

- (sss)71- 6252 Shaft Sinking – All Operations
- (ttt)72- 6260 Tunneling – Pneumatic – All Operations
- (uuu)73- 6306 Sewer Construction – All Operations and Drivers
- (vvv)74- 6319 Gas Main or Connection Construction and Drivers
- (www)75- 6325 Conduit Construction – For Cable or Wires – and Drivers
- (xxx)76- 6400 Fence Erection – Metal
- (yyy)77- 7538 Electric Light or Power Line Construction and Drivers
- (zzz)78- 7601 Telephone, Telegraph or Fire Alarm Construction and Drivers
- (aaa)79- 7605 Burglar Alarm Installation or Repair and Drivers
- (bbb)80- 7611 Telephone or Cable TV Line Installation – Contractors, Underground and Drivers
- (ccc)81- 7612 Telephone or Cable TV Line Installation – Contractors, Overhead, and Drivers
- (ddd)82- 7613 Telephone or Cable TV Line Installation – Contractors, Service Lines and Connections and Drivers
- (eee)83- 7855 Railroad Construction: Laying or Relaying of Tracks or Maintenance of Way by Contractor – No Work on Elevated Railroads – and Drivers
- (fff)84- 8227 Construction or Erection – Permanent Yard
- (ggg)85- 9534 Mobile Crane and Hoisting Service Contractors – NOC – All Operations – Including Yard Employees and Drivers
- (hhh)86- 9554 Sign Installation, Maintenance, Repair, Removal, or Replacement NOC & Drivers

(2) The Division adopts the definitions published by NCCI, SCOPES® of Basic Manual Classifications (Jan. 2003) that correspond to the classification codes and descriptions adopted in subsection (1) above. The definitions identify the workplace operations that satisfy the criteria of the term “construction industry” as used in the workers’ compensation law. The definitions are hereby incorporated by reference and can be obtained by writing to the Division of Workers’ Compensation, Bureau of Compliance, 200 E. Gaines Street, Tallahassee, Florida 32399-4228. The Florida exception pages of the National Council on Compensation Insurance, Inc.’s Basic Manual are herein incorporated by reference.

Specific Authority 440.02(8), 440.591 FS. Law Implemented 440.02(8), Ch. 2003-412, Section 1, Laws of Florida (repealing parts of 440.02(15), F.S.) 440.02(14)(b)2.,(c)2.,(d)1., 440.05 FS. History—New 10-21-02, Formerly 4L-6.021, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bruce Brown, Chief, Bureau of Compliance, Division of Workers’ Compensation, Department of Financial Services
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Daniel Sumner, Assistant Director, Division of Workers’ Compensation, Department of Financial Services
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 22, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 5, 2003

Section III Notices of Changes, Corrections and Withdrawals

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

Florida Hurricane Catastrophe Fund

RULE NO.: 19-8.028
RULE TITLE: Reimbursement Premium Formula
NOTICE OF WITHDRAWAL

NOTICE IS HEREBY GIVEN by the State Board of Administration of Florida that the Notice of Proposed Rule Hearing, published in the Florida Administrative Weekly on March 26, 2004, Vol. 30, No. 13, pages 1280 through 1282 was published inadvertently and is hereby withdrawn. The Notice of Proposed Rule Hearing for this rule was republished on April 23, 2004, Vol. 30, No. 17, pages 1664 through 1666.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-501.310
RULE TITLE: General Libraries
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 30, No. 7, (February 13, 2004), and Vol. 30, No. 12, (March 19, 2004) issues of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NO.: 60BB-2.0255
RULE TITLE: Annual Reporting

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to this proposed rule, as published in the Vol. 30, No. 9, pp. 875-876, February 27, 2004, issue of the Florida Administrative Weekly. These changes are in accordance with subparagraph 120.54(3)(d)1., F.S.

Rule 60BB-2.0255, F.A.C., has been changed so that, when adopted, the rule will read:

60BB-2.0255 Annual Reporting.

(1) Application.

(a) An employer whose employees perform only domestic services may elect to report wages and pay taxes annually instead of quarterly, pursuant to paragraph (1) of Section 443.131, F.S., by completing and filing application Form UCT-7A (Rev. June 2003) with the Department of Revenue by December 1 of the year preceding the calendar year the annual reporting period will begin. The Agency for Workforce Innovation, through its designee, the Department of Revenue shall issue written notification of the approval or denial to the applicant within 30 days after receipt of a completed application. An employer whose application is approved does not need to resubmit an application for consecutive subsequent years. An employer whose application is denied shall have 20 days from the mailing date of the Department's notification of denial to file a written protest with the Department of Revenue. The protest shall be governed by the provisions of Rule 60BB-2.035, F.A.C.

