

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Tanner Holloman, Director,
Division of Workers' Compensation, Department of Financial
Services
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: February 3, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: February 20, 2004

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER NO: RULE CHAPTER TITLE:
5E-2 Pesticides
RULE NO.: RULE TITLE:
5E-2.033 Organo-Auxin Herbicides:
Restrictions and Prohibitions

NOTICE OF ADDITIONAL HEARINGS

Notice is hereby given that additional public hearings are being
scheduled for the above rule as published in Vol. 30, No. 9,
February 27, 2004, issue of the Florida Administrative Weekly.
TIMES AND DATES: 10:00 a.m., May 12, 2004 through 5:00
p.m., May 13, 2004

PLACE: AES Conference Room, 3125 Conner Blvd.,
Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULE IS: Dale Dubberly, Chief, Bureau of
Compliance Monitoring, Department of Agriculture and
Consumer Services, 3125 Conner Blvd., Tallahassee, Florida
32399-1650, (850)488-8731

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/](http://www.dep.state.fl.us/) under the link or button titled "Official Notices."

PUBLIC SERVICE COMMISSION

DOCKET NO. 030970-EI

RULE NO.: RULE TITLE:
25-6.015 Location and Preservation of
Records

NOTICE OF CHANGE

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

Paragraph (3)(b) of Rule 25-6.015 is changed as follows:

(b) However, all source documents retained as required by
Title 18, Subchapter C, Part 125, Code of Federal Regulations
shall be maintained in their original form for a minimum of
three years, or for any lesser period of time specified for that
type of record in Title 18, Subchapter C, Part 125, Code of
Federal Regulations, after the date the document was created or
received by the utility. This paragraph does not require the
utility to create paper copies of documents where the utility
would not otherwise do so in the ordinary course of its
business. The Commission will ~~may~~ waive the requirement
that documents be retained in their original form upon a
showing by a utility that it employs a storage and retrieval
system that consistently produces clear, readable copies that
are substantially equivalent to the originals, and clearly
reproduces handwritten notations on documents.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NOS.:	RULE TITLES:
61A-7.001	Definitions
61A-7.003	Licenses Not Eligible for Smoking Designation
61A-7.004	Annual Certification Requirements
61A-7.013	Penalty Guidelines for Florida Statute 561.695 – Stand Alone Bar Enforcement
61A-7.014	Aggravating or Mitigating Circumstances for 561.695 – Stand-Alone Bar Violations

NOTICE OF CHANGE

Notice is hereby given that the following changes have been
made to the proposed rules in accordance with subparagraph
120.54(3)(d)1., F.S., published in Vol. 29, No. 41, October 8,
2003 issue of the Florida Administrative Weekly.

61A-7.001(7) "Stand-alone smoking with food (ssf)"
means those licensed premises that operate a business that
meets the definition of a stand-alone bar in Section
386.203(11), Florida Statutes, in which the serving of food is
merely incidental, that is and the licensed premises may derive
no more than ten percent of its gross revenue from the sale of
food consumed on the licensed premises.

61A-7.003 Premises Not Eligible for Smoking Designation.

Licensed premises shall not be designated as a stand-alone bar if the qualifications for licensure require the premises be devoted predominantly to activities other than the service of alcohol. The following licenses are not eligible for a stand-alone bar designation:

- S – Special Hotel
- SH – Special Hotel in counties with population of 50,000 or less
- SR – Special Restaurant issued on or after ~~September 1, 1969~~ January 1, 1958
- SRX – Special Restaurant
- SBX – Special Bowling
- SAL – Special Airport
- SCX – Special Civic Center
- SCC – Special County Commission
- SPX – Pleasure, Excursion, Sightseeing, or Charter boats
- X – Airplanes, Buses, and Steamships
- IX – Railroad Cars
- XL – Passenger Waiting Lounge operated by an airline
- PVP – Passenger Vessels engaged in foreign commerce
- FEX – Special Public Fairs/Expositions
- HBX – Special Horse Breeders
- 11AL – American Legion Post permitted to sell to general public
- 11C – Social, Tennis, Racquetball, Beach, or Cabana Club
- 11CE – Licensed vendors exempt from payment of surcharge tax
- 11CS – Special Act Club License
- 11CT – John and Mable Ringling Museum
- 11GC – Golf Club

- 11PA – Symphony, Live Performance Theatre, Performing Arts Center
- 12RT – Dog or Horse Track or Jai Alai Fronton
- 13CT – Catering

Specific Authority 386.2125, 561.695(9) FS. Law Implemented 386.203(11), 561.695 FS. History—New _____.

