home study per year of inactive status.

(2) Documented completion of the required HIV/AIDS course as prescribed in Rule 64B17-8.001, F.A.C., for each biennium the license was inactive.

(3) Documented completion of the required medical errors prevention courses as prescribed in Rule 64B17-8.002, F.A.C., for each biennium after the effective date of the statutory requirement while the license was inactive.

(4) Documented proof of completion of 24 hours of approved continuing education as provided in Rule 64B17-9.001, F.A.C., including HIV/AIDS and medical errors prevention for the preceding biennium during which the licensee held an active license.

Specific Authority 486.025, 486.085, 486.108, 456.036 FS. Law Implemented 486.085, 486.108, 456.036 FS. History--New 8-6-84, Formerly 21M-8.11, Amended 9-22-87, 12-30-87, 6-20-89, Formerly 21M-8.011, Amended 3-24-93, Formerly 21MM-5.001, 61F11-5.001, Amended 12-22-94, 4-4-95, 8-16-95, 7-1-97, Formerly 59Y-5.001, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Physical Therapy Practice

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice

DATE PROPOSED RULE APPROVED: December 12, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 16, 2004

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE TITLE: Continuing Education
 RULE NO.: 64B17-9.001

PURPOSE AND EFFECT: The Board proposes to update current rule text.

SUMMARY: Licensee's may receive continuing education credit for attending Board meetings where discipline occurs. Panel members may receive five hours of continuing education for their service, and all licensees must retain continuing education documents for four years.

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

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

SPECIFIC AUTHORITY: 486.025 FS.

LAW IMPLEMENTED: 456.013(6), 486.109(2) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

- 64B17-9.001 Continuing Education.
- (1) through (5) No change.
 - (6) The Board approves for continuing education credit:
 - (a) through (c) No change.
 - (d) Attendance at Florida Board meetings where disciplinary cases are being heard if the licensee is not on the agenda or appearing for another purpose. The number of risk management contact hours for such attendance is based on the definition of contact hour as set forth in subsection (2).
 - (e) Members of the Board’s Probable Cause Panel shall receive five hours of continuing education risk management credit per biennium for their service on the Panel.
 - (7) No change.
 - (8) The licensee must retain such receipts, vouchers, certificates, or other papers as may be necessary to document completion of the appropriate continuing education offerings listed on the renewal form for a period of not less than four years from the date the offering was taken.

Specific Authority 486.025 FS. Law Implemented 456.013(6), 486.109(2) FS. History—New 4-6-92, Formerly 21MM-9.001, Amended 3-7-94, Formerly 61F11-9.001, Amended 12-5-95, Formerly 59Y-9.001, Amended 2-14-02, 4-21-02, 1-2-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Physical Therapy Practice
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 16, 2004

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES: RULE NOS.:
Definitions 67-5.002
Eligible Mortgage Loans 67-5.007
PURPOSE, EFFECT AND SUMMARY: This rule established procedures to address Florida Housing Finance Corporation’s administration of the Multi-Family Loans Program. These rules are redundant and obsolete of the current rules. The repeal of these rules will increase the efficiency and effectiveness of Florida Housing Finance Corporation’s administration of its programs.

SPECIFIC AUTHORITY: 420.507 FS.
LAW IMPLEMENTED: 420.503, 420.508 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: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

THE FULL TEXT OF THE PROPOSED RULES IS:

- 67-5.002 Definitions.
Specific Authority 420.507(12) FS. Law Implemented 420.503, 420.508 FS. History—New 1-24-82, Formerly 91-5.02, 91-5.002, Repealed_____.
- 67-5.007 Eligible Mortgage Loans.
Specific Authority 420.507(12) FS. Law Implemented 420.503, 420.508 FS. History—New 1-24-82, Formerly 91-5.07, 91-5.007, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
David Westcott
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Wayne Conner
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 2, 2004

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-8.002
Issuance of Revenue Bonds	67-8.003
Interest Rate on Program Loans	67-8.004
Transfer of Single-Family Residence by Eligible Borrower	67-8.005
Notice of Program	67-8.006
Allocation of Proceeds	67-8.007
Builders’ Commitments	67-8.008
Commitment Period	67-8.009
Program Fees	67-8.010
Loan Processing	67-8.011
Program Documents	67-8.012
Procedure for Reallocation of Single-Family Mortgage Revenue Bond Quotas to Local Agencies	67-8.013
Criteria for Considering and Evaluating Requests for Reallocation	67-8.014
Notice of Reallocation	67-8.015

PURPOSE, EFFECT AND SUMMARY: This Rule established procedures to address Florida Housing Finance Corporation’s administration of the Single-Family Mortgage Revenue Bond Program. These rules are redundant and obsolete of the current rules. The repeal of these rules will increase the efficiency and effectiveness of Florida Housing Finance Corporation’s administration of its programs.

SPECIFIC AUTHORITY: 420.507 FS.
LAW IMPLEMENTED: 420.502, 420.503, 420.507, 420.508, 420.509, 420.51 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: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

THE FULL TEXT OF THE PROPOSED RULES IS:

67-8.002 Definitions.

