

- (c) The danger to the public.
- (d) The number of repetitions of the offense.
- (e) The number of complaints filed against the individual.
- (f) The length of time the environmental health professional has practiced.
- (g) The actual damage, physical or otherwise, to the individual or the public.
- (h) Any efforts at rehabilitation.

(3) Where several of the above violations shall occur in one or several cases being considered together, the penalties shall normally be cumulative and consecutive.

(4) Probation shall be allowed to ~~may also~~ be assessed, by the Division of Environmental Health, in any case where it is in the interests of the public, to require the individual to serve a probationary period. Failure to comply with the terms and conditions of the probation shall be prima facie evidence of misconduct.

(5) The department shall require that persons who have been placed on probation take an exam administered by the department. Minimum passing score shall be 70 percent correct response to all questions comprising the exam. One retake within two working days shall be allowed. The examination must be passed before probation can be ended.

Specific Authority 381.0011, 381.0101(4),(5) FS. Law Implemented 381.0012, 381.0061(1), 381.0101(3),(4),(5),(8) FS. History—New 9-21-94, Amended 8-20-96, Formerly 10D-123.008, Amended 3-2-98, _____.

64E-18.0091 Grandfathering.

~~Persons employed in a primary area of environmental health prior to September 21, 1994, and formerly exempted are now considered certified in the program areas and levels at which they were previously exempted. If a person changes to another position type within a primary program area, any certification issued under this section in the primary program area is void within six months of such change and certification through examination must be obtained.~~

Specific Authority 381.0011, 381.0101(4),(5) FS. Law Implemented 381.0101(7) FS. History—New 3-2-98, Repealed _____.

64E-18.010 Fees.

(1) The following schedule of fees is hereby established. The fees listed below are required to accompany applications for certification, initial certificate issuance, application for certificate renewal, and application to renew an inactive certificate:

(a) Application for certification including <u>transcript review if applicable, initial examination and certificate issuance.</u>	\$50 25
(b) Initial certification.	\$25
(c) Additional program certifications.	\$10
(b)(d) <u>Renewal of certification per program per biennial period.</u>	\$25
(c) <u>Late fee for renewal per program per biennial period.</u>	\$25

(2) The fee listed in paragraph (1)(b) is waived if the individual is certified by examination within 6 months of the renewal date is for the biennial period, and shall be pro-rated to a half-period fee if certification is initially granted during the second year of the biennial period.

Specific Authority 381.0011, 381.0101(4),(5) FS. Law Implemented 381.0101(7) FS. History—New 9-21-94, Amended 8-20-96, Formerly 10D-123.011, Amended 3-2-98, _____.

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Comprehensive Shellfish Control Code 5L-1

RULE TITLES: RULE NOS.:

Shellfish Harvesting Area Standards 5L-1.003

Container Identification, Terminal Sale

Date; Prohibitions 5L-1.007

PURPOSE AND EFFECT: These amendments propose to reclassify the Horseshoe Beach shellfish harvesting area in Dixie County, the Cedar Key shellfish harvesting area in Levy County, the Waccasassa Bay shellfish harvesting area in Levy County, the Withlacoochee Bay shellfish harvesting area in Levy and Citrus Counties, the Boca Ciega Bay shellfish harvesting area in Pinellas and Hillsborough Counties, the Lower Tampa Bay shellfish harvesting area in Manatee and Hillsborough Counties, the Sarasota Bay shellfish harvesting area in Sarasota and Manatee Counties, and the Ten Thousand Islands shellfish harvesting area in Collier County. Sanitary surveys have been conducted that evaluate current information on pollution sources and bacteriological water quality, and recommend reclassification of the Horseshoe Beach, Cedar Key, Waccasassa Bay, Withlacoochee Bay, Boca Ciega Bay, Lower Tampa Bay, Sarasota Bay, and Ten Thousand Islands shellfish harvesting areas. Additionally, the four-digit area codes used on shellfish tags will be updated to identify the locations of where shellfish are harvested in the Horseshoe Beach, Lower Tampa Bay, and Sarasota Bay shellfish harvesting areas. The four-digit harvest area codes for Horseshoe Beach, Lower Tampa Bay, and Sarasota Bay are proposed to be updated to reflect the proposed classifications. These codes or the name of the harvest area must be recorded on harvester tags. This information provides for tracing shellfish that are implicated in illness outbreaks back to the harvest area.

SUMMARY: The proposed reclassification of the Horseshoe Beach shellfish harvesting area will decrease the size of the approved Summer area by 2,281 acres, from 92,209 acres to 89,928 acres, and will increase the size of the prohibited

Summer area by 2,309 acres, from 2,815 acres to 5,124 acres. Current and proposed management of the approved Summer area is based on local rainfall. The average closure frequency of the 2501 Horseshoe Beach approved Summer area is not expected to change. The approved area will close only under emergency conditions as described in subsection 5L-1.003(9), F.A.C. The proposed reclassification of the Horseshoe Beach shellfish harvesting area will decrease the size of the conditionally approved Winter area by 3,418 acres, from 90,395 acres to 86,977 acres, increase the size of the conditionally restricted Winter area by 1,038 acres, from 1,865 acres to 2,903 acres, and increase the size of the prohibited Winter area by 2,309 acres, from 2,815 acres to 5,124 acres. Current and proposed management of the conditionally approved and conditionally restricted Winter areas is based on local rainfall. The average closure frequency of the 2502 Horseshoe Beach conditionally approved Winter area is expected to decrease by 2.3 days per month, from 3.4 to 1.1 days per month. The average closure frequency of the 2506 Horseshoe Beach conditionally restricted Winter area is expected to decrease by 0.9 days per month, from 1.1 to 0.2 days per month.

The proposed reclassification of the Cedar Key shellfish harvesting area will increase the size of the conditionally approved Zone A and Zone B areas by 751 acres, from 190,808 acres to 191,559, decrease the size of the conditionally restricted area by 24 acres, from 1,416 acres to 1,392 acres, and decrease the size of the prohibited area by 4,774 acres, from 6,581 acres to 1,807 acres. Current and proposed management of the conditionally approved and conditionally restricted areas is based on local rainfall. The average closure frequencies of the 3012 Cedar Key conditionally approved Zone A, the 3022 Cedar Key conditionally approved Zone B, and the 3006 Cedar Key conditionally restricted area are not expected to change because no changes to the management plan closure criteria are proposed. Average closure frequencies for each area are expected to remain as follows: 3012 Cedar Key conditionally approved Zone A (0.2 days per month), 3022 Cedar Key conditionally approved Zone B (6.8 days per month), 3006 Cedar Key conditionally restricted (0.7 days per month).

The proposed reclassification of the Waccasassa Bay shellfish harvesting area will increase the size of the conditionally approved area by 1,103 acres, from 42,956 acres to 44,059 acres, decrease the size of the conditionally restricted area by 1,425 acres, from 6,687 acres to 5,262 acres, and decrease the size of the prohibited area by 80 acres, from 450 acres to 370 acres. Current and proposed management of the conditionally approved and conditionally restricted areas is based on Waccasassa River Stage. The average closure frequency for the 3202 Waccasassa Bay conditionally approved area is expected to increase by 0.2 days per month, from 1.0 to 1.2 days per month. The average closure frequency for the 3206

Waccasassa Bay conditionally restricted area is expected to decrease by 1.9 days per month, from 2.5 to 0.6 days per month.

