

(f) Property that is essential to the individual's self-support shall be excluded from resources if it is producing income available to the individual which is consistent with its fair market value. This includes real and personal property used in a trade or business; non-business income-producing property; and property used to produce goods or services essential to an individual's daily activities. Liquid resources, other than those used as part of a trade or business, are not property essential to self-support. For the purpose of this section, mortgages are considered non-liquid resources, if they were entered into on or before September 30, 2004.

(3) Transfer of Resources and Income. According to 42 U.S.C. § 1396p(c), if an individual, the spouse, or their legal representative, disposes of resources or income for less than fair market value on or after the look back date, the department must presume that the disposal of resources or income was ~~done~~ to become Medicaid eligible and impose a period of ineligibility for nursing facility care services or HCBS waiver services. The look back period is 36 months prior to the date of the application, except in the care of a trust treated as a transfer in which case the look back period is 60 months prior to the date of the application, ~~but no earlier than October 1, 1993. Transfers made prior to October 1, 1998, will not be subject to a penalty.~~

- (a) through (h) No change.
- (4) No change.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, 409.9065, 409.919 FS. History--New 10-8-97, Amended 1-27-99, 4-1-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Robi Olmstead, Government Operations Consultant II, ESS Policy Bureau

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Connie B. Reinhardt, Acting Director, Economic Self-Sufficiency

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2004

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

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
9B-3	Florida Building Commission – Operational Procedures
RULE NO.:	RULE TITLE:
9B-3.047	State Minimum Building Codes Adopted

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 13, March 26, 2004, issue of the Florida Administrative Weekly.

(1) The Florida Building Code as updated ~~revised~~ by the Florida Building Commission on January 1, 2005 ~~June 30, 2003~~, is adopted as the Florida Building Code, 2004 edition, and incorporated by reference as the building code for the State of Florida.

NOTE: The following sections of the Florida Building Code were changed. Text of the changes can be accessed at www.floridabuilding.org or by contacting the person indicated below.

Specific Authority 553.73(1), (2), (7) FS. Law Implemented 553.72, 553.73(2), (3), ~~(6)~~, (7), (9) FS. History--New 7-18-90, Amended 3-30-93, 10-17-93, 8-28-95, 9-24-96, 12-26-96, 4-27-97, 10-5-97, 10-14-97, 9-7-00, 11-28-00, 2-7-01, 12-16-01, 6-30-03, 1-1-05.

Building Volume:

Chapter 1, Administration

Section 105 Permits; New Section 105.1.4 was added; Section 105.4 was replaced; Sections 105.5 Expiration and 105.6 Suspension or revocation were deleted.

Section 106 Construction Documents; New text was added to Section 106.1.

Section 109 Inspections; New text was added to Section 109.3.

Chapter 2, Definitions;

Section 201 General; Section 201.3 was revised.

Section 202, Definitions; Definitions for Accessible, Notice of Acceptance (NOA), Readily Accessible, and Smoke Layer Interface were deleted; The definition for wind-borne debris impact resistant products was changed.

Chapter 3, Use and Occupancy Classification;

Section 302 Classification, Text was added in Section 302.1.

Section 313 Day Care Occupancy – Group D, Section 313.1 was revised.

Chapter 4, Special Detailed Requirements Based on Use and Occupancy;

Section 402 Covered Mall Buildings, Section 402.9 was revised.

Section 422 Birthing Centers, Section 422.2.10 was revised.

Chapter 5, General Building Heights and Areas;

Section 506 Area Modifications, Section 506.4 was added.

Chapter 7, Fire-Resistance-Rated Construction

Section 705 Fire Walls, Section 705.4 was revised; Table 705.4 was revised to add "D" under Occupancy.

Section 706 Fire Barriers, Table 706.3.7 was revised to add "D" under Occupancy Group.

Chapter 8, Interior Finishes;

Section 803 Wall and Ceiling Finishes, Table 803.5 was revised to add "D" under Group.

Chapter 9, Fire Protection Systems

Section 903 Automatic Sprinkler Systems, Section 903.2.2 was revised; Section 903.3.1.4 was deleted; Section 903.4, Exception 2, was revised;

Chapter 10, Means of Egress

Section 1001 Administration, Section 1001.6 was added.

Section 1003 General Means of Egress, The exception in Section 1003.7 was deleted.

Section 1004 Occupant Load, In Table 1004.1.2, Maximum Floor Area Allowances per Occupant, under Mercantile, 30 was replaced with 40 for multiple street floors.