Specific Authority 420.507(12) FS. Law Implemented 420.503 FS. History–New 6-16-82, Amended 11-9-82, Formerly 91-8.02, 91-8.002, Repealed.

67-8.003 Issuance of Revenue Bonds.

Specific Authority 420.507(12) FS. Law Implemented 420.502, 420.507, 420.508, 420.509, 420.51, 215.68, 215.84 FS. History–New 6-16-82, Formerly 91-8.03, 91-8.003, Repealed.

67-8.004 Interest Rate on Program Loans.

Specific Authority 420.507(12) FS. Law Implemented 420.502, 420.507, 420.508, 420.509 FS. History–New 6-16-82, Formerly 91-8.04, 91-8.004, Repealed.

67-8.005 Transfer of Single-Family Residence by Eligible Borrower.

Specific Authority 420.507(12) FS. Law Implemented 420.502, 420.507, 420.508 FS. History–New 6-16-82, Formerly 91-8.05, 91-8.005, Repealed.

67-8.006 Notice of Program.

Specific Authority 420.507(12) FS. Law Implemented 420.502, 420.507, 420.508 FS. History–New 6-16-82, Formerly 91-8.06, 91-8.006, Repealed.

67-8.007 Allocation of Proceeds.

Specific Authority 420.507(12) FS. Law Implemented 420.507, 420.508 FS. History–New 6-16-82, Formerly 91-8.07, 91-8.007, Repealed.

67-8.008 Builders’ Commitments.

Specific Authority 420.507(12) FS. Law Implemented 420.507, 420.508 FS. History–New 6-16-82, Amended 11-9-82, Formerly 91-8.08, 91-8.008, Repealed.

67-8.009 Commitment Period.

Specific Authority 420.507(12) FS. Law Implemented 420.507, 420.508 FS. History–New 6-16-82, Formerly 91-8.09, 91-8.009, Repealed.

67-8.010 Program Fees.

Specific Authority 420.507(12) FS. Law Implemented 420.507, 420.508 FS. History–New 6-16-82, Formerly 91-8.10, 91-8.010, Repealed.

67-8.011 Loan Processing.

Specific Authority 420.507(12) FS. Law Implemented 420.507, 420.508 FS. History–New 6-16-82, Formerly 91-8.11, 91-8.011, Repealed.

67-8.012 Program Documents.

Specific Authority 420.507(12) FS. Law Implemented 420.502, 420.507, 420.508 FS. History–New 6-16-82, Formerly 91-8.12, 91-8.012, Repealed.

67-8.013 Procedure for Reallocation of Single-Family Mortgage Revenue Bond Quotas to Local Agencies.

Specific Authority 420.503, 420.507(12) FS. Law Implemented 420.507, 420.508, 420.509 FS. History–New 11-9-82, Formerly 91-8.13, 91-8.013, Repealed.

67-8.014 Criteria for Considering and Evaluating Requests for Reallocation.

Specific Authority 420.507 FS. Law Implemented 420.507, 420.508, 420.509, Ch. 159 (Part IV) FS. History–New 11-9-82, Formerly 91-8.14, 91-8.014, Repealed.

67-8.015 Notice of Reallocation.

Specific Authority 420.507 FS. Law Implemented 420.507, 420.508 FS. History–New 11-9-82, Formerly 91-8.15, 91-8.015, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Bridget Warring

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Esrone McDaniels

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: April 2, 2004

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:

Definitions

Eligible Mortgage Loans

RULE NOS.:

67-11.002

67-11.007

PURPOSE, EFFECT AND SUMMARY: This rule established

procedures to address Florida Housing Finance Corporation’s administration of the Multi-Family Housing Revenue Bond Certificate of Deposit Program. These rules are redundant and obsolete of the current rules. The repeal of these rules will increase the efficiency and effectiveness of Florida Housing Finance Corporation’s administration of its programs.

SPECIFIC AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.502, 420.503, 420.507, 420.508 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: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

THE FULL TEXT OF THE PROPOSED RULES IS:

67-11.002 Definitions.

Specific Authority 420.507(12) FS. Law Implemented 420.502, 402.503, 420.507, 420.508 FS. History–New 4-7-83, Formerly 91-11.02, 91-11.002, Repealed.

67-11.007 Eligible Mortgage Loans.

Specific Authority 420.507(12) FS. Law Implemented 420.502, 402.503, 420.507, 420.508 FS. History–New 4-7-83, Formerly 91-11.07, 91-11.007, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:

David Westcott

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Wayne Conner

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 2, 2004

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Purpose	67-12.001
Definitions	67-12.002
Application	67-12.003
Application Fee	67-12.004
Notice Requirements	67-12.005
Hearing Location	67-12.006
Record of Hearing	67-12.007
Recommendation	67-12.008
Hearing Procedures	67-12.009

PURPOSE, EFFECT AND SUMMARY: This Rule established procedures to address Florida Housing Finance Corporation’s administration of the Tax Equity and Fiscal Responsibility Act –Hearing Procedures. These rules are redundant and obsolete of the current rules. The repeal of these rules will increase the efficiency and effectiveness of Florida Housing Finance Corporation’s administration of its programs.

