

(3) Aggressive, venomous, or potentially dangerous animals must be restricted from access by the residents at all times and kept in such a manner so as not to be able to become free roaming and cause or inflict harm to the residents, visitors, or employees. These animals may not be housed in the residents' sleeping quarters.

Specific Authority 381.006(16) FS. Law Implemented 381.006(6),(16) FS. History--New _____.

64E-12.014 Inspection Forms.

The forms in this section are incorporated by reference. DH Form 4029, 12/03, Residential Group Care Inspection Report. This form is not intended for public use.

Specific Authority 381.006(16) FS. Law Implemented 381.006(6),(16) FS. History--New _____.

**Section II
Proposed Rules**

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLE: Standards and Procedures for Licensure

RULE NO.: 6E-2.004

PURPOSE AND EFFECT: The Commission proposes to clarify the requirements for an institution and its catalog if courses are taught in a language other than English and to amend the financial requirements for the various levels of licensure.

SUMMARY: The proposed rule amendment adds language to amend the financial requirements for the various levels of licensure and to clarify the requirements for an institution and its catalog if courses are taught in a language other than English.

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 regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 1005.22(1)(e), 1005.31(2),(3), 1005.34, 1005.39 FS.

LAW IMPLEMENTED: 1005.04, 1005.31, 1005.33(1), 1005.34, 1005.39 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: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

6E-2.004 Standards and Procedures for Licensure.

Institutions ~~Each institution~~ applying for a license or moving to a new level of licensure or any other Commission action shall provide all required information to the Commission ~~the following specific information~~, in English. Institutions providing information to students in a language other than English must retain a notarized translation certifying the accuracy of the language of the documents in English. All information and documentation submitted pursuant to the provisions of these rules shall be accompanied by certification signed by the chief administrative officer of the institution, affirming that the information and documentation submitted is accurate. Any application or review which is not substantially complete shall be returned to the institution with a request to complete and resubmit the material.

(1) through (5) No change.

(6) Standard 6: Finances.

(a) No change.

1. ~~Provisional License~~ Approved Applicant Status:

a. through b. No change.

c. If the corporation that controls the institution is ongoing, the institution shall provide a financial statement of the parent corporation compiled, reviewed or audited in accordance with Generally Accepted Accounting Principles, prepared by an independent certified public accountant.

d. No change.

2. ~~Provisional License~~, Annual License, Extended Annual License, or Annual Review: Licensed nondegree schools shall provide annually a review or audit, prepared in accordance with Generally Accepted Accounting Principles by an independent certified public accountant. ~~Licensed, and licensed~~ colleges and universities shall provide annually an audit, prepared in accordance with Generally Accepted Accounting Principles by an independent certified public accountant. This annual financial statement shall demonstrate that the current assets of the institution exceed the current liabilities, and that there was a positive net working capital and a profit or surplus for the prior year. If an institution does not meet the above requirements, the Commission shall require an explanation of the financial condition of the institution, which could include the following: a financial improvement plan, teach-out plan, or form of surety guaranteeing that the resources are sufficient to protect the current students. If the Commission determines that the institution does not have sufficient resources, it shall take actions up to and including revocation of licensure.

3. License by Means of Accreditation: All institutions shall submit an annual audit prepared in accordance with Generally Accepted Accounting Principles by an independent certified public accountant. This audit shall demonstrate that the current assets of the institution exceed the current

liabilities, and that there was a positive net working capital and a profit or surplus for the prior year. If an institution does not meet the above requirements, the Commission shall require an explanation of the financial condition of the institution, which could include the following: a financial improvement plan, teach-out plan, or form of surety guaranteeing that the resources are sufficient to protect the current students. If the Commission determines that the institution does not have sufficient resources, it shall take actions up to and including revocation of licensure.

(7) through (10) No change.

(11) Standard 11: Publications and Advertising.

(a) through (n) No change.

o. A description of each course offered, including identifying number, title, credit or clock hours awarded, a description of the contents of the course including language of instruction if other than English, and prerequisites, if any;

p. through ee. No change.

ff. If the institution offers courses taught in any language other than English, then the catalog must contain the following disclosure:

COMPLETING A COURSE OR PROGRAM IN A LANGUAGE OTHER THAN ENGLISH MAY REDUCE EMPLOYABILITY WHERE ENGLISH IS REQUIRED.

3. through 16. No change.

(12) No change.

Specific Authority 1005.22(1)(e), 1005.31(2),(3), 1005.34, 1005.39 FS. Law Implemented 1005.04, 1005.31, 1005.33(1), 1005.34, 1005.39 FS. History—Repromulgated 12-5-74, Formerly 6E-3.01(1), Readopted 11-11-75, Amended 3-7-77, 5-7-79, 10-13-83, Formerly 6E-2.04, Amended 11-27-88, 11-29-89, 12-10-90, 10-19-93, 4-2-96, 4-11-00, 1-7-03, 4-5-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Commission for Independent Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Commission for Independent Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 21, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 4, 2004

DEPARTMENT OF REVENUE

RULE CHAPTER TITLE: General; Procedure
RULE CHAPTER NO.: 12-3

RULE TITLE: Department Personnel Disciplinary
RULE NO.: 12-3.011

PURPOSE AND EFFECT: The purpose of the proposed repeal of subsection (8) of this rule is to eliminate provisions that are redundant of the Department of Management Services' (DMS) personnel procedures contained in Rule 60L-36.005, F.A.C. The effect of this proposed repeal is to ensure that the Department complies with the DMS uniform rule provisions.

SUMMARY: Subsection (8) of Rule 12-3.011, F.A.C., contains the disciplinary action standards that are imposed by the Department of Revenue (DOR) for the infractions listed in the rule. The DOR is deleting this subsection because the issues addressed in it are also covered in the uniform personnel procedures adopted by the Department of Management Services in Rule 60L-36.005, F.A.C. Section 110.201, Florida Statutes, authorizes DMS to adopt uniform personnel procedures, and it requires all agencies to comply with them.

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

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

SPECIFIC AUTHORITY: 213.06(1), 409.2557(3) FS.

LAW IMPLEMENTED: 20.21(2)(a), 110.201(2), 110.227 FS.

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

TIME AND DATE: 10:00 a.m., July 26, 2004

PLACE: Room 435, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this workshop is asked to advise the Department at least 48 hours before the workshop by contacting: Larry Green, (850)922-4830. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry Green, Rules and Policy Administrative Process, Department of Revenue, 501 S. Calhoun Street, Room 104, Carlton Building, Tallahassee, Florida 32399-0100, (850)922-4830, e-mail: greenl@dor.state.fl.us

The Department's proposed rules are available on the Department's web site: www.myflorida.com/dor/rules

THE FULL TEXT OF THE PROPOSED RULE IS:

12-3.011 Department Personnel Disciplinary Procedures and Standards.

(1) through (7) No change.

~~(8) Disciplinary Action Standards:~~

~~(a) Attendance, Leave, and Performance of Duty;~~

~~1. Absence Without Authorized Leave. Employees shall obtain approval from their immediate supervisor prior to any absence from work. In the case of an illness or emergency where an employee must be absent prior to receiving approval from his or her immediate supervisor, employees shall notify their immediate supervisor and explain the circumstances necessitating their absence at the earliest possible time after~~

becoming aware of the illness or emergency. Employees shall state the circumstances or situation necessitating their absence from work in a truthful manner, and no employee shall fail or refuse to report to work on any day for which an employee requested authorized leave, but such request was denied. Failure to report to work or leave work within two (2) hours of the beginning or ending of the workday or which exceeds the lunch or break periods for more than two (2) hours, all without approval:

- a. First Occurrence Oral Reprimand to Dismissal
- b. Second Occurrence Suspension to Dismissal
- e. Third Occurrence Dismissal

2. Confidentiality. No employee shall disclose to anyone, or use, any information that is not available to the general public that was obtained as a result of employment with the Department. Employees shall not access or review any specific tax or Child Support Enforcement account or information for any non-official purpose. No employee may use or disclose information obtained as a result of employment with the Department if it would place the employee or recipient in an advantageous position over the general public and thus constitute a violation of the public trust. Examples of violations of this standard include disclosing the existence of an audit or investigation, or audit or investigative techniques and strategies, to anyone, including the subject taxpayer or client, outside of the official lines of communication. Such information may be included in an official form, officially recognized conference, or correspondence by the employee assigned to an investigation or audit or who subsequently reviewed it.