Section 1009 Stairways and Handrails, New Section 1009.11.2 Intermediate handrails was added.

Section 1011 Exit Signs, Section 1011 Exit Signs was revised to delete text and reference Section 1006.3.

Section 1014 Exit and Exit Access Doorways, Table 1014.1 was revised to add "D" under Occupancy.

Section 1018 Number of Exits and Continuity, Table 1018.2 was revised to add "D" under Occupancy.

Section 1024 Assembly, Exception 1 was deleted from Section 1024.2 Assembly main exit; The exception in Section 1024.3, was deleted.

Chapter 13, Energy Efficiency;

Sub-chapter 13-301 Referenced Standards, A reference was revised.

Chapter 15, Roof Assemblies and Rooftop Structures;

Product Control Division was replaced with Certification Agency throughout the chapter.

Section 1509 Rooftop Structures; New Section 1509.7 Table 1509.7 were added.

Section 1523 High Velocity Hurricane Zones Testing; Section 1523.6.1 was added back into the code; Section 1523.6.5.1 was revised to add text.

Chapter 16, Structural Design

Section 1602 Definitions, The definition for production greenhouse was added.

Section 1604 General Design Requirements, Table 1604.5 was revised to add screen enclosures under Category I.

Section 1607 Live Loads, Section 1607.11.2.1 was revised to add screen enclosures.

Section 1609 Wind Loads, Section 1609.1.1 was revised to delete item 10 and move it to Section 2002.4.1 in Chapter 20.

Chapter 19, Concrete

Section 1901 General, Section 1901.5 was deleted.

Section 1908 was deleted.

Section 1912 Anchorage to Concrete – Allowable Stress Design, Section 1912.5 was deleted.

Section 1926 High Velocity Hurricane Zones – Details of Reinforcement, Section 1926.5.5 was revised.

Chapter 20, Light Metal Alloys

Section 2002 Structural Aluminum, Section 2002.4.1 was added.

Chapter 21, Masonry;

Section 2101 General, Section 2101.2.3 was revised to remove the exception.

Section 2102 Definitions and Notations, The definition for shear wall was revised.

Chapter 23, Wood;

Section 2304 General Construction Requirements, Section 2304.11.6 was revised; Section 2304.11.6.1 was moved to Section 2304.13.

Section 2308 Conventional Light-Frame Construction, Section 2308.9.4.1 was added back.

Chapter 29, Plumbing Systems;

Section 2902 including 2902.1.1 was deleted.

Chapter 30, Elevators and Conveying Systems;

Section 3001 General, The second paragraph of Section 3001.2 was revised; Section 3001.6 was revised to delete the following definitions: Certificate of competency, Elevator company, and Temporary dormant conveyance.

Appendix D was deleted; Appendix E was added; Appendix F was deleted; Appendix G was deleted; Appendix H was deleted; Appendix I was deleted; Appendix J was deleted.

Existing Building Volume:

Chapter 1, Administration;

Section 101 General; New text was added to Section 101.1, Title; Section 101.6, was put back into the code; Sections 101.7, 101.8, 102, 104, and 105 were deleted.

Chapter 2, Definitions;

Section 201 General, Sections 201.3 and 201.4 were revised to add text.

Section 202 General Definitions, The definitions of existing buildings, flood hazard area, and substantial damage were revised; Definitions for Sunroom and value were added.

Chapter 6, Alternations – Level 2;

Section 602, Special Occupancy, was deleted.

Section 603 Building Elements and Materials, Section 603.5.2 was changed to add an exception.

Section 605 Means of Egress, The exception in Section 605.5.3.1 was deleted; Section 605.5.4 was revised to add text.

Chapter 8, Change of Occupancy;

Section 812.3.4 was put back into the text.

Chapter 10 Historic Buildings;

The title of Section 1003 was revised.

Chapter 12, Compliance Alternatives;

Table 1201.6.6(2) Type of Construction was replaced.

Chapter 13, Safeguards During Construction;

Add Table 3306.1 and renumber as Table 1306.1.

Appendices; Add Appendix C to reference Appendix C and I of the NFPA 914; Add Appendix D, Type of Construction.

Residential Volume:

Chapter 1, Administration;

Section R101 Title, Scope and Purpose, Section R101 was revised.

Chapter 2, Definitions;

Section R202 Definitions, The definition for townhouse was revised.