SPECIFIC AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.503, 420.508 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: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

THE FULL TEXT OF THE PROPOSED RULE IS:

67-12.001 Purpose.

Specific Authority 420.507(12) FS. Law Implemented 120.54, 120.57, 420.507 FS. History–New 8-7-83, Formerly 91-12.01, 91-12.001, Repealed.

67-12.002 Definitions.

Specific Authority 420.507(12) FS. Law Implemented 120.54, 120.57, 420.507 FS. History–New 8-7-83, Formerly 91-12.02, 91-12.002, Repealed.

67-12.003 Application.

Specific Authority 120.53, 120.54, 420.507(12) FS. Law Implemented 420.507(12),(21), 420.508 FS. History–New 8-7-83, Formerly 91-12.03, 91-12.003, Repealed.

67-12.004 Application Fee.

Specific Authority 420.507(4), (12) FS. Law Implemented 420.507(4) FS. History–New 8-7-83, Formerly 67-12.04, Amended 8-6-91, Formerly 91-12.004, Repealed.

67-12.005 Notice Requirement.

Specific Authority 120.53, 120.54, 420.507(12), (21) FS. Law Implemented 120.54, 420.507(12) FS. History–New 8-7-83, Formerly 91-12.05, 91-12.005, Repealed.

67-12.006 Hearing Location.

Specific Authority 420.502, 420.507(12), 420.53 FS. Law Implemented 120.53, 120.54, 420.507(12) FS. History–New 8-7-83, Amended 4-25-84, Formerly 91-12.06, 91-12.006, Repealed.

67-12.007 Record of Hearing.

Specific Authority 120.53, 120.54, 420.507(12), (21) FS. Law Implemented 120.53, 120.54, 420.507(12) FS. History–New 8-7-83, Formerly 91-12.07, 91-12.007, Repealed.

67-12.008 Recommendation.

Specific Authority 120.53, 120.54, 420.507(12), (21) FS. Law Implemented 120.53, 120.54, 420.507(12) FS. History–New 8-7-83, Formerly 91-12.08, 91-12.008, Repealed.

67-12.009 Hearing Procedures.

Specific Authority 120.53, 120.54, 420.507(12), (21) FS. Law Implemented 120.53, 120.54, 420.507(12) FS. History–New 8-7-83, Formerly 91-12.09, 91-12.009, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: David Westcott

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Wayne Conner

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 2, 2004

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-13.002
Eligible Mortgage Loans	67-13.009

PURPOSE, EFFECT AND SUMMARY: This Rule established procedures to address Florida Housing Finance Corporation’s administration of the Multi-Family Housing Revenue Bond Third Party Guarantee Program. These rules are redundant and obsolete of the current rules. The repeal of these rules will increase the efficiency and effectiveness of Florida Housing Finance Corporation’s administration of its programs.

SPECIFIC AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.502, 420.503, 420.507, 420.508 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: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

THE FULL TEXT OF THE PROPOSED RULES IS:

67-13.002 Definitions.

Specific Authority 420.507(12) FS. Law Implemented 420.502, 420.503, 420.507, 420.508 FS. History–New 12-4-83, Formerly 91-13.02, 91-13.002, Repealed.

67-13.009 Eligible Mortgage Loans.

Specific Authority 420.507(12) FS. Law Implemented 420.507(9) FS. History–New 12-4-83, Formerly 91-13.09, 91-13.009, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
David Westcott

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Wayne Conner

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 2, 2004

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-14.002
Private Mortgage Insurance	67-14.011
Waiver of Repayment Terms Under Mortgage	67-14.0131
Program Documents	67-14.014
No Discrimination	67-14.015
Transfer of Single-Family Residence by Eligible Borrower	67-14.0151
Appeals	67-14.016

PURPOSE, EFFECT AND SUMMARY: This Rule established procedures to address Florida Housing Finance Corporation’s administration of the Single-Family Residential Mortgage Revenue Bond Program. These rules are redundant and obsolete of the current rules. The repeal of these rules will increase the efficiency and effectiveness of Florida Housing Finance Corporation’s administration of its programs.

SPECIFIC AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.502, 420.503, 420.507, 420.508 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: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

THE FULL TEXT OF THE PROPOSED RULES IS:

67-14.002 Definitions.

Specific Authority 420.507(12) FS. Law Implemented 420.503 FS. History–New 12-8-83, Amended 9-13-84, Formerly 91-14.02, 91-14.002, Repealed.

67-14.011 Private Mortgage Insurance

Specific Authority 420.507(12) FS. Law Implemented 420.507(11),(18),(21), 420.508 FS. History–New 12-8-83, Formerly 91-14.11, 91-14.011, Repealed.

67-14.0131 Waiver of Repayment Terms Under Mortgage.

Specific Authority 420.507(12) FS. Law Implemented 420.502, 420.507, 420.508 FS. History–New 9-13-84, Formerly 91-14.131, 91-14.0131, Repealed.

67-14.014 Program Documents.

Specific Authority 420.507(12) FS. Law Implemented 420.502, 420.507, 420.508 FS. History–New 12-8-83, Formerly 91-14.14, 91-14.014, Repealed.