The proposed reclassification of the Withlacoochee Bay shellfish harvesting area will increase the size of the conditionally approved area by 81 acres, from 75,065 acres to 75,146 acres, decrease the size of the conditionally restricted area by 1,805 acres, from 4,486 acres to 2,681 acres, and decrease the size of the prohibited area by 930 acres, from 1,281 acres to 351 acres. Current and proposed management of the conditionally approved and conditionally restricted areas is based on Withlacoochee River discharge. The average closure frequency for the 3402 Withlacoochee Bay conditionally approved area is expected to decrease by 0.3 days per month, from 1.8 to 1.5 days per month. The average closure frequency of the 3406 Withlacoochee Bay conditionally restricted area is not expected to change from 1.2 days per month.

The proposed reclassification of the Boca Ciega Bay shellfish harvesting area will result in no change in the size of the conditionally approved area (14,934 acres) or the prohibited area (4,921 acres). Current and proposed management of the conditionally approved area is based on local rainfall. The average closure frequency of the 4202 Boca Ciega Bay conditionally approved area is expected to decrease by 0.3 days per month, from 1.1 to 0.8 days per month.

The proposed reclassification of the Lower Tampa Bay shellfish harvesting area will increase the size of the conditionally approved area by 9,431 acres, from 14,026 acres to 23,457 acres, decrease the size of the conditionally restricted area by 1,230 acres, from 1,230 acres to 0 acres, and increase the size of the prohibited area by 1,230 acres, from 7,554 acres to 8,784 acres. Current management of the conditionally approved and conditionally restricted areas is based on local rainfall. Proposed management of the conditionally approved area is based on local rainfall. The average closure frequency of the 4802 Lower Tampa Bay conditionally approved area is expected to decrease by 4.2 days per month, from 7.1 to 2.9 days per month.

The proposed reclassification of the Sarasota Bay shellfish harvesting area will increase the size of the conditionally approved area by 478 acres, from 7,509 acres to 7,987 acres, decrease the size of the conditionally restricted area by 2,352 acres, from 2,352 acres to 0 acres, and increase the size of the prohibited area by 1,874 acres, from 14,848 acres to 16,722 acres. Current management of the conditionally approved and conditionally restricted areas is based on local rainfall. Proposed management of the conditionally approved area is based on local rainfall. The average closure frequency of the 5402 Sarasota Bay conditionally approved area is expected to decrease by 2.8 days per month, from 7.1 to 4.3 days per month.

The proposed reclassification of the Ten Thousand Islands shellfish harvesting area will result in no change in the size of the conditionally approved area (55,741 acres) or the prohibited area (7,687 acres). Current and proposed management of the conditionally approved area is based on local rainfall. The average closure frequency of the 6602 Ten Thousand Islands conditionally approved area is not expected to change from 0.2 days per month.

These amendments place descriptions, references to shellfish harvesting area map numbers, and operating criteria for the Horseshoe Beach shellfish harvesting area (#25), the Cedar Key shellfish harvesting area (#30), the Waccasassa Bay shellfish harvesting area (#32), the Withlacoochee Bay shellfish harvesting area (#34), the Boca Ciega Bay shellfish harvesting area (#42), the Lower Tampa Bay shellfish harvesting area (#48), the Sarasota Bay shellfish harvesting area (#54), and the Ten Thousand Islands shellfish harvesting area (#66) in the document Shellfish Harvesting Area Classification Boundaries and Management Plans. This document is hereby incorporated by reference in subsection 5L-1.003(1), F.A.C. Additionally, these amendments provide an illustration of the Horseshoe Beach shellfish harvesting area classification boundaries in shellfish harvesting area maps #25A and #25B, an illustration of the Cedar Key shellfish harvesting area classification boundaries in shellfish harvesting area map #30, an illustration of the Waccasassa Bay shellfish harvesting area classification boundaries in shellfish harvesting area map #32, an illustration of the Withlacoochee Bay shellfish harvesting area classification boundaries in shellfish harvesting area map #34, an illustration of the Boca Ciega Bay shellfish harvesting area classification boundaries in shellfish harvesting map #42, an illustration of the Lower Tampa Bay shellfish harvesting area classification boundaries in shellfish harvesting area map #48, an illustration of the Sarasota Bay shellfish harvesting area classification boundaries in shellfish harvesting area map #54, and an illustration of the Ten Thousand Islands shellfish harvesting area classification boundaries in shellfish harvesting area map #66. These maps are hereby incorporated by reference in subsection 5L-1.003(1), F.A.C.

Additionally, these amendments propose updating the four-digit harvest area codes defined in paragraph 5L-1.007(3)(e), F.A.C., for the Horseshoe Beach, Lower Tampa Bay, and Sarasota Bay shellfish harvesting areas. These codes will be used on harvester tags to identify the locations where shellfish are harvested.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: There is no anticipated regulatory cost.

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: 597.020 FS.

LAW IMPLEMENTED: 597.020 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:

TIME AND DATE: 9:00 a.m., Friday, August 27, 2004

PLACE: 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida

If accommodation for a disability is needed to participate in this activity, please notify David Heil, Division of Aquaculture, at (850)488-5471 at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES: David Heil, Division of Aquaculture, 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301, Phone (850)488-5471

THE FULL TEXT OF THE PROPOSED RULE IS:

5L-1.003 Shellfish Harvesting Area Standards.

(1) The Department shall describe and/or illustrate harvesting areas and provide harvesting area classifications as approved, conditionally approved, restricted, conditionally restricted, prohibited, or unclassified as defined herein, including criteria for opening and closing shellfish harvesting areas in accordance with Chapters II and IV of the National Shellfish Sanitation Program Model Ordinance. Copies of the document Shellfish Harvesting Area Classification Maps, revised ~~August 17, 2004~~, and the document Shellfish Harvesting Area Classification Boundaries and Management Plans, revised ~~August 17, 2004~~, containing shellfish harvesting area descriptions, references to shellfish harvesting area map numbers, and operating criteria herein incorporated by reference may be obtained by writing to the Department at 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301.

(2) through (10) No change.

Specific Authority 597.020 FS. Law Implemented 597.020 FS. History—New 1-4-87, Amended 8-10-88, 7-9-89, 12-23-91, Formerly 16R-7.004, Amended 7-3-95, 6-18-97, 7-1-97, 7-22-97, 10-12-97, 12-16-97, 12-28-97, 2-12-98, 2-25-98, 7-1-98, 7-20-98, 11-13-98, 12-28-98, 3-18-99, 7-1-99, Formerly 62R-7.004, Amended 6-19-00, 8-9-00, 10-14-01 (1), 10-14-01 (1), 8-17-04,

5L-1.007 Container Identification, Terminal Sale Date; Prohibitions.

(1) through (2) No change.

(3) The commercial harvester's tag's shall contain legible waterproof information arranged in the specific order as follows:

(a) The harvester's saltwater product license number or aquaculture certificate number;

(b) The date of harvesting;

(c) The time of harvest;

(d) The time of refrigeration, if applicable;

(e) The identification of the harvest area using the four digit area number or name of the harvest area listed in Table 2, which is incorporated herein and appears at the end of this chapter, as well as the most precise identification within that area as practicable;

(f) Common name of shellfish and quantity of shellfish;

(g) The following statement will appear in bold capitalized type "THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY AND THEREAFTER KEPT ON FILE FOR 90 DAYS."

(4) through (12) No change.