Chapter 3, Building Planning;

Section R301 Design Criteria, Section R301.2.1.1 Design criteria was revised; the second and last items in Section R301.2.1.1 were deleted and the items were renumbered; new Section R301.2.1.1.1 Design was added; Footnote c. of Table R301.2(1) was revised; Section R301.2.1.2 Internal pressure was revised; Table R301.2.1.2 was replaced with Table 1606.4 of the 2001 Florida Building Code, Building; New Section R301.2.1.5 Basic wind speed was added; New Section R301.2.5 Structures seaward of a Coastal Construction Line was added; Table R301.2(4) was deleted.

Section R302 Location on Lot, The second exception was deleted from R302.1 Exterior walls.

Section R317 Dwelling Unit Separation; Section R317.2 Townhouses was revised; Section R317.2.2 Parapets, was revised to replace 30 inches with 18 inches; Section R317.2.3 Parapet construction, was revised to replace 30 inches with 18 inches.

Section R323 Flood Resistant Construction, Section R323 Flood Resistant Construction was put back into the code.

Chapter 4, Foundations;

Section R401 General, Section R401.1 Application was revised.

Chapter 5, Floors;

Section R501 General, Section R501.1 Application was revised.

Section R503 Floor Sheathing, A footnote was added to Table R503.2.1.1(1).

Chapter 6, Wall Construction

Section R601 General, Section R601.1 Application, was revised.

Section R606 General Masonry Construction, Section R606.2.4 Parapet walls was revised.

Chapter 7, Wall Covering;

Section R701 General, Section R701.1 Application was revised.

Chapter 8, Roof-Ceiling Construction;

Section R801 General, Section R801.1 Application was revised.

Section R802 Wood Roof Framing, Table R802.2.5.1(9) was revised.

Chapter 9, Roof Assemblies;

Section R901 General, Section R901.1 Scope was revised.

Chapter 12, Mechanical Administration;

Section M1202 Existing Mechanical Systems, Section M1202.1 Additions, alterations or repairs was revised.

Chapter 24, Fuel Gas;

Section G2403 (202) General Definitions, The definitions for Regulator, and Riser Gas were revised.

Section G2404, General, Section G2404.2 (301.1.1) Other Fuels was revised.

Section 2410, Electrical (309), Section G2410.1 was revised.

Section 2412 (401), General, Section G2412.2 was revised; Section G2412.5 was revised to add an exception.

Section G2414 (403), Pipe Materials, Section G2415.14.3 was revised.

Section G2417 (406), Inspection, Testing and Purging, Section G2417.3.4 was revised; Section G2417.7.4 was revised.

Chapter 25, Plumbing Administration;

Section P2502 deleted and deferred to the Florida Existing Building Code.

Chapter 28, Water Heaters;

Section P2801, General, Section P2801.5 was revised.

Section P2803, Relief Valves, Section P2803.6.1 was revised.

Chapter 29, Water Supply and Distribution;

Section P2903, Water-Supply System, Section P2903.1 was revised.

Chapter 30, Sanitary Drainage;

Section 3003, Joints and Connections, Section P3003.4.5 was revised to delete Sections P3003.4.5.1 and P3003.4.5.2.

Chapter 31, Vents;

Section P3103 Vent Terminals, Section P3103.1 Roof extension was revised.

Chapter 41, Swimming Pools;

Section R4101 Private Swimming Pools, Added the definition for mesh safety barrier.

Chapter 44, High Velocity Hurricane Zones;

Section R4403 High Velocity Hurricane Zones – General, Section R4403.1.2.2 Sway forces in stadiums was deleted; Section R4403.4 High Velocity Hurricane Zones – Minimum Loads, Section R4403.4.1 Concentrated loads on trusses was revised; Table R4403 was deleted; Section R4403.7 High Velocity Hurricane Zones –Special Load Combinations, Section R4403.7.3 Helistops/Heliports was deleted; Section R4403.13 High Velocity Hurricane Zones – Live Loads Posted and Occupancy Permits, Section R4403.13 was deleted.

Section R4405.8 High Velocity Hurricane Zones – Details of Reinforcement, Section R4405.8.5.5 was revised to delete the first item, renumber the items, and add a new item at the end.

Section R4409.7 High Velocity Hurricane Zones – Firestops, Sections R4409.7.3.1.1, R4409.7.3.1.2, R4409.7.3.2.1, and R4409.7.3.2.3 were deleted.

Mechanical Volume

Chapter 2, Definitions;

Section 202, General Definitions, The definition for renovation was revised.