67-14.015 No Discrimination.

Specific Authority 420.507(12) FS. Law Implemented 420.502, 420.507(14),(21) FS. History–New 12-8-83, Formerly 91-14.15, 91-14.015, Repealed.

67-14.0151 Transfer of Single-Family Residence by Eligible Borrower.

Specific Authority 420.507(12) FS. Law Implemented 420.502, 420.507, 420.508 FS. History–New 9-13-84, Formerly 91-14.151, 91-14.0151, Repealed.

67-14.016 Appeals.

Specific Authority 420.507(12) FS. Law Implemented 420.503, 420.507, 420.508, Ch. 120 FS. History–New 12-8-83, Formerly 91-14.16, 91-14.016, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
David Westcott

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Wayne Conner

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 2, 2004

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-19.002
Private Mortgage Insurance	67-19.011
Waiver of Repayment Terms under Mortgage	67-19.014
Transfer of Single-Family Residence by Eligible Borrower	67-19.015

PURPOSE, EFFECT AND SUMMARY: This Rule established procedures to address Florida Housing Finance Corporation’s administration of the Single-Family Lower Income Borrower Residential Mortgage Revenue Bond Program. These rules are redundant and obsolete of the current rules. The repeal of these rules will increase the efficiency and effectiveness of Florida Housing Finance Corporation’s administration of its programs.

SPECIFIC AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.502, 420.503, 420.507, 420.508 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: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

THE FULL TEXT OF THE PROPOSED RULES IS:

67-19.002 Definitions.

Specific Authority 420.507(12) FS. Law Implemented 420.503 FS. History–New 2-10-85, Amended 8-11-85, Formerly 9I-19.02, 9I-19.002, Repealed _____.

67-19.011 Private Mortgage Insurance.

Specific Authority 420.507(12) FS. Law Implemented 420.507(11),(18),(21), 420.508 FS. History–New 2-10-85, Amended 8-11-85, Formerly 9I-19.11, 9I-19.011, Repealed _____.

67-19.014 Waiver of Repayment Terms under Mortgage.

Specific Authority 420.507(12) FS. Law Implemented 420.502, 420.507, 420.508 FS. History–New 2-10-85, Amended 10-29-85, Formerly 9I-19.14, 9I-19.014, Repealed _____.

67-19.015 Transfer of Single-Family Residence by Eligible Borrower.

Specific Authority 420.507(12) FS. Law Implemented 420.502, 420.507, 420.508 FS. History–New 2-10-85, Amended 10-29-85, Formerly 9I-19.15, 9I-19.015, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bridget Warring

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Esrone McDaniels

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 2, 2004

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-28.002
General Program Restrictions	67-28.004
Terms and Conditions of Loans	67-28.006
Adjustments for Family Size	67-28.009
Right to Inspect and Monitor Funded Projects	67-28.012
Fees	67-28.013

PURPOSE, EFFECT AND SUMMARY: This Rule established procedures to address Florida Housing Finance Corporation’s administration of the State Apartment Incentive Loan (SAIL) Program. The current rules that govern the SAIL program are under Chapter 67-48, F.A.C. These rules are redundant and obsolete of the current rules. The repeal of these rules will increase the efficiency and effectiveness of Florida Housing Finance Corporation’s administration of its SAIL programs.

SPECIFIC AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.503, 420.507, 420.5087 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: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

THE FULL TEXT OF THE PROPOSED RULES IS:

67-28.002 Definitions.

Specific Authority 420.507(22)(f) FS. Law Implemented 420.503, 420.507, 420.5087 FS. History–New 10-27-88, Amended 9-11-89, 5-2-91, Formerly 9I-28.002, Repealed _____.

67-28.004 General Program Restrictions.

Specific Authority 420.507(22)(f) FS. Law Implemented 420.507, 420.5087 FS. History–New 10-27-88, Amended 9-11-89, 5-2-91, Formerly 9I-28.004, Repealed _____.

67-28.006 Terms and Conditions of Loans.

Specific Authority 420.507(22)(f) FS. Law Implemented 420.507, 420.5087 FS. History–New 10-27-88, Amended 9-11-89, 5-2-91, Formerly 9I-29.006, Repealed _____.

67-28.009 Adjustments for Family Size.

Specific Authority 420.507(22)(f),(g) FS. Law Implemented 420.5087(2) FS. History–New 10-27-88, Formerly 9I-28.009, Repealed _____.

67-28.012 Right to Inspect and Monitor Funded Projects.

Specific Authority 420.507(22)(f),(g) FS. Law Implemented 420.507(14) FS. History–New 10-27-88, Formerly 9I-28.012, Repealed _____.

67-28.013 Fees.

Specific Authority 420.507(22)(f) FS. Law Implemented 420.507, 420.5087 FS. History–New 10-27-88, Amended 9-11-89, 5-2-91, Formerly 9I-28.013, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Vicki Robinson

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Steve Auger

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 2, 2004

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLE:	RULE NO.:
Reallocation for Disaster Areas	67-34.0045

PURPOSE, EFFECT AND SUMMARY: This Rule established procedures to address Florida Housing Finance Corporation’s administration of the Home Investment Partnerships Program. These rules are redundant and obsolete of the current rules. The repeal of these rules will increase the efficiency and effectiveness of Florida Housing Finance Corporation’s administration of its programs.