Specific Authority 597.020 FS. Law Implemented 597.020 FS. History--New 1-4-87, Amended 5-21-87, 8-10-88, 7-9-89, 8-30-89, 5-6-93, 9-14-93, 8-21-94, Formerly 16R-7.010, Amended 9-1-95, 5-8-96, 2-6-97, 10-12-97, 2-12-98, 2-25-98, 7-1-98, 11-13-98, 12-28-98, 3-18-99, 7-1-99, Formerly 62R-7.010, Amended 6-19-00, 8-9-00, 10-14-01, 5-29-02, 8-17-04, _____.

TABLE 2: FOUR DIGIT AREA NUMBERS
AND NAMES OF HARVEST AREAS

AREA NUMBER	HARVEST AREA NAME
0212	Pensacola Bay Conditionally Approved Escambia Bay Shellfish Aquaculture Lease Areas managed during the Summer months of Jul – Sep
0222	Pensacola Bay Conditionally Approved Escambia Bay
0232	Pensacola Bay Conditionally Approved East Bay
0216	Pensacola Bay Conditionally Restricted Escambia Bay
0226	Pensacola Bay Conditionally Restricted East Bay
0622	Choctawhatchee Bay Conditionally Approved Central
0632	Choctawhatchee Bay Conditionally Approved Eastern
0806	West Bay Conditionally Restricted Spring/Fall Apr – Jun, Oct – Nov
0812	West Bay Conditionally Approved Winter Dec – Mar
0822	West Bay Conditionally Approved Spring/Fall Apr – Jun, Oct – Nov
1012	North Bay Conditionally Approved Western
1022	North Bay Conditionally Approved Eastern
1006	North Bay Conditionally Restricted Eastern
1206	East Bay Conditionally Restricted
1212	East Bay Conditionally Approved Section 1
1222	East Bay Conditionally Approved Section 2
1401	St. Joe Bay Approved
1506	Indian Lagoon Conditionally Restricted
1512	Indian Lagoon Conditionally Approved Spring/Fall Mar – Jun, Oct
1542	Indian Lagoon Conditionally Approved Zone A Winter Nov – Feb
1552	Indian Lagoon Conditionally Approved Zone B Winter Nov – Feb
1572	Indian Lagoon Conditionally Approved Shellfish Aquaculture Lease Areas 547 and 901 managed during the Summer months of Jul – Sep
1611	Apalachicola Bay Approved Winter Jan – Jun, Oct – Dec
1621	Apalachicola Bay Approved Summer Jul – Sep
1631	Apalachicola Bay Approved, Shellfish lease numbers 525, 551, 551B, 580, 582, 609, 672, and 981 Summer Jul – Sep
1612	Apalachicola Bay Conditionally Approved West 1 Winter Jan – Jun, Oct – Dec
1622	Apalachicola Bay Conditionally Approved West 2 Winter Jan – Jun, Oct – Dec
1632	Apalachicola Bay Conditionally Approved West 3 Winter Jan – Jun, Oct – Dec
1642	Apalachicola Bay Conditionally Approved East Winter Jan – Jun, Oct – Dec or Apalachicola Bay Approved East Hole Summer Jul – Sep
1652	Apalachicola Bay Conditionally Approved North Summer Jul – Sep
1662	Apalachicola Bay Conditionally Approved South Summer Jul – Sep
1606	Apalachicola Bay Conditionally Restricted
1802	Alligator Harbor Conditionally Approved
2002	Ochlockonee Bay Conditionally Approved
2006	Ochlockonee Bay Conditionally Restricted
2206	Wakulla County Conditionally Restricted
2212	Wakulla County Conditionally Approved Zone 1 Winter
2222	Wakulla County Conditionally Approved Zone 2 Winter
2232	Wakulla County Conditionally Approved Zone 1 Spring
2242	Wakulla County Conditionally Approved Zone 2 Spring
2501	Horseshoe Beach Approved Summer <u>Apr – Sep</u>
2502	Horseshoe Beach Conditionally Approved Winter <u>Oct – Mar</u>
2506	Horseshoe Beach Conditionally Restricted Winter <u>Oct – Mar</u>
2802	Suwannee Sound Conditionally Approved
2806	Suwannee Sound Conditionally Restricted
3012	Cedar Key Conditionally Approved Zone A
3022	Cedar Key Conditionally Approved Zone B
3006	Cedar Key Conditionally Restricted
3202	Waccasassa Bay Conditionally Approved
3206	Waccasassa Bay Conditionally Restricted
3402	Withlacoochee Bay Conditionally Approved
3406	Withlacoochee Bay Conditionally Restricted
3702	Citrus County Conditionally Approved
3706	Citrus County Conditionally Restricted

4202 Boca Ciega Bay Conditionally Approved
 4802 Lower Tampa Bay Conditionally Approved
~~4806 Lower Tampa Bay Conditionally Restricted~~
 5402 Sarasota Bay Conditionally Approved
~~5406 Sarasota Bay Conditionally Restricted~~
 5602 Lemon Bay Conditionally Approved
 5802 Gasparilla Sound Conditionally Approved
 6002 Myakka River Conditionally Approved
 6006 Myakka River Conditionally Restricted
 6212 Pine Island Sound Conditionally Approved Western Section
 6222 Pine Island Sound Conditionally Approved Eastern Section
 6602 Ten Thousand Islands Conditionally Approved
 7001 Indian River/St. Lucie Approved
 7006 Indian River/St. Lucie Restricted
 7202 North Indian River Conditionally Approved
 7206 North Indian River Conditionally Restricted
 7412 Body F Conditionally Approved
 7416 Body F Conditionally Restricted
 7506 Body E Conditionally Restricted
 7602 Body D Conditionally Approved
 7606 Body D Conditionally Restricted
 7712 Body C Conditionally Approved Zone 1 Spring/Summer/Fall Mar – Nov
 7722 Body C Conditionally Approved Zone 2 Spring/Summer/Fall Mar – Nov
 7732 Body C Conditionally Approved Winter Dec – Feb
 7716 Body C Conditionally Restricted Winter Dec – Feb
 7726 Body C Conditionally Restricted Spring/Summer/Fall Mar – Nov
 7802 Body B Conditionally Approved
 7902 South Banana River Conditionally Approved
 7906 South Banana River Conditionally Restricted
 8001 Body A Approved
 8005 Body A Restricted
 8201 South Volusia Approved
 8212 South Volusia Conditionally Approved Zone 1
 8222 South Volusia Conditionally Approved Zone 2
 8206 South Volusia Conditionally Restricted
 8802 St. Johns South Conditionally Approved
 8806 St. Johns South Conditionally Restricted
 9202 St. Johns North Conditionally Approved
 9206 St. Johns North Conditionally Restricted