61A-7.004 Annual Certification Requirements.

A qualifying stand-alone bar receiving an “ss” or “ssf” designation shall file an annual affidavit, DBPR ABT 6040, incorporated herein by reference, certifying that, on or before the licensee’s annual beverage license renewal, for the preceding twelve months, no more than ten percent of total gross revenue was derived from retail sales of food consumed on the licensed premises. The percentage of food sales shall be computed by dividing gross revenues from the sale of food ~~consumed the licensee sells for consumption~~ on the premises by the gross revenue of the licensed premises.

Specific Authority 561.695(9) FS. Law Implemented 561.695(5) FS. History—New _____.

61A-7.013 Penalty Guidelines for Florida Statute 561.695 – Stand-Alone Bar Enforcement.

(1) This rule sets forth the penalties which shall be imposed upon licensees who are supervised by the Division of Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation. Enforcement supervisors and bureau chiefs are authorized to accept settlement offers that do not deviate from the penalty guidelines. The penalties provided below are for violations one through three, within a two-year period, and a fourth violation occurring anytime within the aforementioned time period of thereafter.

(2) The penalty guidelines set forth in the table that follows shall serve to provide field offices and licensees or permittees with penalties that the division will routinely impose for violations.

EACH
SUBSEQUENT
OCCURRENCE
FOURTH
OCCURRENCE

STATUTE	VIOLATION	FIRST OCCURRENCE	SECOND OCCURRENCE	THIRD OCCURRENCE	FOURTH OCCURRENCE
561.695	Failure to comply with stand-alone bar designation requirements within Florida Statute 561.695	Warning	\$500	Suspension of designation for 14 days and \$1000	60 days suspension of designation and \$2000

STATUTE	VIOLATION	FIRST OCCURRENCE	EACH SUBSEQUENT OCCURRENCE
561.695(5)	Failure to file annual affidavit upon renewal	Loss of smoking designation	Loss of smoking designation

Specific Authority 561.695(9) FS. Law Implemented 561.695(5),(8) FS. History—New _____.

61A-7.014 Aggravating or Mitigating Circumstances for 561.695 – Stand-Alone Bar Violations.

When either the petitioner or respondent demonstrates aggravating or mitigating circumstances by clear and convincing evidence, the division may adjust penalties within statutory guidelines. ~~Aggravating or mitigating circumstances may include, but are not limited to, the following:~~

- ~~(1) The number of counts in the administrative complaint;~~
- ~~(2) The disciplinary history of the applicant or licensee;~~
- ~~(3) The applicant or licensee has corrected the violation and implemented written corrective policies and procedures;~~
- ~~(4) The degree of financial hardship incurred by a licensee as a result of the imposition of suspension or a fine;~~

Specific Authority 561.695(9) FS. Law Implemented 561.695(8) FS. History—New _____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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DEPARTMENT OF JUVENILE JUSTICE

Division of Administration

RULE NOS.:	RULE TITLES:
63F-8.001	Scope
63F-8.002	Definitions
63F-8.003	Development of New and Revised Policies

NOTICE OF PUBLIC HEARING

The Department of Juvenile Justice, Office of Administration hereby gives notice of an additional public hearing on the above referenced rules to be held:

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

PLACE: DJJ Headquarters, Knight Building, Probation Conference Room 108, 2737 Centerview Drive, Tallahassee, Florida.

At this meeting, the Department will consider the elimination of the second review period for policies and reducing number of days in the remaining comment period.

The rules were originally published in Vol. 30, No. 5, January 30, 2004, of the Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Clyde Benedix, Policy Development Officer, Department of Juvenile Justice, Office of Administration, 2737 Centerview Drive, Ste. 104, Tallahassee, FL 32399-3100, (850)921-3048, e-mail: clayde.benedix@djj.state.fl.us

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-1.205
RULE TITLE: Eligibility Determination Process

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 29 No. 21, May 23, 2003 Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE NO.: 69L-7.602
RULE TITLE: Florida Workers' Compensation Medical Services Billing, Filing and Reporting Rule

NOTICE OF CORRECTION

The rule notice that was published in Vol. 30, No. 12, on March 19, 2004 should have contained the following:

NAME OF PERSON ORIGINATING PROPOSED RULE: Don Davis, Office of Data Quality and Collection, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4226. Phone (850)413-1711

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 10, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 26, 2003

Section IV Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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