SPECIFIC AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.5089 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: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

THE FULL TEXT OF THE PROPOSED RULE IS:

67-34.0045 Reallocation for Disaster Areas.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History—New 2-1-96, Formerly 91-34.0045, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Vicki Robinson

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Steve Auger

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 2, 2004

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Purpose	67-36.001
Definitions	67-36.002
Application for Corporation Loans	67-36.003
Selection Criteria and Guidelines for Corporation Selection of Developer Application	67-36.004
Selection of Qualified Lending Institutions as Originators or Servicers	67-36.005
Project Requirements	67-36.006
Cost of Issuance Fee	67-36.007
Loan Provisions	67-36.008
Interest Rate on Mortgage Loans	67-36.009
Issuance of Revenue Bonds	67-36.010
No Discrimination	67-36.011
Advertisements	67-36.012

PURPOSE, EFFECT AND SUMMARY: This Rule established procedures to address Florida Housing Finance Corporation's administration of the Multi-Family Insured Taxable Revenue Bond Program. These rules are redundant and obsolete of the current rules. The repeal of these rules will increase the efficiency and effectiveness of Florida Housing Finance Corporation's administration of its programs.

SPECIFIC AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.502, 420.503, 420.507, 420.5078, 420.508, 420.509 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: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

THE FULL TEXT OF THE PROPOSED RULES IS:

67-36.001 Purpose.

Specific Authority 420.507(12) FS. Law Implemented 420.507(6), (14), 420.508(1)(a) FS. History—New 3-24-93, Formerly 91-36.001, Repealed.

67-36.002 Definitions.

Specific Authority 420.507(12) FS. Law Implemented 420.502, 420.503, 420.507, 420.508, 420.509, 159.823, 159.825, 159.826, 159.828 FS. History—New 3-24-93, Formerly 91-36.002, Repealed.

67-36.003 Application for Corporation Loans.

Specific Authority 420.507(12) FS. Law Implemented 420.502, 420.507(4),(21), 420.508 FS. History—New 3-24-93, Formerly 91-36.003, Repealed.

67-36.004 Selection Criteria and Guidelines for Corporation Selection of Developer Application.

Specific Authority 420.507(12) FS. Law Implemented 420.502, 420.507(4),(12),(19),(21), 420.508 FS. History—New 3-24-93, Formerly 91-36.004, Repealed.

67-36.005 Selection of Qualified Lending Institutions as Originators or Servicers.

Specific Authority 420.507(12) FS. Law Implemented 420.507(18),(20) FS. History—New 3-24-93, Formerly 91-36.005, Repealed.

67-36.006 Project Requirements.

Specific Authority 420.507(12) FS. Law Implemented 420.507(9),(11),(14),(21), 420.508 FS. History—New 3-24-93, Formerly 91-36.006, Repealed.

67-36.007 Cost of Issuance Fee.

Specific Authority 420.507(12) FS. Law Implemented 420.507(4), (19) FS. History—New 3-24-93, Formerly 91-36.007, Repealed.

67-36.008 Loan Provisions.

Specific Authority 420.507(12) FS. Law Implemented 420.503(7), 420.507, 420.507(4),(5),(6),(9),(11),(14),(16),(18),(19),(20),(21) FS. History—New 3-24-93, Formerly 91-36.008, Repealed.

67-36.009 Interest Rate on Mortgage Loans.

Specific Authority 420.507(12) FS. Law Implemented Chapter 75, 420.507, 420.5078 FS. History—New 3-24-93, Formerly 91-36.009, Repealed.

67-36.010 Issuance of Revenue Bonds.

Specific Authority 420.507(12) FS. Law Implemented 420.507, 420.509 FS. History—New 3-24-93, Formerly 91-36.010, Repealed.

67-36.011 No Discrimination.

Specific Authority 420.507(12) FS. Law Implemented 420.502, 420.507(14),(21) FS. History—New 3-24-93, Formerly 91-36.011, Repealed.

67-36.012 Advertisements.

Specific Authority 420.507(12) FS. Law Implemented 420.507(12),(22) FS. History—New 3-24-93, Formerly 91-36.012, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
David Westcott

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Wayne Conner

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 2, 2004

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-40.020
General Project Restrictions:	
Affordable Housing	67-40.070
Terms and Conditions of Loans	67-40.100
Construction Disbursements and Permanent Loan Servicing for Rental and Cooperative Housing Projects	67-40.110
Compliance Procedures	67-40.130
No Discrimination	67-40.140
Administrative Hearings	67-40.150

PURPOSE, EFFECT AND SUMMARY: This Rule established procedures to address Florida Housing Finance Corporation’s administration of the Home Investment Partnerships Program, Disaster Relief. These rules are redundant and obsolete of the current rules. The repeal of these rules will increase the efficiency and effectiveness of Florida Housing Finance Corporation’s administration of its programs.

SPECIFIC AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.5089 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: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

THE FULL TEXT OF THE PROPOSED RULES IS:

67-40.020 Definitions.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(1) FS. History–New 8-31-93, Amended 7-14-94, 11-20-94, Formerly 91-40.020, Repealed_____.