INDEX OF SHELLFISH HARVESTING AREA
 CLASSIFICATION MAPS, BOUNDARIES AND
 MANAGEMENT PLANS

Revised _____ August 17, 2004

Shellfish Harvesting Area			
Name	Area Number	Map Number(s)	Effective date
Apalachicola Bay System	16	16A, 16B	August 17, 2004
Alligator Harbor	18	18	October 14, 2001
Boca Ciega Bay	42	42	
			June 18, 1997
Body A	80	80	December 28, 1997
Body B	78	78	February 7, 1996
Body C	77	77A, 77B	January 1, 1994
Body D	76	76	August 1, 1996
Body E	75	75	January 1, 1994
Body F	74	74	April 5, 2000
Cedar Key	30	30	
			November 5, 1992
Choctawhatchee Bay	06	06	October 14, 2001
Citrus County	37	37	May 6, 1996
Duval County	96	96	January 31, 1996
East Bay	12	12	January 1, 1995
Gasparilla Sound	58	58	January 25, 1996
Horseshoe Beach	25	25A, 25B	
			March 18, 1999
Indian Lagoon	15	15A, 15B, 15C	August 17, 2004
Indian River/St. Lucie	70	70	June 18, 1997
Counties			
Lemon Bay	56	56	July 20, 1998
Lower Tampa Bay	48	48	
			June 18, 1997
Myakka River	60	60	October 28, 1998
North Bay	10	10	August 17, 2004
North Indian River	72	72	June 18, 1997
North St. Johns	92	92	January 1, 1995
Ochlockonee Bay	20	20	August 17, 2004
Pensacola Bay System	02	02	August 17, 2004
Pine Island Sound	62	62	December 28, 1998
Sarasota Bay	54	54	
			May 6, 1993
South Banana River	79	79	July 22, 1997
South St. Johns	88	88	December 16, 1997
South Volusia	82	82A, 82B	August 9, 2000
St. Joseph Bay	14	14	November 1986
Suwannee Sound	28	28	February 25, 1998
Ten Thousand Islands	66	66	
			June 18, 1997
Waccasassa Bay	32	32	
			November 5, 1992
Wakulla County	22	22A, 22B	August 17, 2004
West Bay	08	08A, 08B	December 28, 1998
Withlacoochee Bay	34	34	
			November 5, 1992

NAME OF PERSON ORIGINATING PROPOSED RULE:
David Heil

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

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: July 27, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: August 6, 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."

PUBLIC SERVICE COMMISSION

DOCKET NO. 040246-WS

RULE TITLES: RULE NOS.:
Limited Alternative Rate Increase 25-30.457

Notice of and Public Information for Application
for Limited Alternative Rate Increase 25-30.458

PURPOSE AND EFFECT: To streamline the rate increase process for qualifying small water or wastewater companies.

SUMMARY: The proposed rule will establish an abbreviated procedure for a limited rate increase for small water and wastewater utilities under Section 376.0814, F.S., which should be less costly for utilities and their customers.

SUMMARY OF STATEMENT OF ESTIMATED
REGULATORY COST: The rule should make the rate case process more efficient and less time consuming and thus less costly for small utilities, their customers and Commission staff.

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: 350.127(2), 367.0814(9),
367.121(1)(a) FS.

LAW IMPLEMENTED: 367.0814, 367.121, 350.123,
367.145(2) FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE
PROPOSED RULE MAY BE SUBMITTED TO: FPSC,
Division of the Commission Clerk and Administrative
Services, within 21 days of the date of this notice for inclusion in the record of the proceeding.

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

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULES IS: Christiana T. Moore, Florida Public
Service Commission, 2540 Shumard Oak Blvd., Tallahassee,
Florida 32399-0862, (850)413-6098

THE FULL TEXT OF THE PROPOSED RULES IS:

25-30.457 Limited Alternative Rate Increase.

(1) As an alternative to a staff assisted rate case as described in Rules 25-30.455 and 25-30.456, F.A.C., water and wastewater utilities whose total gross annual operating revenues are \$150,000 or less for water service or \$150,000 or less for wastewater service, or \$300,000 or less on a combined basis, may petition the Commission for a limited alternative rate increase by submitting a completed application that includes the information required by sections (9) and (10). In accordance with Section 367.0814(6), F.S., a utility that requests staff assistance waives its right to protest by agreeing to accept the final rates and charges approved by the Commission unless the final rates and charges would produce less revenue than the existing rates and charges. The original and five copies of the application shall be filed with the Division of the Commission Clerk and Administrative Services.

(2) Upon filing a petition for a limited alternative rate increase, the utility shall mail a copy of the petition to the chief executive officer of the governing body of each municipality and county within the service areas included in the rate request and retain a copy at the utility's business office.

(3) Within 30 days of receipt of the completed application, the Division of Economic Regulation shall evaluate the application and determine the petitioner's eligibility for a limited alternative rate increase.

(4) Upon reaching a decision to officially accept or deny the application, the Director of the Division of Economic Regulation shall notify the petitioner by letter. If the application is accepted, the Director will initiate limited alternative rate setting. If the application is denied, the letter shall state the reasons for denial.

(5) The official date of filing will be 30 days after official acceptance of the application by the Commission.

(6) A utility described in section (1) will qualify for limited alternative rate setting if it satisfies the following criteria:

(a) The petitioner has filed all annual reports required by subsection 25-30.110(3), F.A.C.:

(b) The petitioner has paid applicable regulatory assessment fees as required by Rule 25-30.120, F.A.C.:

(c) The petitioner has at least 1 year's actual experience in utility operation:

(d) The petitioner has complied in a timely manner with all Commission decisions affecting water and wastewater utilities for 2 years prior to the filing of the application under review:

(e) The utility has not been granted a staff assisted rate case pursuant to Rule 25-30.455, F.A.C., or a staff assisted alternative rate setting pursuant to Rule 25-30.456, F.A.C., within the 2-year period prior to the receipt of the application under review:

(f) The utility has not been granted a limited alternative rate increase pursuant to this rule within the 3-year period prior to the receipt of the application under review:

(g) The utility is currently in compliance with any applicable water management district permit conditions concerning rate structure; and

(h) A final order in a rate proceeding that established the utility's rate base, capital structure, annual operating expenses and revenues has been issued for the utility within the 7-year period prior to the receipt of the application under review.

(7) Any increase in operating revenues approved pursuant to this rule shall be limited to a maximum of 20 percent applied to metered or flat recurring rates of all classes of service.

(8) The Commission shall deny the application if a petitioner does not remit the fee, as provided by Section 367.145, F.S., and paragraph 25-30.020(2)(f), F.A.C., within 30 days after official acceptance of the application.

(9) Each petitioner for limited alternative rate increase shall provide the following general information to the Commission:

(a) The name of the utility as it appears on the utility's certificate and the address of the utility's principal place of business; and

(b) The type of business organization under which the utility's operations are conducted: If the petitioner is a corporation, the date of incorporation and the names and addresses of all persons who own 5 percent or more of the petitioner's stock; if the petitioner is not a corporation, the names and addresses of the owners of the business.

(10) The petitioner shall provide a schedule showing:

(a) Annualized revenues by customer class and meter size for the most recent 12-month period using the rates in effect at the time the utility files its application.

(b) Current and proposed rates for all classes of customers.

(11) The petitioner shall provide a statement that the figures and calculations upon which the change in rates is based are accurate and that the change will not cause the utility to exceed its last authorized rate of return on equity.

(12) A financial or engineering audit of the utility's financial or engineering books and records shall not be required in conjunction with the application under review.

(13) The application will be approved, denied, or approved with modifications within 90 days from the official filing date as established in subsection (5) above.

(14) In consideration of subsections (12) and (13), the utility agrees to hold any revenue increase granted under the provisions of this rule subject to refund for a period of 15 months after the filing of the utility's annual report required by Section 367.121, F.S., for the year the adjustment in rates was implemented.

(15) To insure overearnings will not occur due to the implementation of this rate increase, the Commission will conduct an earnings review of the utility's annual report to determine any potential overearnings for the year the adjustment in rates was implemented.

(16) If, within 15 months after the filing of a utility's annual report required by Section 367.121, F.S., the Commission finds that the utility exceeded the range of its last authorized rate of return on equity after an adjustment in rates as authorized by this rule was implemented within the year for which the report was filed, the Commission may order the utility to refund, with interest, the difference to the ratepayers and adjust rates accordingly.

(17) In the event of a protest of the proposed agency action (PAA) order pursuant to Rule 28-106.201, F.A.C., by a substantially affected person other than the utility, unless the PAA Order proposes a rate reduction, the utility may implement the rates established in the PAA Order on a temporary basis upon the utility filing a staff assisted rate case application pursuant to Rule 25-30.455, F.A.C., within 21 days of the date the protest is filed.