Chapter 3, General Regulations;

Section 306, Access and Service Space, Section 306.5 was revised to add a new paragraph at the end of the section; Section 306.3.2 was revised to add a word.

Plumbing Volume

Chapter 3, General Regulations;

Section 309 Flood Hazard Resistance, Section 309.1 General was revised.

Chapter 6, Water Supply And Distribution;

Section 605, Materials, Joints and Connections, Section 605.16.2 was revised.

Chapter 7, Sanitary Drainage;

Section 708, Cleanouts, Section 708.8 was revised.

THE PERSON TO BE CONTACTED REGARDING THIS NOTICE OF CHANGE IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824.

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 BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
61D-13	Rules of Thoroughbred Horseracing
RULE NOS.:	RULE TITLES:
61D-13.001	General Rules
61D-13.002	Stewards
61D-13.003	Jockeys
61D-13.004	Maintaining a Straight Course
61D-13.005	Disqualification
61D-13.006	Use of Whips

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule referenced above in accordance with subparagraph 120.54(3)(d)1., Florida Statutes, published in Vol. 30, No. 13, March 26, 2004, issue of the Florida Administrative Weekly. The changes are in response to written comments received from interested parties in the pari-mutuel industry and the Joint Administrative Procedures Committee. Numerous changes were made to the proposed rules that were originally published. The new rule will read as follows:

61D-13.001 General Rules.

(1) Chapter 61D-13, Florida Administrative Code, applies to all permitholders and occupational licensees participating in thoroughbred horseracing in Florida.

(2) Prior to the beginning of the meet, permitholder management shall notify the division of the post time of the first race of each performance of the meet.

(3) Racing permitholders shall at all times maintain their track surfaces in good condition and shall have proper implements to maintain a uniform track surface, weather conditions permitting.

(4) Any person who exercises, breezes, or races horses on the permitholder’s grounds shall wear a protective helmet and vest.

(5) It shall be a violation of these rules for any person to:

(a) Leave unattended any needle or syringe in a stall or horse barn.

(b) Smoke in horse stalls, feed rooms, and under the sheds.

(c) Sleep in any of the feed rooms or stalls at any time.

(d) Lock stalls occupied by horses.

(e) Permit open fires anywhere in the stable area, or to use any oil or gas burning lanterns or lamps.

(f) Possess electrical appliances that are not in safe working condition to be used in the stable area.

(g) Permit the accumulation of debris in the alleyway in front of the stalls and blockage of the alleyway that would prevent easy access to each stall door in case of fire.

Specific Authority 550.0251(3), (11) FS. Law Implemented 550.0251 FS. History—New _____.

61D-13.002 Stewards.

(1) During each racing meet there shall be a Board of Stewards at each thoroughbred permitholder facility which consists of three (3) stewards, one (1) of whom shall be the State Steward selected and hired by the division, and two (2) of whom shall be hired by the permitholder.

(2) The Board of Stewards shall have the authority to enforce the laws of the State of Florida and the rules of the division regarding racing (collectively referred to as the “Racing Laws”), and shall have jurisdiction over all racing officials, occupational licensees, and patrons under the Racing Laws. The Board of Stewards’ period of authority shall commence at the beginning of each race meet and shall terminate with the completion of their business pertaining to the race meet, which may include hearings, which occur after the race meet, for disciplinary action for violations occurring during the race meet. No racing official other than the stewards shall have the right to impose a fine or suspension of license for a violation of state laws or rules.

(3) The Board of Stewards shall take notice of alleged misconduct or violations of the Racing Laws, and initiate investigations into alleged misconduct or violations. The Board of Stewards shall investigate promptly and render a decision in every protest, objection and complaint made under the Racing Laws. They shall maintain a record of all protests, objections

and complaints. The Board of Stewards shall file daily with the division and the permitholder a copy of each protest, objection or complaint and any related ruling.

(4) The Board of Stewards shall conduct all proceedings in accordance with the provisions of Rule 61D-3.001, Florida Administrative Code. The State Steward shall be the presiding steward in any hearings or proceedings conducted by the Board of Stewards in regard to the Racing Laws. The Board of Stewards shall impose any of the following penalties on an occupational licensee for a violation of the Racing Laws:

(a) Issue a reprimand or suspend imposition of a penalty pending a similar violation;

(b) Impose a civil penalty not to exceed \$1,000 for each count or separate offense;

(c) Scratch or disqualify a horse from racing;

(d) Require forfeiture or redistribution of a purse or award, when specified by law;

(e) Suspend a license for not more than sixty (60) days for each count or separate; or

(f) Impose any combination of penalties as set forth in paragraphs (a) through (f) of this rule.