- a. First Occurrence Suspension to Dismissal
- b. Second Occurrence Dismissal

3. Excessive Absenteeism. Repeated absences on the day preceding or following the employee's regular days off, repeated absences on the same day of each week or month, or that otherwise establishes a pattern of absenteeism shall be considered excessive, regardless of whether such absences were authorized by an immediate supervisor based on the employee's reported illness or emergency. Employees shall not deplete their accrued hours of leave or take leave in excess of their leave balance without approval from their supervisor.

- a. First Occurrence Oral to Written Reprimand
- b. Second Occurrence Suspension to Dismissal
- e. Third Occurrence Dismissal

4. Insubordination. No employee shall refuse or fail to comply with a reasonable order, request for information, request for cooperation, or work assignment given by an immediate or higher-level supervisor.

- a. First Occurrence Written Reprimand to Dismissal
- b. Second Occurrence Suspension to Dismissal
- e. Third Occurrence Dismissal

5. Leaving Work Station/Area Without Authorization. While at work, employees shall not leave their assigned work station/area or duty assignment without being properly relieved or without getting prior permission from an appropriate supervisor:

- a. First Occurrence Oral Reprimand to Dismissal
- b. Second Occurrence Suspension to Dismissal
- e. Third Occurrence Dismissal

6. Loafing. Employees shall remain productive while performing their assigned duties or tasks during work hours, and shall not be idle, waste time, engage in idle talk or gossip.

- a. First Occurrence Oral Reprimand to Dismissal
- b. Second Occurrence Suspension to Dismissal
- e. Third Occurrence Dismissal

7. Negligence. Employees shall be disciplined for committing any act that is considered negligent as described herein. Negligence is the failure to use ordinary or reasonable care in, or the omission of or inattention to, the performance of assigned duties and responsibilities. Negligence is synonymous with carelessness and signifies lack of care, caution, attention, diligence or discretion and may include the loss of State property and equipment. Any action that results in a violation or nonobservance of a work rule, policy, procedure, law or assigned duty may subject an employee to discipline for negligence pursuant to this rule.

- a. First Occurrence Written Reprimand to Dismissal
- b. Second Occurrence Suspension to Dismissal
- e. Third Occurrence Dismissal

8. Personal Business. Employees shall not conduct personal business during work hours.

- a. First Occurrence Oral Reprimand to Dismissal
- b. Second Occurrence Suspension to Dismissal
- e. Third Occurrence Dismissal

9. Political Activities. With regard to participation in, or furtherance of any political campaign, no such activity shall take place while an employee is on duty and the Department adopts Rule 60K 13, F.A.C., and incorporates same by reference.

- a. First Occurrence Oral Reprimand to Dismissal
- b. Second Occurrence Suspension to Dismissal
- e. Third Occurrence Dismissal

10. Safety Practices. Employees shall adhere to or follow established safety rules or procedures while at work, including using proper safety equipment where appropriate.

- a. First Occurrence Written Reprimand to Dismissal
- b. Second Occurrence Suspension to Dismissal
- e. Third Occurrence Dismissal

11. Sleeping or Inattentiveness While on Duty. Employees shall remain awake or sufficiently alert to perform assigned duties during work hours.

- a. First Occurrence Written Reprimand to Dismissal
- b. Second Occurrence Suspension to Dismissal
- e. Third Occurrence Dismissal

~~12. Solicitation/Distribution. The Department adopts Rules 60H-6 and 60L-24, F.A.C., and incorporates same by reference.~~

- a. First Occurrence Oral Reprimand to Dismissal
- b. Second Occurrence Suspension to Dismissal
- e. Third Occurrence Dismissal

~~13. Striking or Related Concerted Activity. No employee shall engage in any concerted action involving refusal or failure of employees to report for duty; the concerted absence of employees from their positions; the concerted stoppage of work by employees; the concerted abstinence in whole or in part by any group of employees from the full and faithful performance of the duties of employment with a public employer for the purpose of inducing, influencing, condoning, or coercing a change in the terms and conditions of employment or the rights, privileges, or obligations of public employment, or participate in a deliberate and concerted course of conduct which adversely affects the services of the public employer; the concerted failure of employees to report to work after the expiration of a collective bargaining agreement; or in picketing in furtherance of a work stoppage.~~

- a. First Occurrence Suspension to Dismissal
- b. Second Occurrence Dismissal

~~14. Suspension or Revocation of Driver's License. Employees who drive vehicles to perform their job duties and responsibilities shall report any suspension or revocation of their driver's license to an appropriate supervisor within three (3) workdays of the order of suspension or revocation.~~

- a. First Occurrence Oral Reprimand to Dismissal
- b. Second Occurrence Suspension to Dismissal
- e. Third Occurrence Dismissal

~~15. Tardiness/Leaving Early. Employees shall timely report to work, return to work after a lunch or break periods and leave work at their scheduled time unless authorization is obtained from their immediate supervisor. The failure to timely report to work, return to work, or to leave work early three or more times within 30 calendar days shall be disciplined as tardiness/leaving early.~~

- a. First Occurrence Oral to Written Reprimand
- b. Second Occurrence Suspension to Dismissal
- e. Third Occurrence Dismissal

~~(b) Child Support and Taxpayer Obligation.~~

~~1. Violation of State or Federal Tax Law. No employee shall fail or refuse to fully comply with any State or Federal tax filing or record keeping requirement, or fail or refuse to pay taxes assessed when due under any State or Federal tax laws and rules.~~

- a. First Occurrence Written Reprimand to Dismissal
- b. Second Occurrence Dismissal

~~2. Failure of Employee to Maintain Child Support Obligation. No employee shall fail or refuse to fully comply with any court order involving child support.~~

- a. First Occurrence Written Reprimand to Dismissal
- b. Second Occurrence Dismissal

~~(c) Workplace Conduct, Behavior, and Activities.~~

~~1. Abuse or Harassment of Other Employees. No employee shall utter any derogatory, disparaging, derisive, or other belittling or insulting verbal remark, or make any similar physical gesture, which is intended to, or can be construed to, insult, denigrate, malign, or besmirch another employee based on his or her gender, race, religious affiliation, national origin, age, marital status, or disability, and which is offensive and objectionable to the recipient, regardless of whether the recipient files a complaint.~~

- a. First Occurrence Oral Reprimand to Dismissal
- b. Second Occurrence Suspension to Dismissal
- e. Third Occurrence Dismissal

~~2. Alcohol or Drug Use.~~

~~a. Prohibited at Workplace. No employee shall possess, use, sell, transfer, or distribute alcohol, controlled substances or chemicals, illegal or unauthorized prescription or non prescription drugs, or narcotics while on duty or during work hours. Neither shall any employee report to work while using, or under the influence of alcohol, controlled substance, or illegal or unauthorized prescription or non-prescription drugs or narcotics.~~

- I. First Occurrence Suspension to Dismissal
- II. Second Occurrence Dismissal

~~b. Policy on Abuse of Alcohol and Drugs. By resolution dated July 17, 1993, the Governor and Cabinet declared that alcoholism shall be recognized as a health problem and treated as such, with no attempt to hide the diagnosis or disease. An employee who drinks, consumes, or uses alcohol or drugs to the extent that his or her work performance is affected or impaired, has an alcohol or substance abuse problem. Therefore, employees who exhibit evidence of an alcohol or substance abuse problem, regardless of whether the employee has violated the above provision regarding possession, use, and sale of alcohol and controlled substances or chemicals while on duty and during work hours, shall be referred to the Employee Assistance Program for counseling and rehabilitation. Employees who fail or refuse to recognize that they have an alcohol or drug use problem, who fail or refuse to cooperate with prescribed treatment program(s), or are unruly or commit a breach of peace while under the influence of alcohol or drugs shall be disciplined as follows:~~

- I. First Occurrence Written Reprimand to Dismissal
- II. Second Occurrence Suspension to Dismissal
- III. Third Occurrence Dismissal

3. ~~Conduct Unbecoming a Public Employee. No employee shall engage in any conduct which adversely affects the morale or efficiency of the Department of the Department's ability to carry out its assigned mission, or which has a tendency to destroy public respect or confidence in the Department, in its employees, or in the operation of Departmental services. Nor shall any employee engage in any act or activity, on the job or connected with the job, which violates accepted standards of decency or morality or which violates generally accepted standards of conduct or conduct, whether on or off the job, that adversely affects the employee's effectiveness within the Department, or his or her ability to continue to perform his or her job. Conduct unbecoming a public employee includes any action or conduct that brings discredit to the Department.~~