(18) In the event of a protest, the limit on the maximum increase provided in (7) above shall no longer apply.

(19) If the utility fails to file a staff assisted rate case application within 21 days in the event there is a protest, the application for a limited alternative rate increase will be deemed withdrawn.

Specific Authority 350.127(2), 367.0814(9), 367.121(1)(a) FS. Law Implemented 367.0814, 367.121, 350.123, 367.145(2) FS. History--New

25-30.458 Notice of and Public Information for Application for Limited Alternative Rate Increase.

(1) This rule applies to all requests for a limited alternative rate increase.

(2) No less than 14 days and no more than 30 days prior to the date of a customer meeting, the utility shall provide, in writing, a customer meeting notice to all customers within its service area and to all persons in the same service area who have filed a written request for service or who have been provided a written estimate for service within the 12 calendar months prior to the month the petition is filed. The customer meeting will be conducted by the Commission staff no less than 21 days prior to Commission action on the application.

(3) The customer meeting notice shall be approved by Commission staff prior to distribution and shall include the following:

(a) The date the notice was issued;

(b) The time, date, location, and purpose of the customer meeting;

(c) A statement that the utility has applied for a limited alternative rate increase and the general reason for doing so;

(d) A statement of the location where copies of the application are available for public inspection during the utility's regular business hours;

(e) A comparison of current rates and charges and the proposed new rates and charges;

(f) The utility's address, telephone number, and regular business hours;

(g) A statement that written comments regarding utility service or the proposed rates and charges should be addressed to the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870, and that such comments should identify the docket number assigned to the proceeding;

(h) A statement that complaints regarding service may be made to the Commission's Division of Consumer Affairs at the following toll-free number: 1(800)342-3552;

(i) The docket number assigned by the Commission's Division of the Commission Clerk and Administrative Services.

(4) The customer meeting notice shall be mailed to the out-of-town address of all customers who have provided the utility with an out-of-town address.

(5) If the Commission issues a proposed agency action (PAA) order granting a limited alternative rate increase, the utility shall notify its customers of the order and any revised rates. The customer notification shall be approved by Commission staff and be distributed no later than with the first bill containing any revised rates.

Specific Authority 350.127(2), 367.0814(9), 367.121(1) FS. Law Implemented 367.0814, 367.121, 350.123 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Troy Rendell

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 20, 2004

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

COMMISSION ON ETHICS

RULE TITLE:

List of Forms and Instructions

RULE NO.:

34-7.010

PURPOSE AND EFFECT: The purpose of the proposed amendment is to revise CE Forms 1, 6, 1F, and 6F, which are adopted by reference in Rule 34-7.010, Florida Administrative Code.

SUMMARY: CE Forms 1, 6, 1F, and 6F will be affected by this rulemaking.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated 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 within 21 days of this notice.

SPECIFIC AUTHORITY: Art. II, Sec. 8(f),(h), Fla. Const., 112.3144, 112.3145, 112.3147, 112.3215(13), 112.322(7),(10), 112.324 FS.

LAW IMPLEMENTED: Art. II, Sec. 8(a),(f),(h), Fla. Const., 112.313(9),(12), 112.3143, 112.3144, 112.3145, 112.3148, 112.3149, 112.3215 FS.

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

TIME AND DATE: 8:00 a.m., September 2, 2004

PLACE: Department of Transportation Auditorium, 605 Suwannee Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julia Cobb Costas, Senior Attorney, Florida Commission on Ethics, (850)488-7864

THE FULL TEXT OF THE PROPOSED RULE IS:

34-7.010 List of Forms and Instructions.

(1) The following forms and instructions are adopted by reference and are used by the Commission in its dealings with the public:

(a) Form 1, Statement of Financial Interests. To be utilized by state officers, local officers, candidates for state or local office and specified state employees for compliance with Section 112.3145(2) and (3), Florida Statutes. Effective 1/2005 1/2004.

(b) No change.

(c) Form 6, Full and Public Disclosure of Financial Interests. To be utilized by all elected constitutional officers, candidates for such offices, other statewide elected officers, and others as prescribed by law for compliance with Article II, Section 8(a) and (h), Florida Constitution, as specified in Chapter 34-8 of these rules. Effective 1/2005 ~~4/2004~~.

(d) through (n) No change.

(o) Form 1F, Final Statement of Financial Interests. To be filed within 60 days of leaving public office or employment. Effective 1/2005 ~~4/2004~~.

(p) Form 6F, Final Full and Public Disclosure of Financial Interests. To be filed within 60 days of leaving public office. Effective 1/2005 ~~4/2004~~.

(q) through (r) No change.

(2) No change.

PROPOSED EFFECTIVE DATE JANUARY 1, 2005

Specific Authority Art. II, Sec. 8(i), Fla. Const., 112.3144, 112.3145, 112.3147, 112.3215(13), 112.322(9) F.S. Law Implemented 112.313(9), (12), 112.3143, 112.3144, 112.3145, 112.3148, 112.3149, 112.3215 FS., Art. II, Sec. 8(a), (f), (h), Fla. Const. History—New 4-11-76, Formerly 34-7.10 through 7.22, 8.10, Amended 2-23-77, 4-7-77, 5-17-77, 10-20-77, 2-25-79, 1-29-80, 4-29-81, 1-12-82, 3-25-82, 2-21-83, Formerly 34-7.10, Amended 7-10-88, 3-4-91, 10-6-91, 10-29-91, 12-22-91, 7-5-92, 10-15-92, 12-6-92, 11-10-93, 12-27-93, 11-21-94, 2-16-95, 12-26-95, 1-27-97, 1-1-98, 11-19-98, 12-28-99, 1-1-00, 12-4-00, 12-21-00, 10-14-01, 11-22-01, 1-1-02, 1-1-03, 1-1-04,

NAME OF PERSON ORIGINATING PROPOSED RULE:

Julia Cobb Costas, Senior Attorney

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Philip G. Claypool, General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: July 28, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: July 2, 2004

COMMISSION ON ETHICS

RULE CHAPTER TITLE:

Gifts and Honoraria

RULE CHAPTER NO.:

34-13

RULE TITLES:

RULE NOS.:

General Definition of "Gift."

34-13.210

Specific Examples of What Does

Not Constitute a Gift

34-13.214

"Reporting Individual" Defined

34-13.270

Exceptions to Prohibitions Against

Accepting and Giving Gifts

34-13.320

Quarterly Gift Disclosure for Reporting

Individuals and Procurement Employees

34-13.400

Annual Gift Disclosures for Reporting

Individuals and Procurement Employees

34-13.410

Quarterly Gift Disclosure for

Lobbyists and Others

34-13.420

Gift Valuation

34-13.500

PURPOSE AND EFFECT: The purpose of the proposed amendments is to update the rules and incorporate legislative changes that have been made in recent years to Sections 112.312(12), 112.3148 and 112.3149, Florida Statutes.

SUMMARY: The statutory requirement that reimbursement by the donor, if made, must be made within 90 days of receipt of the gift is promulgated in Rule 34-13.210, F.A.C.; Rule 34-13.214, F.A.C., notes the statutory change in the definition of "gift" to exclude those things given for serving as an officer or director of a corporation or organization; Rule 34-13.270, F.A.C., defines the "agency" of a candidate; the name change from Tri-County Commuter Rail Authority to South Florida Regional Transportation Authority, as well as the addition of the Technological Research and Development Authority to the list of agencies authorized to give gifts is added to Rules 34-13.320, 34-13.410 and 34-13.420, F.A.C.; Rules 34-13.400 and 34-13.410, F.A.C., note that forms are to be filed with the Ethics Commission, not the Secretary of State; Rule 34-13.500, F.A.C., recognizes that compensation provided by the donee within 90 days of the gift reduces that gift's value.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated 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 within 21 days of this notice.