(5) For racing violations, notice of hearings of the Board of Stewards shall be oral notice to the licensee. Failure to appear at the time and place designated shall automatically result in suspension until appearance. The Board of Stewards shall grant a continuance of hearing for a reasonable length of time upon good cause being shown. Good cause shown shall include, but is not necessarily limited to, the availability of the results of a split sample requested pursuant to Section 550.2415(5), Florida Statutes, the availability of witnesses or other matter outside of the control of the parties involved in the hearing.

(6) Each of the stewards shall be present in the Board of Stewards' stand during the running of each race. The Board of Stewards shall have the authority to interpret and enforce the Racing Laws, and to decide all questions regarding racing relating to the Racing Laws.

(7) The decision of the Board of Stewards as to the official order of finish, including the disqualification of a horse or horses as a result of any event occurring during the running of the race, shall be final for the purposes of distribution of the pari-mutuel wagering pool. When the stewards determine that a horse shall be disqualified for interference, they shall place the offending horse behind any such horse or horses as in their judgment such horse interfered with, or if the interference was intentional, placed other horses and jockeys at risk of injury or altered the finishing position of the horse or horses interfered with, they shall place it last.

(8) The Board of Stewards has the authority to cancel wagering on an individual betting interest or on an entire race and also has the authority to cancel a pari-mutuel pool for a race or races, if such action is necessary to protect the integrity of pari-mutuel wagering.

(9) The stewards shall, within 72 hours after the close of each racing day, file with the division, a signed report of any and all infractions of the laws and rules coming under their observation, and shall file with the division any and all rulings on infractions or otherwise as soon as said rulings are made.

Specific Authority 120.80(4)(a), 550.0251(3), (11), 550.1155 FS. Law Implemented 120.80(4)(a), 550.0251, 550.1155 FS. History—New_____.

61D-13.003 Jockeys.

(1) Each jockey and apprentice jockey must obtain an occupational license from the division and abide by the rules outlined in this section. References to jockeys under this section shall be deemed to include apprentice jockeys.

(2) A jockey shall fulfill all riding engagements unless excused by a licensed physician. If a jockey fails to fulfill all riding engagements for any reason (including excused absentees), then the jockey will not be permitted to ride on the subsequent race day even if the jockey has been previously engaged to do so. Notwithstanding the foregoing, the Board of Stewards may grant a jockey relief from the provisions of this rule, but only in the event good cause is demonstrated by the jockey. Good cause shall include, but not necessarily be limited to, an event beyond the jockey's control or the jockey being committed to participate in a race designated as a stakes race by the permitholder.

(3) A jockey under temporary suspension shall not ride in a race during the period of the suspension except that the jockey may fulfill any designated stake race engagements on file with the stewards at the beginning of the meet.

(4) No jockey shall make a bet on any race nor accept the promise or the token of any bet, with respect to the race in which the jockey is participating, except through or from the owner or trainer of the horse the jockey rides, and then only on that horse to win or place first in any multiple horse type wager.

(5) The use of spurs by a jockey is prohibited.

(6) Jockeys shall keep their feet in the stirrups at all times during the race.

Specific Authority 550.0251(3), (11) FS. Law Implemented 550.0251 FS. History—New_____.

61D-13.004 Maintaining a Straight Course.

(1) If the stewards determine that a racing infraction was intentional, or due to careless riding or driving, the jockey shall be held responsible.

(2) When the way is clear in a race, a horse may be ridden or driven to any part of the course, but if any horse swerves, or is ridden to either side so as to interfere with, impede, or intimidate any other horse, it is a racing infraction.

(3) The offending horse shall be disqualified if, in the opinion of the stewards, the racing infraction altered the outcome of the race, regardless of whether the infraction was accidental, willful, or the result of careless riding.

(4) A horse crossing another horse so as actually to impede that horse shall be disqualified, unless the impeded horse was partly in fault or the crossing was wholly caused by the fault of some other horse or jockey.

(5) If a horse or jockey jostles another horse, the aggressor shall be disqualified, unless the jostle was wholly caused by the fault of some other horse or jockey or had no impact upon the outcome of the race.

(6) If a jockey willfully strikes another horse or jockey, or rides willfully or carelessly so as to injure another horse which is in no way in fault, or so as to cause other horses to do so, his horse is disqualified.