- ~~a. First Occurrence Written Reprimand to Dismissal~~
- ~~b. Second Occurrence Suspension to Dismissal~~
- ~~c. Third Occurrence Dismissal~~

4. ~~Discourteous or Rude Conduct Toward the Public. Employees shall be disciplined for committing any act which is discourteous or rude to the public.~~

- ~~a. First Occurrence Written Reprimand to Dismissal~~
- ~~b. Second Occurrence Suspension to Dismissal~~
- ~~c. Third Occurrence Dismissal~~

5. ~~Disruptive Conduct.~~

~~a. Employees shall be disciplined for committing any behavior or act that interferes with the employee's performance of duty or the ability of others to perform their work. Disruptive conduct includes speaking loudly, rudely, or contemptuously to co-workers, supervisors or others; slamming office doors or drawers; throwing objects; banging on walls or doors; or otherwise causing a disturbance which is detrimental to the work environment. Abusive language to any employee or supervisor, or openly making or publishing false, vicious, or malicious statements concerning other employees or supervisors shall be considered disruptive conduct.~~

~~b. Any outward challenge of supervisory criticism such as abusive, hostile or disrespectful conduct; any showing of contempt for, threat, intimidation, harassment, coercion, or any act which indicates an intent to flout authority that is directed at or about an employee's supervisor is also disruptive conduct subject to discipline.~~

- ~~I. First Occurrence Oral Reprimand to Dismissal~~
- ~~II. Second Occurrence Suspension to Dismissal~~
- ~~III. Third Occurrence Dismissal~~

6. ~~Falsification of Records or Statements. No employee shall misrepresent, falsify or omit any facts in any record required to be submitted to the Department, or otherwise provide fraudulent or misleading information to the Department. Records include, but are not limited to Employment Applications; Employee Attendance and Leave Reports; Criminal Record Check Forms; Travel Vouchers; Requests for Reimbursements; questions, answers, or results of any educational course or training program undertaken by the~~

~~employee, whether required or voluntary; and other records of, made, or received by the Department of Revenue and the State of Florida.~~

- ~~a. First Occurrence Written Reprimand to Dismissal~~
- ~~b. Second Occurrence Dismissal~~

7. ~~Fighting. No employee shall assault or batter another person while on the job. Injury, or risk of injury, to any employee shall increase the severity of the disciplinary action.~~

- ~~a. First Occurrence Written Reprimand to Dismissal~~
- ~~b. Second Occurrence Dismissal~~

8. ~~Filing a False Complaint or Grievance. No employee shall file any complaint or grievance regarding another employee with the knowledge that the information contained in the complaint or grievance is untrue or unfounded.~~

- ~~a. First Occurrence Oral Reprimand to Dismissal~~
- ~~b. Second Occurrence Suspension to Dismissal~~
- ~~c. Third Occurrence Dismissal~~

9. ~~Gambling. No employee shall take, make, or receive any bet or wager upon the result of any trial, contest, casualty or contingent event, while on the job.~~

- ~~a. First Occurrence Written Reprimand to Dismissal~~
- ~~b. Second Occurrence Suspension to Dismissal~~
- ~~c. Third Occurrence Dismissal~~

10. ~~Horseplay. Employees shall be disciplined for committing any act, which is horseplay as described herein. Horseplay is any non-work-related activity that is intended to be mischievous or prankish, but not malicious. Injury, or risk of injury, to any employee shall increase the severity of the disciplinary action.~~

- ~~a. First Occurrence Oral Reprimand to Dismissal~~
- ~~b. Second Occurrence Suspension to Dismissal~~
- ~~c. Third Occurrence Dismissal~~

11. ~~Identification as Department Employee. Employees may only identify themselves as an employee of the Department for official purposes, except for personal identification and verification purposes, and not for the purpose of providing a testimonial or advertisement, or on behalf of a commercial enterprise, charity, or other similar endeavor.~~

- ~~a. First Occurrence Oral Reprimand to Dismissal~~
- ~~b. Second Occurrence Suspension to Dismissal~~
- ~~c. Third Occurrence Dismissal~~

12. ~~Interfering in an Investigation. No employee shall interfere with any Department investigation by: failing or refusing to appear, cooperate, or answer any question or questions; failing or refusing to provide requested information or cooperate in an investigation, or to completely and accurately answer questions in an internal investigation; or failing or refusing to give truthful information. This includes any attempt to interfere with an investigation by: lying, or providing any oral or written statements that are inaccurate, incorrect, incomplete or misleading; a material omission;~~

coercion of witnesses or parties; withholding or destroying evidence or any other material facts or tangible items that would be relevant to the investigation. An investigation includes any criminal or administrative investigation by a law enforcement agency, or any administrative investigation by the Department pursuant to its duties and responsibilities.

- a. First Occurrence Written Reprimand to Dismissal
- b. Second Occurrence Suspension to Dismissal
- e. Third Occurrence Dismissal

13. ~~Offensive, Profane, Abusive, or Threatening Language.~~ No employee shall use any language that is offensive, profane, threatening, or abusive regardless of whether such language is directed toward a supervisor, another State employee, the public, or no one in particular. This standard prohibits swearing, profanity, obscenities, and other foul language that is inappropriate for the workplace.

- a. First Occurrence Written Reprimand to Dismissal
- b. Second Occurrence Suspension to Dismissal
- e. Third Occurrence Dismissal

14. ~~Sabotage.~~ No employee shall participate in any act of destruction or attempted destruction of State property, equipment, materials, records, or files which is directed towards undermining Departmental operations or the effectiveness of other employees. Neither shall any employee introduce fraudulent records into a computer system, equipment or facility, or otherwise alter or destroy any Department computerized information or files.

- a. First Occurrence Suspension to Dismissal
- b. Second Occurrence Dismissal

15. ~~Sexual Harassment.~~ No employee shall perform, express, or exhibit any unwelcome sexual advances, request for sexual favors, or other verbal or physical conduct of a sexual nature when:

- a. Submission to such conduct is made, whether explicitly or implicitly, a term or condition of employment;
- b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or
- e. When such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. This also includes retaliation, filing a false complaint, or failure of a supervisor to report sexual harassment, and any other violation of Department Policy Statement 1141-3, Sexual Harassment, which is incorporated by reference. The Department also adopts and incorporates by reference Rule 60L-28, F.A.C., Uniform Rules on Sexual Harassment.

- I. First Occurrence Written Reprimand to Dismissal
- II. Second Occurrence Suspension to Dismissal
- III. Third Occurrence Dismissal

16. ~~Signatures.~~ No employee shall, without express delegated authority, place, direct the placing, or falsely represent to another person, what purports to be the signature of another person on any form, document, paper, letter, memorandum or other written instrument made or received by the Department in connection with the transaction of its official business.

- a. First Occurrence Written Reprimand to Dismissal
- b. Second Occurrence Suspension to Dismissal
- e. Third Occurrence Dismissal

17. ~~Use of State Property and Equipment.~~ No employee shall use any State property or equipment for any reason other than for official State business without proper authorization. Employees shall not abuse or misuse, damage or destroy any State property or equipment. This includes failure to adequately secure or care for State property, and any improper and/or careless use, abuse, or misuse of State property or equipment including State rental vehicles. State property includes any computers, networks and equipment owned or leased to the State.

- a. First Occurrence Oral Reprimand to Dismissal
- b. Second Occurrence Suspension to Dismissal
- e. Third Occurrence Dismissal

18. ~~Theft or Stealing.~~ No employee shall take or use any materials, records, files, currency, or property of the Department, the State, other employees, or the public, without proper authorization.

- a. First Occurrence Suspension to Dismissal
- b. Second Occurrence Dismissal

19. ~~Weapon.~~ No employee shall brandish, threaten to use, or improperly display a weapon or firearm. "Weapon" means any device or instrument which is designed, redesigned, used or intended to be used for offensive or defensive purposes, the destruction of life or the infliction of bodily injury, including firearms, knives, bombs, explosives, mace and pepper gas, and/or other dangerous chemicals or instruments.