SPECIFIC AUTHORITY: 112.322(10)(b) FS.

LAW IMPLEMENTED: 112.312, 112.313, 112.3148, 112.3149 FS.

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

TIME AND DATE: 8:00 a.m., September 2, 2004

PLACE: Department of Transportation Auditorium, 605 Suwannee Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julia Cobb Costas, Senior Attorney, Florida Commission on Ethics, (850)488-7864

THE FULL TEXT OF THE PROPOSED RULE IS:

34-13.210 General Definition of "Gift."

"Gift" means that which is accepted by a donee or by another on the donee's behalf, or that which is paid or given to another for or on behalf of a donee, directly, indirectly, or in trust for his benefit or by any other means, for which equal or greater consideration is not given within 90 days of receipt of the gift.

(1) through (2) No change.

(3) Substantiation of equal or greater consideration having been given is the responsibility of the donee. In substantiating or justifying whether equal or greater consideration has been given by the donee to the donor, the donee should be able to provide information demonstrating the following factors:

(a) through (b) No change.

(c) Consideration will not include a promise to repay the donor unless the promise is in writing and enforceable, and is executed within 90 days of receipt of the gift.

Specific Authority 112.322(10)(b) FS. Law Implemented 112.312, 112.3148, 112.3149 FS. History—New 4-16-92, Amended _____.

34-13.214 Specific Examples of What Does Not Constitute a Gift.

The following are specifically excluded from being a “gift:”

(1) Salary, benefits, services, fees, commissions, expenses, or other things associated primarily with the donee’s employment or business or service as an officer or director of a corporation or organization. “Associated primarily with the donee’s employment or business” means associated with the donee’s principal employer or business occupation and unrelated to the donee’s public position.

(2) through (8) No change.

Specific Authority 112.322(10)(b) FS. Law Implemented 112.312, 112.3148, 112.3149 FS. History—New 4-16-92, Amended 7-30-00, _____.

34-13.270 “Reporting Individual” Defined.

A “reporting individual” means any individual who is required by law, pursuant to Article II, Section 8, Florida Constitution, or pursuant to Section 112.3145, F.S., to file either full or limited disclosure of his financial interest. The Commission has promulgated CE Form 1, Statement of Financial Interests, for use in making the disclosures required by Section 112.3145, F.S., and CE Form 6, Full and Public Disclosure of Financial Interests, for use in making the disclosures required under Article II, Section 8, Florida Constitution. Lists of persons required to file each form can be found on each form.

(1) For purposes of Section 112.3148, F.S., the “agency” of a candidate, upon qualifying, is:

(a) The agency to which the individual seeks election if the candidate is not already a public officer or employee.

(b) The agency to which the individual was elected to serve, whether or not the individual has formally taken office.

Specific Authority 112.322(10)(b) FS. Law Implemented 112.312, 112.313, 112.3148, 112.3149 FS. History—New 4-16-92, Amended _____.

34-13.320 Exceptions to Prohibitions Against Accepting and Giving Gifts.

Notwithstanding the prohibitions expressed in Rule 34-13.310, F.A.C., the following gifts are permitted.

(1) No change.

(2) An entity of the legislative or judicial branch, a department or commission of the executive branch, a county, a municipality, an airport authority, a water management district created pursuant to Section 373.069, Fla. Stat., the South Florida Regional Transportation Tri-County Commuter Rail Authority, the Technological Research and Development Authority, or a school board may give, either directly or indirectly, to a reporting individual or procurement employee a

gift having a value in excess of \$100 if a public purpose can be shown for the gift. The reporting individual or procurement employee may accept such a gift if a public purpose can be shown for the gift.

(a) through (b) No change.

(3) through (4) No change.

Specific Authority 112.322(10)(b) FS. Law Implemented 112.3148 FS. History—New 4-16-92, Amended 2-27-95, _____.

34-13.400 Quarterly Gift Disclosure for Reporting Individuals and Procurement Employees.

(1) Each reporting individual or procurement employee shall file a sworn statement with the Commission on Ethics Secretary of State containing a list of gifts, if any, accepted by him during a calendar quarter which he believes to be valued in excess of \$100, on or before the last day of the following calendar quarter. The Commission shall promulgate CE Form 9, Quarterly Gift Disclosure, for use in making the required disclosure.

(2) through (7) No change.

Specific Authority 112.322(10)(b) FS. Law Implemented 112.3148 FS. History—New 4-16-92, Amended _____.

34-13.410 Annual Gift Disclosures for Reporting Individuals and Procurement Employees.

(1) No later than July 1 of each year, each reporting individual or procurement employee shall file a statement listing each gift having a value in excess of \$100 received by the individual or employee, either directly or indirectly, during the previous calendar year from an entity of the legislative or judicial branch, a department or commission of the executive branch, a county, a municipality, an airport authority, a water management district created pursuant to Section 373.069, Fla. Stat., the South Florida Regional Transportation Tri-County Commuter Rail Authority, the Technological Research and Development Authority, or a school board, for which a public purpose can be shown as provided in Rule 34-13.320, F.A.C.

(2) through (4) No change.

(5) A Form 10 filed by a reporting individual shall be filed with the Form 1 or Form 6 filed by the individual. A Form 10 filed by a procurement employee shall be filed with the Commission on Ethics Department of State.

(6) No change.

Specific Authority 112.322(10)(b) FS. Law Implemented 112.3148 FS. History—New 4-16-92, Amended 2-27-95, _____.

34-13.420 Quarterly Gift Disclosure for Lobbyists and Others.

(1) through (4) No change.

(5) The Commission shall promulgate CE Form 30, Donor’s Quarterly Gift Disclosure, for use in making the disclosures required under this rule. CE Form 30 shall be filed with the Commission on Ethics Secretary of State, except with

respect to gifts to reporting individuals of the legislative branch, in which case the form shall be filed with the Office of Legislative Services.

(6) No change.

(7) The reports required under this rule do not apply:

(a) No change.

(b) To any gift from an entity of the legislative or judicial branch, a department or commission of the executive branch, a county, a municipality, an airport authority, a water management district created pursuant to Section 373.069, Fla. Stat., the South Florida Regional Transportation Tri-County Commuter Rail Authority, the Technological Research and Development Authority, or a school board.

(c) through (d) No change.

(8) through (9) No change.

Specific Authority 112.322(10)(b) FS. Law Implemented 112.3148 FS. History—New 4-16-92, Amended 2-27-95, 7-30-00,_____.

34-13.500 Gift Valuation.

In addition to the provisions contained in Section 112.3148(7), F.S., a donee shall use the following rules to determine the value of a gift received from a donor:

(1) through (2) No change.

(3) “Compensation provided by the donee” as stated in Section 112.3148(7)(b), F.S., means payment provided by the donee to the donor within 90 days after receipt of the gift, and excludes personal services rendered by the donee for the benefit of the donor. Where the gift received by a donee is a trip and includes payment or provision of the donee’s transportation, lodging, recreational, or entertainment expenses by the donor, the value of the gift is equal to the total value of the various aspects of the trip paid or provided by the donor, and any consideration paid by the donee for the trip should be subtracted from the total value of the trip.