(b)1. An employer who is approved shall report wages and pay taxes annually by filing Form UCT-7 (New, March 2004) in accordance with the instructions contained on the form.

2. However, an employer required to file by electronic means shall file Form UCT-7 by electronic means and concurrently pay taxes by electronic means in accordance with subsection 60BB-2.025(6) and paragraph 60BB-2.027(2)(a), F.A.C.

(2) Disqualification or Termination. An employer who ceases to qualify for annual reporting and payment or voluntarily discontinues annual reporting and payment or is terminated from the annual reporting and payment program for failure to timely furnish wage information shall file with the Department of Revenue, no later than the last day of the month following the calendar quarter in which the disqualification or termination occurred, all quarterly wage and tax reports due for all completed calendar quarters and pay all amounts due. Any request to discontinue annual reporting must be submitted in writing to the Department of Revenue and must include the employer's unemployment tax account number and the date the discontinuation is to be effective. An employer whose participation has been terminated by the Department of Revenue shall have 20 days from the mailing date of the notice of termination to file a written protest with the Department. Pending the final resolution of the protest the employer shall

timely file quarterly reports and pay all taxes due. The protest shall be governed by the provisions of Rule 60BB-2.035, F.A.C.

(3) Reapplication.

(a) An employer who terminates or is disqualified from annual reporting and payment may reapply by completing and filing Form UCT-7A with the Department of Revenue no later than December 1 of the year following disqualification or termination. Upon re-application, an employer who timely furnished all required wage information and paid taxes due will be reconsidered for annual reporting effective January 1 of the calendar year following re-application.

(b) An employer of domestic employees who ceased to participate in annual reporting pursuant to a voluntary written request, may reapply by completing and filing Form UCT-7A with the Department no later than December 1 of the year following disqualification or termination to be considered for annual reporting of wages and paying taxes commencing January 1 of the following year.

(4) Forms. The forms referred to in this rule are incorporated by reference and are available from the Agency through its designee, the Department of Revenue by:

(a) Writing to the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304;

(b) Faxing a request to the Department of Revenue Distribution Center at (850)922-2208;

(c) Visiting any local Department of Revenue Service Center to obtain a copy;

(d) Calling the Forms Request Line during regular business hours at 1(800)482-8293 (toll-free) or (850)488-6800;

(e) Downloading selected forms from the Department of Revenue's Internet site at www.myflorida.com/dor;

(f) Dialing the toll-free TDD number for the Department of Revenue (1(800)367-8331) for persons with hearing or speech impairment.

Specific Authority 443.131(1), 443.1317 FS. Law Implemented 443.131(1) FS. History--New

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

| | |
|-------------------|--|
| RULE NOS.: | RULE TITLES: |
| 61A-7.006 | Access to Records by Division Employees |
| 61A-7.007 | Formula Used to Determine Compliance |
| 61A-7.008 | Formula Used to Determine Percentage of Gross Alcohol Sales Revenue |
| 61A-7.009 | Method Used to Determine Whether an Establishment is Predominantly Dedicated to the Serving of Alcoholic Beverages |

NOTICE OF WITHDRAWAL

Notice is hereby given, pursuant to Section 120.54(3)(d)1., F.S., that the above referenced proposed rules, published in Vol. 29, No. 36, September 5, 2003, issue of the Florida Administrative Weekly, have been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-15.001 RULE TITLE: Qualification for Certification
 NOTICE OF CHANGE

Notice is hereby given that the following change have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 6, of the February 6, 2004, issue of the Florida Administrative Weekly. This change is being made in response to a scrivener's error brought to the attention of the Board by the Board in discussion on April 16, 2004, and when changed subparagraph (2)(a)5. shall read as follows:

Precast concrete structures
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Timothy Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0783

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-15.0021 RULE TITLE: Certification and Registration of Business Organizations
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 29, No. 49, Florida Administrative Weekly has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Timothy Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0783

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

State Boxing Commission

RULE NOS.: 61K1-1.003 RULE TITLES: Licenses, Permits; Requirement, Procedure and Period, Fee
 61K1-1.004 Weight Classes; Weigh-In; Pre-Match Physical of Participant and Referee
 61K1-1.0043 Drugs and Foreign Substances; Penalties

61K1-1.005 Promoter and Matchmaker; Licensing and Bond; Duties and Conduct
 61K1-1.013 Judge; License and Duties
 61K1-1.016 Announcer; License and Duties

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. 30, No. 6, February 6, 2004, issue of the Florida Administrative Weekly.