(7) When a horse is disqualified under the rules, the other horse or horses in the same race coupled as an entry shall be disqualified, unless the stewards determine that the offense committed by the horse or jockey did not assist the coupled horse or horses.

(8) Complaints under this rule can only be received from the owner, trainer, or jockey of the horse alleged to be aggrieved and must be made to the Outrider, Clerk of Scales or to the stewards prior to the race being made official. Nothing in this section shall prevent the stewards taking notice on their own recognizance of a riding or driving foul.

(9) Any jockey against whom a foul is claimed shall be given the opportunity to present his case to the stewards before they make any decision.

(10) A jockey whose horse has been disqualified or who unnecessarily causes his horse to shorten its stride with a view to complain or so as to give the appearance of having suffered a racing infraction, or an owner, trainer or jockey who complains frivolously that his horse has been crossed or jostled, shall be disciplined pursuant to subsection 61D-13.002(4), Florida Administrative Code.

(11) All horses and jockeys are expected to give their best effort to win all races in which they participate, and any instructions or advice to the jockeys, or any handling of their horses by the jockeys other than for the purpose of winning are forbidden. All persons violating this rule will be subject to fines or license suspension, or both, by the stewards.

(12) The decision of the stewards as to the extent of a disqualification of any horse in any race shall be final.

Specific Authority 550.0251(3), (11) FS. Law Implemented 550.0251 FS. History—New _____.

61D-13.005 Disqualification.

(1) When the stewards determine that a horse shall be disqualified for interference, they shall place the offending horse behind such horse or horses it interfered with. However, if the interference was intentional, placed other horses and jockeys at risk of injury or altered the finishing position of the horse or horses interfered with, they shall place it last.

(2) Possession of any electrical or mechanical stimulating or shocking device by a jockey, horse owner, trainer, or other person authorized to handle or attend to a horse, shall be grounds for the stewards to scratch or disqualify the horse and impose penalties upon the possessors of such devices pursuant to subsection 61D-13.002(4), Florida Administrative Code.

(3) The stewards shall determine the appropriate placement or whether a horse shall be unplaced for the purpose of purse distribution for a violation of Section 550.2415(1)(a), Florida Statutes.

Specific Authority 550.0251(3), (11), 550.2415(13) FS. Law Implemented 550.0251, 550.2415 FS. History—New _____.

61D-13.006 Use of Whips.

(1) Although the use of a whip is optional, any jockey who uses a whip during a race shall do so only in a manner consistent with exerting his or her best efforts to win.

(2) In all races where a jockey participates without a whip, an announcement of such fact shall be made over the public address system.

(3) Prohibited uses of the whip include use of the whip:

(a) On any part of the horse's body other than the flanks, shoulders or hindquarters.

(b) During the post parade or after the finish of the race.

(c) Excessively or brutally causing welts or breaks in the horse's skin.

(d) When the horse is clearly out of the race or has obtained its maximum placing.

(e) Persistently, even though the horse is showing no response under the whip, or

(f) Striking another horse or any person.

Specific Authority 550.0251(3), (11) FS. Law Implemented 550.0251 FS. History—New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATON

Electrical Contractors' Licensing Board

RULE NO.:
61G6-5.006

RULE TITLE:
Certification of Additional New
Business Entity or Transfer

NOTICE OF WITHDRAWAL

Notice is hereby given that the above-referenced rule, as noticed in Vol. 30, No. 8, of the Florida Administrative Weekly on February 20, 2004, has been withdrawn. The person to be contacted regarding the rule is John Knap, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE NO.: RULE TITLE:
61G7-6.001 Definitions

SECOND NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 16, April 16, 2004, issue of the Florida Administrative Weekly and a Notice of Change published in Vol. 30, No. 25, June 18, 2004.

The changes to the proposed rule are as follows:

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.~~

~~(1)(2)~~ No change.

~~(3) "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.~~

~~(2)(4) "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.~~

(5) through (6) renumbered (3) through (4) No change.

~~(7) "Long term ongoing nature" means a situation where a client company and an employee leasing company arranged 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.~~

(8) through (11) renumbered (5) through (8) No change.

(9) "Reserves a right of direction and 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 job site 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.

(10) "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 job site 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.

(11) "Retains a right of direction 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 and 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 and control by the employee leasing company at the work site 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.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Board of Employee Leasing Companies, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: RULE TITLE:
61J1-4.005 Notice of Satisfactory Course Completion

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule referenced above in accordance with subparagraph 120.54(3)(d)1., F.S., originally published in Vol. 29, No. 44, October 31, 2003, issue of the Florida Administrative Weekly. Changes have been made to the proposed rule that address comments made by the Joint Administrative Procedures Committee and for the purpose of publishing the specific text changes to the rule as approved by the Florida Real Estate Commission.