- a. First Occurrence Suspension to Dismissal
- b. Second Occurrence Dismissal

(d) ~~Outside Employment and Activities, Gifts, and Conflicts of Interest.~~

1. ~~Conflict of Interest.~~ Employees have an obligation to scrupulously avoid the potential conflicts of interest which may exist in their employment and have a duty to disclose and report promptly the existence or possible existence of a conflict of interest to the agency head or designee. Employees shall:

- a. Not accept or agree to accept any form of compensation or consideration other than salary from the Department except for authorized or sanctioned awards, for:

I. Any services rendered as part of their job with the Department of Revenue;

H. Any part in a proceeding, contract, claim, controversy, change, or other matter in which the Department or any governmental agency regulated by the Department is directly or indirectly interested.

b. Not participate in any business being transacted with the Department by any private concern in which the employee, spouse, or minor children have a financial or beneficial interest.

e. Not act as an agent, attorney, accountant, bookkeeper, factor, or representative in any tax or child support matter before any governmental, judicial or quasi-judicial body when doing so creates a conflict of interest or the appearance of a conflict of interest.

d. Not directly or indirectly solicit, accept, or agree to accept for the employee, another person, or entity anything of value to influence the employee in the performance of the job.

e. Not infer or allow to be inferred representation of the Department of Revenue in any situation, which is not related to official duties.

f. Not show through word or action any preferential attitude or treatment to any person, group, or other entity in the performance of official duties.

g. Not refer a taxpayer or child support custodial or noncustodial parent to an attorney, accountant, tax practitioner, or firm specifically by name or implication in connection with any official business involving the Department of Revenue.

h. Request from their supervisors the transfer from their case load of any case which involves a family member, close friend, or any person or entity with whom that person has some personal or financial involvement.

I. First Occurrence Suspension to Dismissal

II. Second Occurrence Dismissal

2. Gifts and Gratuities from Outside Sources.

a. General Limitation. Employees shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from a person or entity which:

I. Has or is seeking to obtain contractual or other business or financial relations with the Department of Revenue;

II. Conducts business or other activities which are regulated or monitored by the Department of Revenue, except as permitted by this section such that it creates a conflict of interest or the appearance of a conflict of interest; or

III. Has interests that may be, or give the reasonable impression of being, substantially affected by the performance or nonperformance of the employee's official duties.

b. Exceptions:

I. Gifts or gratuities from an obvious family member or personal relationship, when the circumstances make it clear that those relationships, rather than the business or the persons concerned, are the motivating factors behind any gift or gratuity;

H. Food, refreshments, lodging, and other travel expenses on nonrecurring occasions from various civic and professional organizations for participation in meetings, workshops and seminars for educational, informational and other similar purposes;

III. Loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as home mortgage loans, automobile loans, personal loans, etc.;

IV. Unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, and other items of nominal value;

V. An award or gift of nominal value for a speech, participation in a conference, or some public contribution or achievement given by a charitable, religious, professional, social, fraternal, educational, recreational, public service or civic organization.

VI. Reimbursement, in cash or in kind, for travel, subsistence and other expenses incidental to attendance at meetings, provided such attendance and reimbursement is approved by the Executive Director or the Executive Director's designee, in accordance with the criteria provided in Section 112.061, F.S. An employee on official business may not be reimbursed, and payment may not be made on his or her behalf, for excessive (e.g., reimbursement which exceeds actual cost) personal living expenses, gifts, entertainment, travel or other benefits. At no time will an employee accept reimbursement from both the state and another source for the same expenses.

(A) First Occurrence Oral Reprimand to Dismissal

(B) Second Occurrence Suspension to Dismissal

(C) Third Occurrence Dismissal

3. Outside Employment, Contracts and Business Activity.

a. Generally. Because of the sensitive nature of the mission of the Department of Revenue and the importance of maintaining the public's trust in the agency's integrity, there are some restrictions related to outside employment of the Department's personnel. The Department hereby adopts and incorporates by reference Rules 60K-2.016 and 60K-15, F.A.C. See also Ch. 112, Part III, F.S. The Department requires an employee to obtain approval before accepting any outside employment or similar responsibilities. Outside employment shall be denied whenever its nature creates a conflict of interest with the employee's duties in the Department of Revenue or creates the appearance of such a conflict.

b. Activities Which Do Not Require Prior Notice:

I. Membership and uncompensated services (including holding of office) in civic, scout, religious, educational, fraternal, social, community, veterans, or charitable organizations. Bookkeeping services provided to such organizations require prior written approval;

II. Services as a notary public or equivalent position in another state;

III. Rental of employee-owned property, real or personal, to the extent such property is not rented to the State of Florida or any agency or subdivision thereof, or the lessee is not a subject of the employee's official duties;

IV. Minor services and odd jobs for friends, relatives, or neighbors, including a wide variety of activities; repair or maintenance work such as painting, yard work, carpentry, or services such as baby sitting and car pools involving payment for transportation;

V. Temporary (thirty days or less) assistance in a family enterprise, in the event of an emergency, such as the death or serious illness/accident to a member of the family engaged in that business;

VI. However, no employee shall, without appropriate disclaimer stating the employee does not speak for the Department, take an active part or become an advocate on behalf of a professional society in any conflict of interest between such society and the Department of Revenue.

e. Outside Legal or Accounting Practice Prohibitions:

I. No outside legal or accounting practice is permitted which is in violation of Chapter 112, Part III, F.S. Specifically, employees are prohibited from receiving compensation from or acting as agent or attorney for anyone having a substantial interest in any particular matter in which the Department is a party or has a direct and substantial adverse interest.

II. Managerial employees are prohibited from engaging in outside legal or accounting practices for which they receive compensation.

III. Employees who hold Attorney and Senior Attorney positions shall not engage in the outside practice of law except Pro Bono activities through the Tallahassee Bar Association or North Florida Legal Services or similar pro bono programs. In no event shall an employee holding an Attorney or Senior Attorney position appear in court as an attorney on behalf of a private client for a fee. No state equipment or supplies can be utilized to fulfill Pro Bono activities. All approved pro bono activities must be performed off duty.

IV. The employee must give written notice of outside legal or accounting practice to the Executive Director or the Executive Director's designee.

d. Outside Legal or Accounting Practices Exceptions. An employee may:

I. Render uncompensated legal or accounting service to family members, provided the service is not a conflict of interest and does not include representation of family members before the Department of Revenue, a state administrative agency or in the courts of the State where the State is a party.

II. During off duty hours with or without compensation, exercise a power of attorney, act as trustee, guardian, conservator, executor, administrator and/or act as a resident agent for immediate family members (employee's brothers or

sisters and step brothers or sisters, parents, step parents, spouse, children, and step children) unless prohibited by Chapter 112, Part III, F.S.

III. With written notice to the Executive Director or the Executive Director's designee, during off duty hours with or without compensation; exercise a power of attorney, act as trustee, guardian, conservator, executor, administrator and/or act as a resident agent for other relatives as defined in Section 112.3135, F.S.

IV. Not act as bookkeeper or accountant without compensation, for a civic, scout, religious, educational, fraternal, social, community, veterans, and/or charitable organization, whenever doing so creates a conflict of interest with the employee's duties in the Department of Revenue or creates the appearance of such a conflict.

(A) First Occurrence Suspension to Dismissal

(B) Second Occurrence Dismissal

4. Personal Relationships with Taxpayers or Clients.

Employees shall promptly disclose or report to their supervisor the existence or potential for any conflict of interest posed by any relationship or friendship between the employee and a taxpayer/client, or employee thereof. Employees shall request a reassignment of any case that involves a family member, close friend, or any person or entity with whom they have some personal or financial involvement.

a. First Occurrence Written Reprimand to Dismissal

b. Second Occurrence Suspension to Dismissal

e. Third Occurrence Dismissal

5. Speeches and Publications. Employees acting in their official capacities must be authorized to perform speeches, or prepare, or provide material for publication before communicating about the official operations or policies of the Department. Any employee who is authorized to perform a speech or prepare or provide materials for publication which supports official operations or policies of the Department, shall not accept any fee, salary, honorarium, or other compensation for such services in violation of section 110.209, F.S., and Rule 60K-2.018, F.A.C., which rule is hereby adopted and incorporated by reference. This standard does not prohibit reimbursement for transaction, travel, accommodation, or meal expenses.

a. First Occurrence Oral Reprimand to Dismissal

b. Second Occurrence Suspension to Dismissal

e. Third Occurrence Dismissal

6. Tax, Child Support Enforcement Practices. Except for work done for "relatives" as defined in Section 112.3135(1)(c), F.S., no employee shall perform, provide, or agree, whenever its nature would be considered a conflict of interest with the employee's duties in the Department of Revenue or would give the appearance of a conflict with the employee's duties to:

a. ~~Appear on behalf of any taxpayer or Child Support Enforcement client as an attorney, agent, or representative before any state, federal, or local government agency, in any action involving a tax matter or Child Support Enforcement matter;~~

b. ~~Prepare any State or Federal tax returns, reports, declarations or documents, or otherwise engage in accounting, use, analysis or interpretation of any financial records for consideration, or sign as a paid preparer on any such tax document for compensation, gift, or favor;~~

e. ~~Prepare any Child Support Enforcement client reports, declarations or documents for consideration, or advise any Child Support enforcement clients in any matter in which the Child Support Enforcement client seeks support or relief from the Department, contrary to Department rule, policy or procedure; or~~

d. ~~Advertise, or hold oneself out as an attorney, or act as attorney in the private sector while employed with the Department.~~