61K1-1.003 Licenses, Permits; Requirement, Procedure and Period, Fee.

(c) A ~~non-refundable~~ permit fee shall be submitted with the application for permit for a live event held in this state and, if boxing or kickboxing, shall be based on the seating capacity of the premises to be utilized to present the program of matches under tThe following fee structure; ~~shall be utilized to determine the permit fee:~~

1. Seating capacity is less than 2,000 – Fee = \$50.00
2. Seating capacity is 2,000 or more but no greater than 5,000 – Fee = \$100.00
3. Seating capacity exceeds 5,000 – Fee = \$250.00

For mixed martial arts matches, a permit fee of \$5,000 per event shall be submitted with the application for permit for a live event held in this state.

61K1-1.004 Weight Classes; Weigh-In; Pre-Match Physical of Participant and Referee.

(2) Weigh-In.

(b) Failure of a participant to be present at the weigh-in, at the time and place designated by the executive director or commission representative, shall may result in the following penalties relative to a participant and or any other licensee deemed by the executive director or commission representative as a responsible party relative to the participant's timely presence at the weigh-in which shall may be in addition to their his loss of right to be present at view the official weigh-in of the participant's his opponent:

1. In lieu of suspension or revocation of the ~~participant's~~ license(s) for the first occurrence, the executive director or commission representative shall issue a citation and assess participant may be penalized by assessing a fine of \$25 per licensee;

2. In lieu of suspension or revocation of ~~a the participant's~~ license for the second occurrence, the executive director or commission representative participant shall issue a citation and assess be penalized by assessing a fine of \$50 per licensee;

(3) Pre-Match Physical of Participant and Referee.

(d)(e) Each participant shall be required to submit to any medical examination or test ordered by the executive director or the commission. Any medical examination or test submitted to the executive director or the commission must be an original or certified copy of the results which were performed by an

M.D., or laboratory no earlier than 30 days before the date on which the results are provided to the commission or its executive director.

61K1-1.0043 Drugs and Foreign Substances; Penalties.

(1) Drugs and Foreign Substances Ingested or Designed to be Ingested.

(d) The executive director or a commission representative shall request a participant submit to a blood or urine test if reasonable suspicion is present that may indicate the potential use of anabolic steroids. Such test shall be performed within 7 days of the request and the cost of the examination shall be the responsibility of the participant.

~~(3) Any participant determined to have been using or under the influence of a prohibited drug or foreign substance and who has been adjudged the loser of a match, shall forfeit his share of the purse to the commission. Any participant determined to have been using or under the influence of a prohibited drug or foreign substance and who has been adjudged the winner of a match, shall forfeit the win, and a no decision result shall be entered into the official record as the result of the match. The purse shall be redistributed as though the participant found to be in violation of this subsection had lost the match. If redistribution of the purse is not necessary or after redistribution of the purse is accomplished, the participant found to be in violation of this section shall forfeit his share of the purse to the commission. The following penalties shall may be assessed against any participant found to be in violation of this section or Section 548.046, F.S.:~~

(a) The first occurrence shall may result in the suspension of penalized by suspending the participant's license and the banning of participant's participation his participating in any manner, in any match, for a period of 180 calendar days, and by assessing a fine of not more than \$5,000 in the amount of \$100.

(b) The second occurrence shall may result in the suspension of be penalized by suspending the participant's license and the banning of participant's his participation in any manner, in any match for a period of 1 year, and the assessment of a fine of not more than \$5,000 in the amount of \$500.

(c) The third occurrence shall result in the revocation of may be penalized by permanently revoking the participant's license and the permanent banning of participant's permanently his participation in any manner, in any match or activity regulated by Chapter 548, F.S.