61J1-4.005 Notice of Satisfactory Course Completion.

(1) through (6) No change.

~~(7) Each continuing education provider must electronically provide to the Department the list of attendees at each of its offered courses within 5 business days of the completion of the course.~~

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617, 475.618 FS. History—New 10-15-91, Formerly 21VV-4.005, Amended 7-19-95, 4-6-98, 3-31-02,_____.

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 Nursing Home Administrators

RULE NOS.:	RULE TITLES:
64B10-15.002	Criteria for Approved Continuing Education
64B10-15.0021	Approved Providers
	NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 9, February 27, 2004, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Subsection (6) of Rule 64B10-15.002, F.A.C., shall now read as follows:

(6) To satisfy the requirements of this rule, attendance in the programs or courses of continuing education include personal presence at a live presentation or videoconferencing offering, except a maximum of 10 hours credit may be obtained in any biennium through correspondence courses, home study courses, tape and/or video cassette courses or internet courses in the domains of practice provided the course requires passing a test to be graded by the provider and the passing score is verified by the provider of the course. Video cassette courses shall not exceed 5 hours per subject and must be in one of the domains of practice listed in paragraphs 64B10-15.002(1)(a) through (f), F.A.C. A validation form shall be signed by the vendor and the licensee verifying the specific domains of practice covered in the video cassette course and total viewing time. Such verification/validation shall clearly indicate the course is a “correspondence course,” “home study course,” “tape or video cassette course” or “internet course” and that the licensee passed the course in order to be accepted as proof of attendance.

Subsections (4) and (6) of Rule 64B10-15.0021, F.A.C., shall now read as follows:

(4) Those applying for approved provider status shall pay an initial approval fee of \$100.00. A provider seeking to renew approved provider status, shall pay a biennial renewal fee of \$50.00.

(6) During the applicable biennium, an approved provider may offer additional programs or courses different than the one initially approved by the board if an outline is submitted in advance and approved by the Board before its use or presentation. The outline shall be submitted to the Board office no less than 45 days before the proposed date of the course and shall contain an agenda, the course learning objectives, the applicable Domains of Practice covered by the course or program, the number of continuing education hours that will be earned, a sample program evaluation form, the method of presentation and the curriculum vitae of the course or program speakers or instructors. This additional course or program outline may be submitted through electronic format to the Board.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Danna Droz, Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C-04, Tallahassee, Florida 32399

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.:	RULE TITLE:
64B17-3.006	Examination Security and Sanctions for Subversion
	NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 9, February 27, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Subsection (2) of the rule shall now read as follows:

(2) An applicant, licensee, or examinee who is found by the Board, prior to, during, or after the administration of an examination, to have engaged or to have attempted to engage in conduct that subverts or undermines the integrity of the examination process shall be subject to penalties up to and including disqualification from taking the examination and from licensure as a physical therapist, and up to receiving a failing grade on the examination if applicable pursuant to Rule 64B17-7.001, F.A.C.

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

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: RULE TITLE:
 64B17-4.006 Examination Security and
 Sanctions for Subversion

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 9, February 27, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Subsection (2) of the rule shall now read as follows:

(2) An applicant, licensee, or examinee who is found by the Board, prior to, during, or after the administration of an examination, to have engaged or to have attempted to engage in conduct that subverts or undermines the integrity of the examination process shall be subject to penalties up to and including disqualification from taking the examination and from licensure as a physical therapist assistant, and up to receiving a failing grade on the examination if applicable pursuant to Rule 64B17-7.001, F.A.C.

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

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

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

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 9, February 27, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

The first paragraph of the rule shall now read as follows:

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

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

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: RULE TITLE:
 64B19-17.004 Citations

NOTICE OF PUBLIC HEARING

The Board of Psychology hereby gives notice of a public hearing on the above-referenced rule to be held on July 16, 2004 at 9:00 a.m., or as soon thereafter as can be heard, at the Sirata Beach Resort, 5300, Gulf Boulevard, St. Petersburg Beach, Florida 33706. The rule was originally published in Vol. 30, No. 20 of the May 14, 2004 issue of the Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Psychology, 2020 Capital Circle, S.E., Bin #C05, Tallahassee, Florida 32399-3255

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NOS.:	RULE TITLES:
64F-19.001	Definitions
64F-19.003	Certification and Authorization
64F-19.007	Non-Covered Services
64F-19.008	Continuation of Services
64F-19.009	Termination of Services
64F-19.010	Due Process for Waiver Applicants and Clients

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 17, April 23, 2004, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Subsection (11) of Rule 64F-19.001, F.A.C., shall now read as follows:

(11) "The Program" means the Family Planning Waiver Program implemented pursuant to section 1115(a) of the Social Security Act and 42 U.S.C.A §1315(a).