- I. First Occurrence Written Reprimand to Dismissal
- II. Second Occurrence Suspension to Dismissal
- III. Third Occurrence Dismissal

7. ~~Outside Employment as an Appraiser. Outside employment as an appraiser or consultant performing appraisal duties for a city, county or town or other political subdivision of the State is prohibited.~~

- a. First Occurrence Written Reprimand to Dismissal
 - b. Second Occurrence Suspension to Dismissal
 - e. Third Occurrence Dismissal
- (c) ~~Criminal Charges or Conviction.~~

1. ~~Prompt Reporting of Arrest and/or Charge for First Degree Misdemeanor or Felony. An employee arrested or charged with violation of any criminal law which is punishable by imprisonment for more than 60 days, and/or fines of more than \$500, shall provide a written report describing the charges to the Inspector General, within 3 work days of the date of arrest or charges filed.~~

- a. First Occurrence Oral Reprimand to Dismissal
- b. Second Occurrence Suspension to Dismissal

2. ~~Prompt Reporting of Final Order/Disposition for First Degree Misdemeanor or Felony. An employee arrested or charged with violation of any criminal law which is punishable by imprisonment for more than 60 days, and/or fines of more than \$500, shall provide the Inspector General with a copy of the final order/disposition entered in such cause within 3 work days of such order/disposition being entered.~~

- a. First Occurrence Oral Reprimand to Dismissal
- b. Second Occurrence Suspension to Dismissal

3. ~~Failure to Perform Work Duties as a Result of any Arrest, Charge, or Conviction of Criminal Offenses. An employee who is arrested, charged, or convicted for any violation of any law or ordinance, except minor traffic~~

violations, for which fines or bond forfeiture does not exceed \$300, which arrest, charge, or conviction adversely affects the employee's credibility, results in the employee's failure, inability, or refusal to perform assigned work duties, or otherwise adversely affects the Department's ability to carry out its assigned mission, in any manner, shall be disciplined pursuant to this rule.

- a. First Occurrence Oral Reprimand to Dismissal
- b. Second Occurrence Suspension to Dismissal

(f) ~~Other Violations of Law, Rules, Policies or Procedures. Employees shall abide by all State of Florida Statutes and rules, and Department of Revenue rules, policies, procedures, and directives. Disciplinary action under this standard may be administered for, including but not limited to: divulging confidential information; outside business activity; dual employment or moonlighting without permission; misuse of position; conflicts of interest; giving or accepting a bribe; discrimination in employment or illegal campaigning.~~

- 1. First Occurrence Oral Reprimand to Dismissal
- 2. Second Occurrence Suspension to Dismissal
- 3. Third Occurrence Dismissal

Specific Authority 213.06(1), 409.2557(3) FS. Law Implemented 20.21(2)(a), 110.201(2), 110.227 FS. History--New 7-27-99, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Larry Green, Rules and Policy Administrative Process, Department of Revenue, 501 S. Calhoun Street, Room 104, Carlton Building, Tallahassee, Florida 32399-0100, (850)922-4830, e-mail: greenl@dor.state.fl.us

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jeff Kielbasa, Deputy Executive Director, 501 S. Calhoun Street, Room 104, Carlton Building, Tallahassee, Florida 32399-0100, (850)921-2787

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 14, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 30, 2004, Vol. 30, No. 18, pp. 1758-1765. A workshop was held on May 17, 2004. No one appeared at the workshop and no written comments have been received by the Department.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Highway Traffic Safety Program RULE CHAPTER NO.: 14-98

RULE TITLES: Application and Award Procedures RULE NOS.: 14-98.005
Forms 14-98.008

PURPOSE AND EFFECT: Rule subsections 14-98.005(7),(10) and 14-98.008(6), F.A.C., are amended because of a revision to the Subgrant Application for Highway Safety Funds, Form 500-065-01, Part III Project Detail Budget and Part V

Acceptance and Agreement. Also, the form is revised to change "Comptroller" to "Chief Financial Officer," "SAMAS" to "FLAIR," and the "\$300,000" grant limit to "\$500,000."

SUMMARY: Rule subsection 14-98.008(6), F.A.C., is amended to incorporate by reference a revised version of the Subgrant Application for Highway Safety Funds, Form 500-065-01. Rule subsections 14-98.005(7) and (10), F.A.C., also are being amended to update the revision date references to the same form.

SPECIFIC AUTHORITY: 334.044(2), (25) FS.

LAW IMPLEMENTED: 334.044(25) FS.

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 in writing within 21 days of this notice.

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: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULES IS:

14-98.005 Application and Award Procedures.

(1) through (6) No change.

(7) Two copies of the application form, Subgrant Application for Highway Safety Funds, FDOT Form 500-065-01, Rev. 05/04 ~~06/03~~, will be sent to those applicants whose concept papers are selected for funding. Applicants whose concept papers were not selected for funding will be notified by the Office.

(8) through (9) No change.

(10) The Office shall review all applications and will reject any applications not meeting the requirements of these rules and applicable Federal and State laws, within ten working days of receipt of said applications. In the event that an applicant submits a Subgrant Application for Highway Safety Funds, FDOT Form 500-065-01, Rev. 05/04 ~~06/03~~, for an activity that is not included in the Highway Safety Plan, the application shall be rejected. Failure to reject any application within ten days shall not result in the automatic award of a subgrant. All subgrants are subject to funds availability.

(11) No change.

Specific Authority 334.044(2) FS. Law Implemented 334.044(25) FS. History—New 12-30-84, Amended 6-10-85, Formerly 9B-32.05, 9B-32.005, 11-19-89, Formerly 9G-15.005, Amended 12-7-93, 11-29-94, 1-17-99, 4-16-02, 8-6-02, 11-2-03, _____.

14-98.008 Forms.

The following forms used in the Highway Traffic Safety Program are hereby incorporated by reference:

(1) through (5) No change.

(6) Subgrant Application for Highway Safety Funds – FDOT Form 500-065-01, Rev. 05/04 ~~06/03~~.

(7) through (8) No change.

Specific Authority 334.044(2),(25) FS. Law Implemented 334.044(25) FS. History—New 6-10-85, Formerly 9B-32.08, 9B-32.008, Amended 11-19-89, Formerly 9G-15.008, Amended 12-7-93, 6-14-94, 11-29-94, 4-16-02, 8-6-02, 11-2-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Roger J. Doherty, Certified Law Enforcement Planner, DUI Program Coordinator

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lowell Clary, Assistant Secretary for Transportation Support, for José Abreu, P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 17, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 4, 2004

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."

LAND AND WATER ADJUDICATORY COMMISSION

Concord Station Community Development District

RULE CHAPTER TITLE: Concord Station Community Development District

RULE CHAPTER NO.: 42UU-1

RULE TITLES: Establishment 42UU-1.001
Boundary 42UU-1.002
Supervisors 42UU-1.003

PURPOSE, EFFECT AND SUMMARY: The purpose of this proposed rule is to establish a community development district ("CDD"), the Concord Station Community Development District ("District"), pursuant to Chapter 190, F.S. The petition filed by Concord Station, LLC, requests the Commission establish a community development district located within unincorporated Pasco County, Florida. A Notice of Receipt of Petition for the Concord Station Community Development District was published in the March 12, 2004, edition of the Florida Administrative Weekly. The land area proposed to be served by the District comprises approximately 1,003 acres. A general location map is contained as Exhibit A to the petition to establish the District. There are no parcels located within the external boundaries of the proposed District which are to be