67-40.070 General Project Restrictions: Affordable Housing.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(1) FS. History–New 8-31-93, Amended 7-14-94, 11-20-94, Formerly 91-40.070, Repealed_____.

67-40.100 Terms and Conditions of Loans.

Specific Authority 420.507(5), (12) FS. Law Implemented 420.5089(1) FS. History–New 8-31-93, Amended 7-14-94, 11-20-94, Formerly 91-40.100, Repealed_____.

67-40.110 Construction Disbursements and Permanent Loan Servicing for Rental and Cooperative Housing Projects.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(1) FS. History–New 8-31-93, Amended 7-14-94, 11-20-94, Formerly 91-40.110, Repealed_____.

67-40.130 Compliance Procedures.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(1) FS. History–New 8-31-93, Amended 7-14-94, 11-20-94, Formerly 91-40.130, Repealed_____.

67-40.140 No Discrimination.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(1), 420.516 FS. History–New 8-31-93, Repromulgated 7-14-94, 11-20-94, Formerly 91-40.140, Repealed_____.

67-40.150 Administrative Hearings.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(1) FS. History–New 8-31-93, Repromulgated 7-14-94, Amended 11-20-94, Formerly 91-40.150, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Vicki Robinson

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Steve Auger

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 2, 2004

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-41.002
Corporation Solicitation and Selection of Minority Owned, Federally Insured Financial Institution and Not-For-Profit Housing Institutes to Originate and Service Loans	67-41.003
Loan Restrictions	67-41.004
Program Documents	67-41.005
Corporation Monitoring Requirements	67-41.006

PURPOSE, EFFECT AND SUMMARY: This Rule established procedures to address Florida Housing Finance Corporation’s administration of the Single Family Credit Deficiency Demonstration Loan Program. These rules are redundant and obsolete of the current rules. The repeal of these rules will increase the efficiency and effectiveness of Florida Housing Finance Corporation’s administration of its programs.

SPECIFIC AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: Section 1A, Chapter 93-184, Laws of Florida, Section 1A, 1994-95 General Appropriations Act, Specific Appropriation 329.

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: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

THE FULL TEXT OF THE PROPOSED RULES IS:

67-41.002 Definitions.

Specific Authority 420.507 FS. Law Implemented Section 1A, Chapter 93-184, Laws of Florida, Section 1A, 1994-95 General Appropriations Act, Specific Appropriation 329. History–New 10-18-93, Amended 8-3-95, Formerly 91-41.002, Repealed_____.

67-41.003 Corporation Solicitation and Selection of Minority Owned, Federally Insured Financial Institution and Not-For-Profit Housing Institutes to Originate and Service Loans.

Specific Authority 420.507 FS. Law Implemented Section 1A, Chapter 93-184, Laws of Florida, Section 1A, 1994-95 General Appropriations Act, Specific Appropriation 329. History–New 10-18-93, Amended 8-3-95, Formerly 91-41.003, Repealed.

67-41.004 Loan Restrictions.

Specific Authority 420.507 FS. Law Implemented Section 1A, Chapter 93-184, Laws of Florida, Section 1A, 1994-95 General Appropriations Act, Specific Appropriation 329. History–New 10-18-93, Amended 8-3-95, Formerly 91-41.004, Repealed.

67-41.005 Program Documents.

Specific Authority 420.507 FS. Law Implemented Section 1A, Chapter 93-184, Laws of Florida, Section 1A, 1994-95 General Appropriations Act, Specific Appropriation 329. History–New 10-18-93, Amended 8-3-95, 1-15-96, Formerly 91-41.005, Repealed.

67-41.006 Corporation Monitoring Requirements.

Specific Authority 420.507 FS. Law Implemented Section 1A, Chapter 93-184, Laws of Florida, Section 1A, 1994-95 General Appropriations Act, Specific Appropriation 329. History–New 10-18-93, Amended 8-3-95, Formerly 91-41.006, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bridget Warring

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Esrone McDaniels

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 2, 2004

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Purpose	67-42.001
Definitions	67-42.002
Corporation Participation	67-42.003

PURPOSE, EFFECT AND SUMMARY: This Rule established procedures to address Florida Housing Finance Corporation’s administration of the Single Family Lease-Ownership Revenue Bond Program. These rules are redundant and obsolete of the current rules. The repeal of these rules will increase the efficiency and effectiveness of Florida Housing Finance Corporation’s administration of its programs.

SPECIFIC AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.507 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: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

THE FULL TEXT OF THE PROPOSED RULES IS:

67-42.001 Purpose.

Specific Authority 420.507 FS. Law Implemented 420.507 FS. History–New 11-9-93, Formerly 91-42.001, Repealed.

67-42.002 Definitions.

Specific Authority 420.507 FS. Law Implemented 420.507 FS. History–New 11-9-93, Formerly 91-42.002, Repealed.

67-42.003 Corporation Participation.