Subsection (1) of Rule 64F-19.003, F.A.C., shall now read as follows:

(1) Clients shall give written consent before the CHD can obtain or authorize the release of financial and medical information for the purpose of determining Program eligibility. Eligibility information will be obtained by filling out form DOH 3212 as referenced in Rule 64F-19.011, F.A.C.

Subsection (2) of Rule 64F-19.003, F.A.C., shall now read as follows:

(2) Signed consent forms of eligibility for DOH 3212, as referenced in Rule 64F-19.011, F.A.C., must be kept in an administrative file at the CHD that enrolled the client in the Program for a minimum of six (6) years.

Law Implemented in Rule 64F-19.007, F.A.C., shall now read as follows:

Law Implemented 381.0051, 383.011, 383.013 FS.

Subsection (2) of Rule 64F-19.008, F.A.C., shall now read as follows:

(2) A client shall become eligible for the Program more than once if more than one pregnancy occurs.

Subsection (3) of Rule 64F-19.009, F.A.C., shall now read as follows:

(3) The client shall also lose eligibility and be terminated from the Program if:

(a) through (d) No change.

Law Implemented in Rule 64F-19.010, F.A.C., shall now read as follows:

Law Implemented: 381.0051, 383.011, 383.013 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE CHANGE IS: Renee Alsobrook, Acting General Counsel, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A-02, Tallahassee, FL 32399-1703.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Gear Specifications and Prohibited Gear.

RULE NOS.:	RULE TITLES:
68B-4.002	Gear Definitions
68B-4.019	Prohibition of Trap Pullers on Recreational and Certain Commercial Vessels

NOTICE OF CHANGES

The Fish and Wildlife Conservation Commission announces changes to proposed new Rule 68B-4.019, F.A.C., as published in the May 7, 2004 issue of the *Florida Administrative Weekly*. The changes are in response to public comment, testimony, and Commission discussion contained in the record of the public hearing held by the Commission on June 9, 2004, in Marco Island, Florida. The proposed amendment of Rule 68B-4.002, F.A.C., has not been changed. Proposed new Rule 68B-45.002, F.A.C., will now read as follows:

68B-4.019 Prohibition of Trap Pullers on Recreational and Certain Commercial Vessels.

No person shall operate any vessel with a trap puller aboard unless such vessel is operated commercially pursuant to a saltwater products license with either a lobster trap endorsement, stone crab trap endorsement, blue crab trap endorsement, sea bass trap endorsement, or a federal fish trap endorsement. This prohibition shall not apply to a person operating a vessel with a trap puller aboard who has been granted an accommodation by the Commission under the Americans With Disabilities Act to possess and use such gear.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Art. X, Sec. 16, Fla. Const. History-New _____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Blue Crab

RULE TITLES:	RULE NOS.:
Definitions	68B-45.002
Other Prohibitions	68B-45.006

NOTICE OF CHANGES

The Fish and Wildlife Conservation Commission announces a technical change to the proposed amendment of Rule 68B-45.002, F.A.C., as published in the May 7, 2004 issue of the *Florida Administrative Weekly*. The proposed amendment of Rule 68B-45.006, F.A.C., has not been changed. Proposed amendment of Rule 68B-45.002, F.A.C., as corrected, will read as follows:

68B-45.002 Definitions.

As used in this rule chapter:

(1) through (5) No change.

(6) "Gulf Seasonal Closure Region" means all state waters of the Gulf of Mexico seaward of three nautical miles from shore.

(6) through (8) renumbered (7) through (9) No change.

~~(9) "Northwest Seasonal Closure Region" means all state waters of the Gulf of Mexico seaward of three nautical miles and north and west of latitude 29 degrees, 17 minutes, and 02 seconds North (from the south bank of the mouth of the Suwannee River to near channel marker 21 westward to the outer limits of state waters).~~

(10) through (13) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History-New 12-14-93, Amended 6-1-94, 10-4-95, Formerly 46-45.002, Amended 7-1-03, _____.