excluded from the District. The area of land within the proposed District is part of a planned community. The Petitioner either owns or has written consent to establish the District from the landowners of one hundred percent (100%) of the real property located within the proposed District. The District, if established, currently intends to participate in the provision of certain infrastructure improvements including roads, water and sewer facilities, storm water management, on-site boulevard improvements, off-site improvements, hardscape/landscape and a community center.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The statement of estimated regulatory costs (SERC) supports the petition to establish the District. The complete text of the SERC is contained as Exhibit H to the petition to establish the District. The scope of the SERC is limited to evaluating the regulatory costs consequences of approving the proposal to establish the District. The requirements for a SERC are found in Section 120.541(2), F.S. A SERC must contain (a) a good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a description of the types of individuals likely to be affected by the rule; (b) a good faith estimate of the costs to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues; (c) a good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the rule; (d) an analysis of the impact on small businesses, small counties, and small cities; (e) any additional information that the agency determines may be useful; and (f) any good faith written proposal submitted under section (a) and either a statement adopting the alternative or a statement rejecting the alternative in favor of the proposed rule. Addressing section (a), the principle entities that are likely to be required to comply with the rules include the District, the State of Florida, and Pasco County. In addition, current and future property owners will be affected by the establishment of the proposed District. Under section (b), FLWAC and the State of Florida will incur minimal administrative costs. Pasco County will also incur one-time administrative costs which are offset by the required filing fee paid to Pasco County by the Petitioner. Adoption of the proposed rule to approve the formation of the District will not have adverse impact on State and local revenues. Addressing section (c), the District may levy non-ad valorem special assessments on properties within its boundaries to finance infrastructure that the District funds and to defray the costs of operating and maintaining the infrastructure and associated community facilities. The District may issue notes, bonds, or other indebtedness to fund its improvement program. Prospective future land owners would be required to pay off such indebtedness over time in the form of non-ad valorem special assessments or other rates, fees or charges. The District may also impose an annual levy for the

operation and maintenance of the District. Under section (d), approval of the petition to establish the District will have no impact or a positive impact on all small businesses and will not have any impact on small counties and cities. Pasco County is not a small county as defined in Section 120.52, F.S. Under section (e), certain data was provided by the developer/petitioner and represents the best information available. Other data was provided by Rizzetta & Company and was based on observations, analysis and experience with private development and other community development district in various stages of existence.

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, A HEARING WILL NOT BE HELD):

TIME AND DATE: 9:00 a.m., Thursday, July 29, 2004

PLACE: Room 1802M, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the hearing because of a disability should contact Barbara Leighty, (850)487-1884, at least five (5) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Barbara Leighty, Senior Policy Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, (850)487-1884

THE FULL TEXT OF THE PROPOSED RULES IS:

CONCORD STATION COMMUNITY
DEVELOPMENT DISTRICT

42UU-1.001 Establishment.

The Concord Station Community Development District is hereby established.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History—New _____.

42UU-1.002 Boundary.

The boundaries of the District are as follows:

A parcel of land lying within Sections 15, 21, 22, 27 and 28, Township 26 South, Range 18 East, Pasco County, Florida and being further described as follows:

Commencing at the Northwest corner of said Section 21; thence along the North line of said Section 21, S89°23'54"E, a distance of 50.00 feet to the POINT OF BEGINNING; thence continue S89°23'54"E along said North line, a distance of 5,216.50 feet, to the Northeast corner of said Section 21, said point also being the Southwest corner of said Section 15; thence along the West line of said Section 15, N00°17'39"E, a distance of 2,386.55 feet, said point being 25.00 feet south of the southerly right-of-way of the former ACL RAILROAD, as recorded in Official Record Book 1433, Page 898 of the Public Records of Pasco County, Florida; thence departing said West line, along a line 25.00 south, and parallel of said southerly

right-of-way, N70°24'52"E, a distance of 1,423.75 feet; thence S00°20'55"W, a distance of 2,874.00 feet; thence S00°16'01"W, a distance of 5,339.89 feet; thence S00°16'03"W, a distance of 2,306.17 feet, to the northerly right-of-way line of State Road No. 54, according to that certain Florida Department of Transportation Right-of-Way Map, Section 14570-2521, State Road Number 54, Pasco County, Florida dated 5-29-97, said point also being the point of intersection with a non tangent curve to the right; thence along said northerly right-of-way, southwesterly 435.47 feet along the arc of said curve, having a radius of 2,740.12 feet, a central angle of 09°06'20" and a chord bearing and distance of S62°03'30"W, 435.01 feet; thence departing said northerly right-of-way line, N13°10'00"W, a distance of 289.23 feet; thence N00°02'00"W, a distance of 905.00 feet; thence N27°26'00"W, a distance of 313.00 feet; thence N79°38'00"W, a distance of 201.58 feet, to the point of intersection with a non tangent curve to the right, thence southwesterly 137.61 feet along the arc of said curve, having a radius of 750.00 feet, a central angle of 10°30'45" and a chord bearing and distance of S28°05'12"W, 137.41 feet, to a point of reverse curve to the left; thence southerly 956.97 feet along the arc, having a radius of 1,430.00 feet, a central angle of 38°20'35" and a chord bearing and distance of S14°10'17"W, 939.22 feet; thence S05°00'00"E, a distance of 500.13 feet, to a point of curve to the left; thence southeasterly 37.95 feet along the arc of said curve, having a radius of 25.00 feet, a central angle of 86°59'10" and a chord bearing and distance of S48°29'35"E, 34.41 feet, to the aforementioned northerly right-of-way line; thence along said northerly right-of-way line, S88°00'50"W, a distance of 150.21 feet, to the point of intersection with a non tangent curve to the left, thence departing said northerly right-of-way line, northeasterly 40.58 feet along the arc of said curve, having a radius of 25.00 feet, a central angle of 93°00'50" and a chord bearing and distance of N41°30'25"E, 36.27 feet; thence N05°00'00"W, a distance of 492.23 feet, to a point of curve to the right; thence northerly 262.24 feet along the arc of said curve, having a radius of 1,530.00 feet, a central angle of 09°49'13" and a chord bearing and distance of N00°05'23"W, 261.92 feet; thence S89°58'00"W, a distance of 967.38 feet; thence N00°02'00"W, a distance of 783.00 feet; thence N35°56'00"E, a distance of 873.00 feet; thence N62°48'00"E, a distance of 477.82 feet; thence N47°27'51"W, a distance of 64.67 feet, to a point of curve to the right; thence northwesterly 432.46 feet along the arc of said curve, having a radius of 750.00 feet, a central angle of 33°02'16" and a chord bearing and distance of N30°56'43"W, 426.50 feet; thence N14°25'35"W, a distance of 678.07 feet, to a point of curve to the left; thence northwesterly 501.13 feet along the arc of said curve, having a radius of 650.00 feet, a central angle of 44°10'24" and a chord bearing and distance of N36°30'47"W, 488.81 feet, to a point of compound curve to the left; thence westerly 80.85 feet along the arc, having a radius of 50.00 feet, a central angle of 92°39'00" and a chord bearing and distance

of S75°04'31"W, 72.33 feet; thence S28°45'01"W, a distance of 238.64 feet, to a point of curve to the left; thence southerly 1,204.29 feet along the arc of said curve, having a radius of 2,400.00 feet, a central angle of 28°45'01" and a chord bearing and distance of S14°22'31"W, 1,191.70 feet; thence S00°00'00"W, a distance of 2,571.01 feet, to the aforementioned northerly right-of-way line, said point also being the point of intersection with a non tangent curve to the right; thence along said northerly right-of-way line, the following two (2) courses, (1) westerly 150.47 feet along the arc of said curve, having a radius of 1,859.86 feet, a central angle of 04°38'08" and a chord bearing and distance of N78°17'24"W, 150.43 feet; (2) N75°58'20"W, a distance of 54.32 feet; thence departing said northerly right-of-way line, N00°00'00"E, a distance of 2,527.31 feet, to a point of curve to the right; thence northerly 1,304.65 feet along the arc of said curve, having a radius of 2,600.00 feet, a central angle of 28°45'01" and a chord bearing and distance of N14°22'31"E, 1,291.00 feet; thence N28°45'01"E, a distance of 239.28 feet, to a point of curve to the left; thence northerly 78.54 feet along the arc of said curve, having a radius of 50.00 feet, a central angle of 90°00'00" and a chord bearing and distance of N16°14'59"W, 70.71 feet; thence N61°14'59"W, a distance of 873.45 feet; thence S35°56'43"W, a distance of 1,620.83 feet, to a point of curve to the right; thence westerly 643.57 feet along the arc of said curve, having a radius of 500.00 feet, a central angle of 73°44'51" and a chord bearing and distance of S72°49'09"W, 600.05 feet; thence N70°18'26"W, a distance of 498.68 feet; thence S00°02'00"E, a distance of 494.68 feet; thence S44°58'00"E, a distance of 640.00 feet; thence N89°58'00"E, a distance of 1,415.00 feet; thence S00°02'00"E, a distance of 806.00 feet; thence S89°58'00"W, a distance of 1,350.00 feet; thence S00°02'00"E, a distance of 337.00 feet; thence S50°28'00"W, a distance of 690.00 feet; thence S89°58'00"W, a distance of 356.00 feet; thence N00°02'00"W, a distance of 178.00 feet; thence S89°58'00"W, a distance of 890.00 feet; thence N00°02'00"W, a distance of 143.00 feet; thence S89°58'00"W, a distance of 337.16 feet, to the West line of said Section 28; thence along said West line, N00°28'22"E, a distance of 1,631.47 feet, to the Southwest corner of said Section 21; thence along the West line of said Section 21, N00°23'16"E, a distance of 2,656.45 feet; thence N00°24'11"E, a distance of 2,703.02 feet to the POINT OF BEGINNING. Containing 1003.24 acres, more or less.