Specific Authority 420.507 FS. Law Implemented 420.507 FS. History–New 11-9-93, Formerly 91-42.003, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bridget Warring

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Esrone McDaniels

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 2, 2004

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers’ Compensation

RULE TITLES:	RULE NOS.:
Florida Workers’ Compensation Health Care Provider Reimbursement Manual	69L-7.020
Florida Workers’ Compensation Reimbursement Manual for Hospitals	69L-7.501

PURPOSE AND EFFECT: To amend Rule 69L-7.020, F.A.C., to adopt the new versions of the Florida Workers’ Compensation Health Care Provider Reimbursement Manual, 2004 Second Edition; the Physicians’ Current Procedural Terminology (CPT®), 2004 Professional Edition, Copyright 2003, American Medical Association; and the American Medical Association “Healthcare Common Procedure Coding System, Medicare’s National Level II Codes, HCPCS 2004”, Sixteenth Edition, Copyright 2003, Ingenix Publishing Group. To amend Rule 69L-7.501, F.A.C., to adopt the Florida Workers’ Compensation Reimbursement Manual for Hospitals, 2004 Second Edition, and incorporate the Florida Workers’ Compensation Health Care Reimbursement Manual, 2004 Second Edition. These amendments are made to comply with Chapter Law 2003-412 (SB-50A), incorporate 2004 updates to Medicare values, and implement the reimbursement rates adopted by the three-member Panel pursuant to Section 440.13(12), F.S., at its meeting on October 2, 2003.

SUMMARY: To amend Rule 69L-7.020, F.A.C., to adopt the new versions of the Florida Workers’ Compensation Health Care Provider Reimbursement Manual, 2004 Second Edition; the Physicians’ Current Procedural Terminology (CPT®), 2004 Professional Edition, Copyright 2003, American Medical Association; and the American Medical Association “Healthcare Common Procedure Coding System, Medicare’s National Level II Codes, HCPCS 2004, Sixteenth Edition, Copyright 2003, Ingenix Publishing Group. To amend Rule

69L-7.501, F.A.C., to adopt the Florida Workers' Compensation Reimbursement Manual for Hospitals, 2004 Second Edition, and incorporate the Florida Workers' Compensation Health Care Reimbursement Manual, 2004 Second Edition. These amendments are made to comply with Chapter Law 2003-412 (SB-50A), incorporate 2004 updates to Medicare values, and implement the reimbursement rates adopted by the Three-member Panel pursuant to Section 440.13(12), F.S., at its meeting on October 2, 2003.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 440.591, 440.13(14)(b) FS.

LAW IMPLEMENTED: 440.13(7),(12),(14) 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: 9:00 a.m., May 11, 2004

PLACE: Room 104J, Hartman Building, 2012 Capital Circle, Southeast, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Don Davis, Office of Data Quality and Collection, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4226, (850)413-1711

THE FULL TEXT OF THE PROPOSED RULES IS:

69L-7.020 Florida Workers' Compensation Health Care Provider Reimbursement Manual.

(1) The Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2004 Second Edition, is adopted by reference as part of this rule. The manual contains reimbursement policies, guidelines, codes and maximum reimbursement allowances for medical services and supplies provided by health care providers. Also, the ~~The~~ manual includes ~~provides~~ reimbursement policies and payment methodologies for pharmacists and medical suppliers. The Florida Workers' Compensation Health Care Provider Reimbursement Manual, incorporated above, is available for inspection during normal business hours at the Florida Department of Financial Services, Document Processing

Section, 200 East Gaines Street, Tallahassee, Florida 32399-0311, or via the Department's web site at <http://www.fldfs.com>.

(2) The Physicians' Current Procedural Terminology (CPT®), 2004 ~~2003~~ Professional Edition, Copyright 2003 ~~2002~~, American Medical Association; the Current Dental Terminology (CDT-4), Fourth Edition, Copyright 2002, American Dental Association; and for D codes and for injectable J codes, and for other medical services and supply codes, the American Medical Association "Healthcare Common Procedure Coding System, Medicare's National Level II Codes, HCPCS 2004 ~~2003~~", Sixteenth ~~Fifteenth~~ Edition, Copyright 2003 ~~2002~~, Ingenix Publishing Group, are adopted by reference as part of this rule. When a health care provider performs a procedure or service, which is not listed in the Florida Workers' Compensation Health Care Provider Reimbursement Manual, incorporated in subsection (1) above, the provider must use a code contained in the CPT®, CDT-4 or HCPCS section as specified.

Specific Authority 440.591 FS. Law Implemented 440.13(7),(12),(14) FS. History—New 10-1-82, Amended 3-16-83, 11-6-83, 5-21-85, Formerly 38F-7.020, Amended 4-1-88, 7-20-88, 6-1-91, 4-29-92, 2-18-96, 9-1-97, 12-15-97, 9-17-98, 9-30-01, 7-7-02, Formerly 38F-7.020, 4L-7.020, Amended 12-4-03, 1-1-04, _____.

69L-7.501 Florida Workers' Compensation Reimbursement Manual for Hospitals.

(1) The Florida Workers' Compensation Reimbursement Manual for Hospitals, 2004 Second Edition is adopted by reference as part of this rule. The manual contains reimbursement policies and per diem rates for hospital services and supplies.