(4) No person licensed by the commission shall may participate in or contribute to the act of violating this section, and any violation shall may be grounds for suspension or revocation of all licenses held by such person(s). Any person(s) found to be in violation of this section shall may be required to forfeit their his share of the purse or other compensation to the commission and shall be assessed the following penalty(ies):

(a) The first occurrence shall result in the suspension of may be penalized by suspending the person's license and the banning of the licensee's participation his participating in any manner, in any match, for a period of 180 calendar days, and the assessment of a fine of not more than \$5,000 in the amount of \$100;

(b) The second occurrence shall result in the suspension of may be penalized by suspending the person's license and the banning of the licensee's his participation in any manner, in any match, for a period of 1 year, and by assessing a fine in the amount of that share of the purse to which the licensee is entitled or \$500, whichever is greater;

(c) The third occurrence shall result in the permanent revocation of may be penalized by permanently revoking the person's license and the permanent banning of the licensee's banning permanently his participation in any manner, in any match or activity regulated by Chapter 548, F.S., and the assessment of a fine in the amount that share of the purse to which the licensee is entitled or \$1,000, whichever is greater.

61K1-1.005 Promoter and Matchmaker; Licensing and Bond; Duties and Conduct.

(1) Licensing and Bond.

(f) Bond or Other Security, Requirements.

2. If it is determined that the projected liability for a match may exceed \$15,000, the commission shall may require the deposit of an additional bond, cash, or certified check as additional security for the match.

61K1-1.013 Judge; License and Duties.

(3) Duties.

(a) The number of judges shall be assigned in accordance with these rules and Section 548.057(9), F.S. In the event that sufficient judges are not available, a referee shall may be selected to act as a judge for that specific program of matches.

61K1-1.016 Announcer; License and Duties.

(2) Duties.

(b) Announcers An announcer shall be neatly and appropriately dressed while discharging, their his duties. Dress shall include jacket and tie.

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 FINANCIAL SERVICES

Division of Workers' Compensation

RULE NO.:

RULE TITLE:

69L-6.021

Construction Industry

Classification Codes,

Description, and Operations

NOTICE OF WITHDRAWAL

Notice is hereby given that the above referenced rule, as noticed in the Vol. 29, No. 42, October 17, 2003 issue of the Florida Administrative Weekly, has been withdrawn.

Section IV Emergency Rules

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 ENVIRONMENTAL PROTECTION

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Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

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."

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on April 19, 2004, South Florida Water Management District (District) received a petition for waiver from Miami-Dade County, Parks & Recreation Department, Application No. 04-0419-1M (Part B) requesting a Modification to Right of Way Occupancy Permit Number 7187), for utilization of Works or Lands of the District known as L-31E Levee, Miami-Dade County for the proposed extension to the existing linear park and the addition of park facilities consisting of the construction of shade shelters, sitting areas/entrance fixtures, benches, bicycles racks, litter receptacles and safety fences along the west side of L-31E from Old Cutler Road to S. W. 216th Street at Black Pointe Park. Miami-Dade County, Sections 10, 15 and 22, Township 56 South, Range 40 East. The petition seeks relief from

subsections 40E-6.011(4),(6) and paragraph 40E-6.221(2)(j), Fla. Admin. Code, which governs the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank within Works or Lands of the District. A copy of the petition may be obtained from Kathie Ruff, (561)682-6320 or e-mail: kruff@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Kathie Ruff, Office of Counsel.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS HEREBY GIVEN THAT a Petition for Variance or Waiver was received on April 26, 2004 from The Terrace of Daytona Beach, L.L.C., 1704 Huntington Village Circle, Daytona Beach Florida 3211. This petition involves paragraphs 59C-1.008(1)(h) and 59C-1.010(2)(b), Florida Administrative Code and Certificate of Need transfer applications.

Information regarding this petition may be obtained by writing: Lealand McCharen, Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, MSC #3, Tallahassee, Florida 32308.

NOTICE IS HEREBY GIVEN that the Agency for Health Care Administration received a petition for variance or waiver from GovConnect, Inc., by and through its counsel, Bruce Culpepper and James Bruce Culpepper, on February 16, 2004. The petition requests the agency grant a variance or waiver of Rules 59G-4.001, 59G-5.010, 59G-5.020, 59G-5.110, 59G-7.051, 59G-7.057 and 59G-7.058, F.A.C., as they pertain to the requirements for a Medicaid Provider Agreement.

A copy of the petition may be obtained by writing: Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 3, Tallahassee, Florida 32308. Please refer all comments to: Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 3, Tallahassee, Florida 32308.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Bureau of Elevator Safety hereby gives notice that it has Issued an Order Denying Emergency Variance Request in response to a petition filed on March 25, 2004, by Sam Bakararak regarding Ponce de Leon Hotel, seeking a waiver from Chapter 399.035, Florida Statutes. The petitioner requested to not have a car large enough to accommodate a 76" x 24" stretcher. The request was denied as the agency cannot grant variances to statutes.