Specific Authority 190.005 FS, Law Implemented 190.004, 190.005 FS, History—New _____.

42UU-1.003 Supervisors.

The following five persons are designated as the initial members of the Board of Supervisors: Robert W. Byrd, Brant T. Byrd, Rose Marsala, Doyle Dudley, and William Kouwenhoven.

Specific Authority 190.005 FS, Law Implemented 190.004, 190.005 FS, History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Teresa Tinker, Florida Land and Water Adjudicatory Commission, Room 1802, The Capitol, Tallahassee, Florida 32399-0001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 15, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 7, 2004

LAND AND WATER ADJUDICATORY COMMISSION

Tern Bay Community Development District

RULE CHAPTER TITLE: Tern Bay Community Development District RULE CHAPTER NO.: 42VV-1

RULE TITLES: Establishment RULE NOS.: 42VV-1.001

Boundary 42VV-1.002

Supervisors 42VV-1.003

PURPOSE, EFFECT AND SUMMARY: The purpose of this proposed rule is to establish a community development district (“CDD”), the Tern Bay Community Development District (“District”), pursuant to Chapter 190, F.S. The petition filed by Tern Bay Development Co., LLC, requests the Commission establish a community development district located within the unincorporated area of Charlotte County, Florida. A Notice of Receipt of Petition for the Tern Bay Community Development District was published in the March 5, 2004, edition of the Florida Administrative Weekly. The land area proposed to be served by the District comprises approximately 1,788.97 acres. A general location map is contained as Exhibit 1 to the petition to establish the District. There are no parcels located within the external boundaries of the proposed District which are to be excluded from the District. All lands proposed to be included in the District are designated as Mixed Use Development of Regional Impact on the Charlotte County Future Land Use Map. The Petitioner either owns or has written consent to establish the District from the landowners of one hundred percent (100%) of the real property located within the proposed District. The District, if established, currently intends to participate in the provision of certain infrastructure improvements including roads, street lighting, water and wastewater, surface water management, landscaping and security walls, and park and recreational facilities.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The statement of estimated regulatory costs (SERC) supports the petition to establish the District. The complete text of the SERC is contained as Exhibit 10 to the petition to establish the District. The scope of the SERC is limited to evaluating the regulatory costs consequences of approving the proposal to establish the

District. The requirements for a SERC are found in Section 120.541(2), F.S. A SERC must contain (a) a good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a description of the types of individuals likely to be affected by the rule; (b) a good faith estimate of the costs to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues; (c) a good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the rule; (d) an analysis of the impact on small businesses, small counties, and small cities; (e) any additional information that the agency determines may be useful; and (f) any good faith written proposal submitted under section (a) and either a statement adopting the alternative or a statement rejecting the alternative in favor of the proposed rule. Addressing section (a), the principle entities that are likely to be required to comply with the rules include the District, the State of Florida, and Charlotte County. In addition, current and future property owners will be affected by the establishment of the proposed District. Under section (b), FLWAC and the State of Florida will incur minimal administrative costs. Charlotte County will also incur one-time administrative costs which are offset by the required filing fee paid to Charlotte County by the Petitioner. Adoption of the proposed rule to approve the formation of the District will not have adverse impact on State and local revenues. Addressing section (c), the District may levy non-ad valorem special assessments on properties within its boundaries to finance infrastructure that the District funds and to defray the costs of operating and maintaining the infrastructure and associated community facilities. The District may issue notes, bonds, or other indebtedness to fund its improvement program. Prospective future land owners would be required to pay off such indebtedness over time in the form of non-ad valorem special assessments or other rates, fees or charges. The District may also impose an annual levy for the operation and maintenance of the District. Under section (d), approval of the petition to establish the District will have no impact or a positive impact on all small businesses and will not have any impact on small counties and cities. Charlotte County is not a small county as defined in Section 120.52, F.S. Under section (e), certain data was provided by the developer/petitioner and represents the best information available. Other data was provided by Rizzetta & Company and was based on observations, analysis and experience with private development and other community development district in various stages of existence.

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, A HEARING WILL NOT BE HELD):

TIME AND DATE: 10:30 a.m., Thursday, July 29, 2004

PLACE: Room 1802M, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the hearing because of a disability should contact Barbara Leighty, (850)487-1884, at least five (5) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Barbara Leighty, Senior Policy Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, (850)487-1884

THE FULL TEXT OF THE PROPOSED RULES IS:

TERN BAY COMMUNITY DEVELOPMENT DISTRICT

42VV-1.001 Establishment.

The Tern Bay Community Development District is hereby established.

Specific Authority 190.005 FS, Law Implemented 190.004, 190.005 FS, History—New _____.

42VV-1.002 Boundary.

The boundaries of the District are as follows:

A parcel of land lying in Section 17, fractional Section 19, fractional Section 13, fractional Section 18, and Section 20, Township 42 South, Range 23 East, Charlotte County, Florida, being more particularly described as follows:

Commence at the Northeast corner of said Section 17; thence, North 89°24'04" West, along the North line of said Section 17, a distance of 55.00 feet to the Westerly right-of-way line of Burnt Store Road according to the Florida Department of Transportation Right-of-Way Map of State Road No. S-765 (Burnt Store Road) Section 01540-2601; thence, South 00°17'16" West, along said right-of-way line, a distance of 100.00 feet, for a Point of Beginning; thence, South 00°17'16" West, along said right-of-way line, a distance of 157.76 feet; thence, South 89°42'44" East, along said right-of-way line, a distance of 15.00 feet; thence, South 00°17'16" West, along said right-of-way line, a distance of 1820.00 feet; thence, South 89°42'44" East, along said right-of-way line, a distance of 1.00 feet; thence, South 00°17'16" West, along said right-of-way line, a distance of 10.00 feet; thence, North 89°42'44" West, along said right-of-way line, a distance of 1.00 feet; thence, South 00°17'16" West, along said right-of-way line, a distance of 220.00 feet; thence, South 89°42'44" East, along said right-of-way line, a distance of 3.00 feet; thence, South 00°46'19" West, along said right-of-way line, a distance of 361.28 feet; thence, South 00°17'16" West, along said right-of-way line, a distance of 2304.01 feet to a point on a circular curve concave northwesterly, having as elements a radius of 1110.92 feet, a central angle of 14°05'30" and a chord bearing of South 12°46'18" West; thence, Southwesterly, along said right-of-way and the arc of said curve, a distance of 273.23 feet; thence, North 70°10'57" West, along said right-of-way line, a distance of 15.00 feet to a point on a