EXAMPLE: Lobbyist X provides reporting individual Y with a trip to New York to see a play. X pays \$300 for Y’s round-trip airfare, \$50 for Y’s ground transportation, \$150 for Y’s hotel room, and \$100 for Y’s ticket to the play. In order to accept the trip from X, Y must pay X at least \$500, so that the value of the gift from X does not exceed \$100.

(4) through (10) No change.

Specific Authority 112.322(10)(b) FS. Law Implemented 112.312, 112.3148 FS. History—New 4-16-92, Amended 7-5-92, 2-27-95, 7-30-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Julia Cobb Costas, Senior Attorney

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Philip G. Claypool, General Counsel
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: July 28, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 2, 2004

LAND AND WATER ADJUDICATORY COMMISSION

Coastal Lake Community Development District

RULE CHAPTER TITLE:

RULE CHAPTER NO.:

Coastal Lake Community

Development District

42WW-1

RULE TITLES:

RULE NOS.:

Establishment

42WW-1.001

Boundary

42WW-1.002

Supervisors

42WW-1.003

PURPOSE, EFFECT AND SUMMARY: The purpose of this proposed rule is to establish a community development district (“CDD”), the Coastal Lake Community Development District (“District”), pursuant to Chapter 190, F.S. The petition filed by The St. Joe Company, requests the Commission establish a community development district located within unincorporated Walton County, Florida. A Notice of Receipt of Petition for the Coastal Lake Community Development District was published in the May 7, 2004, edition of the *Florida Administrative Weekly*. The land area proposed to be served by the District comprises approximately 1,402 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. The Petitioner either owns or has written consent to establish the District from the landowners of one hundred percent (100%) of the non-governmental real property located within the proposed District. The development plan for the proposed lands within the District includes the construction of approximately 478 residential units, 25,000 square feet of retail space, 10,000 square feet of office space, and various community recreational and leisure amenities including up to 10,000 square feet of building area. The District, if established, currently intends to participate in the provision of certain infrastructure improvements including entry features, landscape and irrigation, a stormwater management system, and water and sewer systems.

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 8 to the petition to establish the Coastal Lake CDD. The scope of the SERC is limited to evaluating the regulatory costs of approving the proposal to establish the Coastal Lake CDD. 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 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 120.541(1)(a), F.A.C., 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 Coastal Lake CDD, the State of Florida, and Walton County. In addition, future property owners will be affected by the establishment of the proposed Coastal Lake CDD. Under section (b), the FLWAC and the State of Florida will incur minimal administrative costs. Walton County will also incur administrative costs that are offset by the required filing fee paid to Walton County. Adoption of the proposed rule to approve the formation of the Coastal Lake CDD will not have adverse impact on State and local revenues. Addressing section (c), the Coastal Lake CDD may levy non-ad valorem special assessments on properties within its boundaries to finance infrastructure that the Coastal Lake CDD funds and to defray the costs of operating and maintaining the infrastructure and associated community facilities. The Coastal Lake CDD may issue notes, bonds or other indebtedness to fund its improvement program. Prospective future landowners would be required to pay off such indebtedness over time in the form of non-ad valorem special assessments and other rates, fees or charges. The Coastal Lake CDD may also impose an annual levy for the operation and maintenance of the CDD. Under section (d), approval of the petition to establish the Coastal Lake CDD will have no impact or a positive impact on all small businesses and will have a positive impact on Walton County, a small county as defined by Section 120.52, F.S. Under section (e), the analysis was based on the application of economic theory with input received from the developer's engineer and other professionals associated with the developer. 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 twenty-one days of this notice.

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: 1:00 p.m. – 3:00 p.m., Thursday, September 2, 2004

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

Any person requiring a special accommodation to participate in the workshop 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:

COASTAL LAKE COMMUNITY
DEVELOPMENT DISTRICT

42WW-1.001 Establishment.

The Coastal Lake Community Development District is hereby established.

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

42WW-1.002 Boundary.

The boundaries of the District are as follows:

Portions of Sections 13, 14, 23, 24, 25 and 26, Township 3 South, Range 18 West, Tallahassee Meridian, and being more particularly described as follows:

BEGINNING at the intersection of the South line of the North one-half (N 1/2) of said Section 26 with the newly established Northeasterly right-of-way line of State Road No. 30 (U.S. Highway No. 98); Thence North 36°41'15" West along said right-of-way line, for 3832.70 feet; Thence North 50°32'35" East, for 2593.41 feet; Thence South 48°55'49" East, for 557.55 feet; Thence South 69°21'33" East, for 1068.88 feet; Thence North 44°06'21" East, for 1861.59 feet; Thence North 37°17'41" West, for 1683.94 feet; Thence North 15°26'02" East, for 701.33 feet; Thence North 06°03'06" East, for 1079.30 feet; Thence North 19°29'18" East, for 807.99 feet; Thence North 55°23'57" East, for 427.66 feet, the following three (3) courses being along the Easement Line of Gulf Intracoastal Waterway; Thence South 40°47'37" East, for 1771.73 feet; Thence South 69°25'25" East, for 4234.79 feet; Thence South 02°15'09" West, along the East line of said Section 24, for 3919.14 feet; Thence South 01°52'38" West, along the East line of the Northeast one-quarter (NE 1/4) of said Section 25, for 2680.97 feet to the Northwest corner of the Southwest one-quarter (SW 1/4) of Section 30, Township 3 South, Range 17 West; Thence South 02°16'29" West, along the West line of the Southwest one-quarter (SW 1/4) of said Section 30, for 2594.09 feet to a 1.03 foot elevation contour at Lake Powell; Thence meander Westerly, Northerly, Southerly and Westerly, along said 1.03 foot elevation contour, for 6,727 feet, more or less, to the East line of the Southwest one-quarter (SW 1/4) of said Section 25; Thence North 01°36'29" East, along said East line of the Southwest one-quarter (SW 1/4) of said Section 25, for 1679.27 feet to the Northeast corner of said Southwest one-quarter (SW 1/4), said corner lies North 87°49'24" West, a distance of 2655.42 feet from the Northwest

corner of the Southwest one-quarter (SW 1/4) of said Section 30, Township 3 South, Range 17 West; Thence North 87°50'13" West, along the North line of the

Southwest one-quarter (SW 1/4) of said Section 25, for 2676.14 feet; Thence North 88°27'07" West, along the South line of the North one-half (N 1/2) of said Section 26, for 2027.72 feet to the POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING:

Portions of Sections 25 and 26, Township 3 South, Range 18 West.