(2) Form DWC-90, also known as the UB-92, or HCFA-1450, is hereby incorporated by reference as part of this rule. The Florida Workers' Compensation Health Care Provider Reimbursement Manual 2004, Second Edition is incorporated by reference as part of this rule also. The reimbursement policies, billing codes and maximum reimbursement allowances for physical therapy, ~~radiology~~, occupational therapy, speech therapy, radiology and clinical laboratory services contained in the manual shall be applied to hospital services provided on an outpatient basis only.

(3) The Florida Workers' Compensation Reimbursement Manual for Hospitals, incorporated in subsection (1) above, is available for inspection during normal business hours, at the State of Florida Department of Financial Services, Document Processing Section, 200 East Gaines Street, Tallahassee, Florida 32399-0311, or via the Department's website at <http://www.fldfs.com>.

Specific Authority 440.591, 440.13(14)(b) FS. Law Implemented 440.13(7),(12),(14) FS. History—New 6-9-87, Amended 6-1-92, 10-27-99, 7-3-01, Formerly 38F-7.501, Amended 1-1-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Don Davis, Office of Data Quality and Collection, Division of Workers' Compensation, Department of Financial Services
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tanner Holloman, Director of Workers' Compensation, Department of Financial Services
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 23, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2004

magnetic signs, provided that no pesticides or pesticide application equipment are carried in the vehicle. All vehicles used in the conduct of pest control that carry or contain pesticides or pesticide application equipment, shall be permanently marked. Magnetic signs are prohibited. This requirement may be waived by the Department for a period of time not to exceed fifteen (15) working days in authentic and verifiable emergencies when the licensee has given written notice to the Entomologist Inspector in the area describing the cause of the emergency, the vehicle being replaced, the substituting vehicle, and the anticipated termination date of the emergency.

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

Table with 2 columns: RULE CHAPTER NO. and RULE CHAPTER TITLE; RULE NOS. and RULE TITLES. Rows include 5E-14 Entomology - Pest Control Regulations, 5E-14.103 Licensee Identification - Vehicles, Equipment, and 5E-14.142 Responsibilities and Duties - Records Reports, Advertising, Applications.

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., published in Vol. 30, No. 7, February 13, 2004, issue of the Florida Administrative Weekly. These changes reflect comments received from the Joint Administrative Procedures Committee and comments received at the hearing on March 11, 2004.

THE RULE NOW READS AS FOLLOWS:

5E-14.103 Licensee Identification - Vehicles, Equipment. To assist the Department in enforcement of Chapter 482, F.S., and all regulations thereunder, the licensee shall identify all units or equipment used by him or in his behalf for pest control as follows:

- (1) All motor vehicles and all trailers used in behalf of or by any licensee or licensee's employees in the conduct of pest control shall be permanently marked for easy identification with the licensee's name or trade name, as registered with the Department. Vehicles shall be permanently marked except as provided below. The term "permanently marked" shall mean paint or decals applied to the vehicle body itself. Only those vehicles used exclusively for the purpose of sales and soliciting of business may be temporarily marked, including the use of

Specific Authority 482.051(2)(4) FS. Law Implemented 482.051(2)(4), 482.161, 482.191 FS., Section 1, Chapter 92-203, Laws of Florida. History--New 1-1-77, Joint Administrative Procedures Committee Objection Withdrawn - See FAW Vol. 3, No. 30, July 29, 1977, Amended 6-27-79, Formerly 10D-55.103.

5E-14.142 Responsibilities and Duties - Records Reports, Advertising, Applications.

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

(c) Termite or other wood-destroying organism inspection report:

Pursuant to Sections 482.226(1),(2),(4) and (5), F.S., each licensee having a certified operator in the category of termite or other wood-destroying organism control and who makes and reports the findings of a wood-destroying organism inspection in writing shall provide the party requesting the inspection with the inspection findings in the Wood-Destroying Organisms Inspection Report prescribed by the Department and furnished by the licensee, DACS 13645, Rev. 02/04 3/02, which is incorporated by reference. The licensee shall not place any disclaimers or additional language on the Wood Destroying Organisms Inspection Report. The licensee shall inspect for all wood-destroying organisms as defined in Section 482.021(28), F.S., in accordance with the following inspection standards:

1. through 2. No change.

3. The inspection shall include an examination for visual evidence of wood-decaying fungi and damage caused by wood-decaying fungi. Wood-decaying fungi are fungi that can cause damage to wood, such as those that produce white rot, brown rot, poria and cubical rot, but not surface molds that do not cause damage to sound wood.

Specific Authority 482.051 F.S. Law Implemented 482.061, 482.071, 482.091, 482.111(5),(9), 482.161(1)(g), 482.226(1),(2),(4),(5), and (6) FS. History--New 1-2-77, Amended 6-27-79, 6-22-83, 1-20-87, 10-25-90, Formerly 10D-55.142, Amended 8-11-93, 5-28-98, 4-29-02, 4-17-03.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Steve Dwinell, Division of Agricultural Environmental Services, Department of Agriculture and Consumer Services, 3125 Conner Blvd., Tallahassee, Florida 32399-1650, (850)488-7447