circular curve concave northwesterly, having as elements a radius of 1095.92 feet, a central angle of 05°52'03" and a chord bearing of South 22°45'05" West; thence, Southwesterly, along said right-of-way and the arc of said curve, a distance of 112.23 feet to the South line of said Section 17; thence, North 89°36'39" West, along said South line, a distance of 1175.79 feet to the Northeast corner of the Northwest 1/4 of the Northeast 1/4 of said Section 20; thence South 01°10'04" West, along the East line of said Northwest 1/4, of the Northeast 1/4 of Section 20, a distance of 1295.74 feet to the Southeast corner of the Northwest 1/4 of the Northeast 1/4; thence, South 01°25'14" West, along the East line of said North 1/2 of the North 1/2 of the Southwest 1/4 of the Northeast 1/4 of said Section 20, a distance of 26.65 feet to the said Westerly right-of-way line of Burnt Store Road; thence, South 44°54'56" West, along said right-of-way line, a distance of 883.62 feet to the South line of the South 1/2 of the North 1/2 of the Southwest 1/4 of the Northeast 1/4 of said Section 20; thence, South 89°34'53" West, along said South line a distance of 708.29 feet to the East line of the Northwest 1/4 of said Section 20; thence, South 00°48'01" West, along said East line, a distance of 654.15 feet to the North line of the South 1/2 of said Section 20; thence, North 89°08'41" East, along said North line, a distance of 61.00 feet to the said Westerly right-of-way line of Burnt Store Road; thence, South 44°54'56" West, along said right-of-way line, a distance of 500.42 feet; thence, North 45°05'57" West, perpendicular to said right-of-way line, a distance of 489.78 feet to the said South line of the Northwest 1/4 of said Section 20; thence, South 89°18'11" West, along said South line, a distance of 2015.19 feet to the Southwest corner of the Northwest 1/4 of said Section 20; thence, South 89°24'20" West along the South line of the North 1/2 of said fractional Section 19, a distance of 950.17 feet; thence, continue along the south line of the North 1/2 of said fractional Section 19, a distance of 3686.76 feet, to a point on the west line of said fractional Section 19; thence along the west line of said fractional Section 19, North 04°47'10" West, 2757.78 feet to the Southeast corner of said fractional Section 13, thence Westerly along South line of fractional Section 13 to the Mean High Water line of Charlotte Harbor; thence Northerly, meandering said Mean High Water Line to the North Line of said fractional Section 13; thence Easterly to the Northwest corner of said fractional Section 18; thence South 03°48'00" East, 112.91 feet; hence South 89°15'00" East, parallel with and 100.00 feet South of the North line of said fractional Section 18, a distance of 5294.27 feet to a point on the West line of said Section 17; thence, South 89°24'04" East, parallel with and 100.00 feet South of the North line of said Section 17, a distance of 2653.60 feet; thence, South 89°23'24" East, parallel with and 100.00 feet south of the North line of said Section 17, a distance of 2599.92 feet to the Point of Beginning.

Said land containing 1778.97 acres, more or less.

Said land situate, lying and being in Charlotte County, Florida.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History—New _____.

42VV-1.003 Supervisors.

The following five persons are designated as the initial members of the Board of Supervisors: John Reisman, Ken Weiner, David Knizner, Maureen Nash, and Dana Gourley.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission, Room 1802, The Capitol, Tallahassee, Florida 32399-0001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 15, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 7, 2004

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Dental Services

RULE NO.: 59G-4.060

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Dental Services Coverage and Limitations Handbook, January 2004. The effect will be to incorporate by reference in the rule the current Florida Medicaid Dental 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 Dental Services Coverage and Limitations Handbook, January 2004. The coverage and limitations handbook was revised to include 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.

SUBJECT AREA TO BE ADDRESSED: Dental Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.912 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: 2:00 p.m., Monday, July 26, 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: Mary Cerasoli, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7328

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.060 Dental Services.

(1) No change.

(2) All dental services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Dental Services Coverage and Limitations Handbook, January 2004 ~~October 2003~~, and the Florida Medicaid Provider Reimbursement Handbook, Dental 111, October 2003, which are incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS 1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. All handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.912 FS. History—New 7-10-80, Amended 2-19-81, 10-27-81, 7-21-83, Formerly 10C-7.523, Amended 9-11-90, 11-3-92, Formerly 10C-7.0523, Amended 6-29-93, Formerly 10P-4.060, Amended 7-19-94, 7-16-96, 3-11-98, 10-13-98, 12-28-98, 6-10-99, 4-23-00, 4-24-01, 7-5-01, 2-20-03, 8-5-03, 1-8-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mary Cerasoli

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Alan Levine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 21, 2004

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Visual Services

RULE NO.: 59G-4.340

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Visual Services Coverage and Limitations Handbook, January 2004. The effect will be to incorporate by reference in the rule the current Florida Medicaid Visual 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 Visual 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 visual services procedure codes, and an updated fee schedule 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 409.906, 409.908 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: 2:00 p.m., Monday, July 26, 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: Ouida Mazzoccoli, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)922-7351

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.340 Visual Services.

(1) No change.

(2) All visual services practitioners enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Visual 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 409.906, 409.908 FS. History—New 7-30-80, Formerly 10C-7.521, Amended 4-20-93, 8-25-93, Formerly 10C-7.0521, Amended 12-21-97, 10-13-98, 6-10-99, 4-23-00, 1-23-02, 2-20-03, 8-5-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ouida Mazzoccoli

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Alan Levine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 15, 2004

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE TITLE: Exemption of Spouses of Members of Armed Forces
RULE NO.: 61-20.0025

PURPOSE AND EFFECT: The Council proposes to exempt spouses of members of Armed Forces from licensure renewal provisions.

SUMMARY: The Council specifies the criteria for the exemption of spouses of members of the Armed Forces from licensure renewal provisions.

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 regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 455.02(2), 468. 4315(3) 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 NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julie Malone, Executive Director, Regulatory Council of Community Association Managers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61-20.0025 Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions.

A licensee who is the spouse of a member of the Armed Forces of the United States and was caused to be absent from the state of Florida because of the spouse's duties with the armed forces shall be exempt from all licensure renewal provisions under these rules during such absence. The licensee must show proof to the Council of the absence and the spouse's military status.

Specific Authority 455.02(2), 468.4315 FS. Law Implemented 455.02(2) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Julie Malone, Executive Director, Regulatory Council of Community Association Managers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Regulatory Council of Community Association Managers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 23, 2004
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 6, 2004

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
 Division of Family Health Services**

RULE TITLE: Distribution of Funds from the Rape
 RULE NO.: 64F-20.001

Crisis Program Trust Fund
 PURPOSE AND EFFECT: This rule is to implement new legislation establishing a Rape Crisis Trust Fund to carry out the purposes of the "Sexual Battery Victims Access to Services Act."

SUMMARY: This rule is intended to implement the distribution of funds established by the "Sexual Battery Victims Access to Services Act."

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: 794.056(2) FS.
 LAW IMPLEMENTED: 794.055, 794.056 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: Elvira Hanson, Contract Manager, Sexual Violence Prevention Program, Florida Department of Health, 4052 Bald Cypress Way, Bin #A13, Tallahassee, FL 32399-1723

THE FULL TEXT OF THE PROPOSED RULE IS:
SEXUAL ASSAULT VICTIMS ACCESS TO SERVICES
64F-20.001 Distribution of Funds from the Rape Crisis Program Trust Fund.
The department shall contract through a competitive process pursuant to Chapter 287, F.S., with statewide nonprofit association(s) as described in Section 794.055, F.S.

Specific Authority 794.056(2) FS. Law Implemented 794.055, 794.056 FS.
 History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jan Davis, Program Administrator, Sexual Violence Prevention Program, Division of Family Health Services
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Annette Phelps, Division Director, Division of Family Health Services
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 10, 2004
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 26, 2003

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

**DEPARTMENT OF STATE
 Division of Elections**
 RULE NO.: 1S-2.015
 RULE TITLE: Minimum Security Procedures for Voting Systems
 NOTICE OF CORRECTION

Notice is hereby given that the Notice of Proposed Rule for Rule 1S-2.015, F.A.C., published in the Florida Administrative Weekly, Page 2488, Vol. 30, No. 25, on June 18, 2004, included an erroneous hearing date. The Proposed Rule Hearing will be held at 11:00 a.m., Tuesday, July 13, 2004 at the R.A. Gray Auditorium located at 500 South Bronough Street, Tallahassee, Florida 32399.

THE FULL TEXT OF THE PROPOSED RULE IS:
 1S-2.015 Minimum Security Procedures for Voting Systems.
 (1) PURPOSE Purpose.
~~(a) To achieve and maintain the maximum degree of correctness, impartiality, and efficiency of the procedures of voting, including write in voting, and of counting, tabulating and recording votes by voting systems used in the State of Florida, pursuant to Section 101.015(3), F.S.~~
 (b) To establish minimum security standards for voting systems ~~and requirements for filing and review of written security procedures,~~ pursuant to Section 101.015(4), F.S.

(2) DEFINITIONS Definitions. The following words and phrases shall be construed as follows when used in this rule:
 (a) A "Ballot" when used in reference to means one or more of the following:
 1. "Paper ballot" means that printed sheet of paper, used in conjunction with an electronic or electromechanical vote tabulation voting system, containing the names of candidates, or a statement of proposed constitutional amendments or other questions or propositions submitted to the electorate at any election, on which sheet of paper an elector casts his or her