TOGETHER WITH:

A portion of the 100' Gulf Power Company right-of-way lying in Sections 23, 25 and 26, Township 3 South, Range 18 West, TOGETHER WITH: a Gulf Power Company Substation Site lying in Section 26, Township 3 South, Range 18 West,

TOGETHER WITH:

a 60' Road right-of-way and an additional 15' Road right-of-way dedication lying in Sections 25 and 26, Township 3 South, Range 18 West, the foregoing being more particularly described as follows:

BEGINNING at the intersection of the South line of the North one-half (N 1/2) of said Section 26 with the newly established Northeasterly right-of-way line of State Road 30 (U.S. Highway No. 98); Thence North 36°41'15" West, along said right-of-way line, for 76.39 feet; Thence South 88°27'07" East, along the North line of a 60' road right-of-way, for 952.89 feet; Thence North 01°32'53" East, for 130.00 feet; Thence North 36°41'58" West, for 267.40 feet; Thence North 53°18'02" East, for 300.00 feet, the following two (2) courses being along the Westerly boundary line of a 100' Gulf Power Company right-of-way; Thence North 36°41'58" West, for 2877.21 feet; Thence North 36°35'26" West, for 1153.94 feet; Thence North 50°32'35" East, for 100.13 feet, the following two (2) courses being along the Easterly boundary line of said 100' Gulf Power Company right-of-way; Thence South 36°35'26" East, for 1158.86 feet; Thence South 36°41'58" East, for 3461.99 feet; Thence South 87°46'58" East, along the North boundary line of a 15 foot Additional Road Right-of-Way, for 5944.10 feet; Thence South 01°52'38" West, along the East line of the Northeast one-quarter (NE 1/4) of said Section 25, for 175.00 feet; Thence North 87°46'58" West, along the South boundary line of said 100' Gulf Power Company right-of-way, for 2655.44 feet; Thence South 01°36'29" West, along the Northerly extension of the East line of the Southwest one-quarter (SW 1/4) of said Section 25, for 3.62 feet; Thence North 87°50'13" West, along the North line of the Southwest one-quarter (SW 1/4) of said Section 25, for 2676.14 feet; Thence North 88°27'07" West, along the South line of the North one-half (N 1/2) of said Section 26, for 2027.72 feet to the POINT OF BEGINNING.

Said lands lying and situate in Walton County, Florida.

Subject to existing easements, rights-of-way, covenants, reservations and restrictions of record, if any.

Said lands contain 1402.044 acres, more or less.

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

42WW-1.003 Supervisors.

The following five persons are designated as the initial members of the Board of Supervisors: Rod Wilson, Lewis Howell, Nathan Sparks, Larry Livingston, and Trey Patton.

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: July 27, 2004

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

DEPARTMENT OF VETERANS' AFFAIRS

RULE TITLE: Admission Eligibility
RULE NO.: 55-11.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to allow for an additional method for determining eligibility for admission to the Veterans' Domiciliary Home of Florida.

SUMMARY: The proposed amendment to Rule 55-11.005, F.A.C., would add, to existing required proofs of eligibility, a legible copy of a U. S. Department of Veterans' Affairs Hospital Inquiry Screen.

FEDERAL STANDARDS STATEMENT: The proposed rule is no more restrictive than federal standards.

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

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

SPECIFIC AUTHORITY: 296.04(2) FS.

LAW IMPLEMENTED: 1.01(14), 296.04(2), 296.06(2) 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:

TIME AND DATE: 2:00 p.m., August 31, 2004

PLACE: 11351 Ulmerton Road, Room 418, Largo, Florida 33778-1630

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James W. Sloan, 4040 Esplanade Way, Tallahassee, Florida 32399-7016, (850)487-1533; Lyndette Aguirre, 11351 Ulmerton Road, Room 311-K, Largo, FL 33778, (727)518-3202, Extension 514

THE FULL TEXT OF THE PROPOSED RULE IS:

55-11.005 Admission Eligibility.

(1) through (5) No change.

(6)(a) The Application for Certificate of Eligibility consists of the following forms which are hereby incorporated by reference.

1. through 4. No change.

5. A legible certified copy of the applicant's Certificate of Release or Discharge from the U.S. Armed Services or a legible copy of a U.S. Department of Veterans' Affairs Hospital Inquiry Screen must also be included.

Specific Authority 296.04(2) FS. Law Implemented 1.01(14), 296.04(2), 296.02(6), 296.06(2), 296.07, 296.08 FS. History--New 5-29-90, Amended 3-31-94, 10-27-94, 12-27-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: James W. Sloan, General Counsel

NAME OF PERSON OR SUPERVISOR WHO APPROVED THE PROPOSED RULE: Warren R. McPherson, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 25, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 2, 2004

DEPARTMENT OF VETERANS' AFFAIRS

Division of Veterans' Benefits and Assistance

RULE TITLE:

RULE NO.:

Employment Preference When Numerically

Based Selection Process Is Not Used

55A-7.011

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to provide a procedure for insuring that veterans are given special consideration at each step of a public employer's employment selection process, as required by the Joint Administrative Procedures Committee in order to comply with the requirements of Section 295.07(2), Florida Statutes.

SUMMARY: The proposed amendment to Rule 55A-7.011, F.A.C., would require public employers to provide for a review, at each step in the employment selection process, of any determination that an applicant veteran is not qualified to advance to a subsequent step in the selection process.

FEDERAL STANDARDS STATEMENT: No federal rule exists regarding veterans' preference in public employment in Florida.

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

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

SPECIFIC AUTHORITY: 295.07(2) FS.

LAW IMPLEMENTED: 1.01(14), 295.07, 295.11, 295.123, 295.15 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:

TIME AND DATE: 2:00 p.m., August 31, 2004

PLACE: 11351 Ulmerton Road, Room 418, Largo, Florida 33778-1630

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James W. Sloan, 4040 Esplanade Way, Tallahassee, Florida 32399-7016, (850)487-1533; Lyndette Aguirre, 11351 Ulmerton Road, Room 311-K, Largo, FL 33778, (727)518-3202, Extension 514

THE FULL TEXT OF THE PROPOSED RULE IS:

55A-7.011 Employment Preference When Numerically Based Selection Process Is Not Used.

(1) No change.

(2) Preference in appointment and employment requires that a preferred applicant be given special consideration at each step of the employment selection process but does not require the employment of a preferred applicant over a nonpreferred applicant who is the most qualified applicant for the position. Granting of an interview is one example of the type of special consideration which may be given to a preferred applicant. If, at any stage of the hiring process, a preference-eligible veteran meets minimum qualifications for an open position, then he or she will advance to the next step in the public employer's selection process. If, at any step in the selection process, a determination is made that the veteran is not qualified to advance to a subsequent step in the selection process, such determination will receive a review at a higher level of management having authority to overturn the initial determination, to ensure whether the determination was correct. In the event of any investigation conducted pursuant to Section 295.11, F.S., the Department of Veterans' Affairs shall require that the agency or political subdivision which is party to such investigation demonstrate how its policies were effectuated at each step of the employment selection process, including why an interview was not provided, in regard to the individual preference-eligible applicant or employee who requested the investigation.

(3) No change.

Specific Authority 295.07(2) FS. Law Implemented 295.085, 295.11(4) FS. History—New 3-30-88, Formerly 22VP-1.011, Amended 2-12-90, 7-12-93, 12-27-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

James W. Sloan, General Counsel

NAME OF PERSON OR SUPERVISOR WHO APPROVED

THE PROPOSED RULE: Warren R. McPherson, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: May 25, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: April 2, 2004

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE:

Payment Methodology for Nursing

Home Services

RULE NO.:

59G-6.010

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Long-Term Care Reimbursement Plan payment methodology, effective July 1, 2004, to provide the following changes based on House Bill 1835, General Appropriations Act 2004-05, Specific Appropriation 232 (2004-268, Laws of Florida) and Senate Bill 1064, Section 7(6)(2004-344, Laws of Florida):

1. In accordance with 2004-268 Laws of Florida, effective July 1, 2004 and all subsequent rate semesters, each component of a nursing home rate, except for the direct care component, shall be reduced proportionately until an aggregate total estimated savings of \$66,689,094 is achieved on an annualized basis.
2. In accordance with 2004-344 Laws of Florida, Section 7(6), cost reports submitted on or after July 1, 2004, must include the following statement immediately preceding the dated signature of the provider's administrator or chief financial officer: "I certify that I am familiar with the laws and regulations regarding the provision of health care services under the Florida Medicaid program, including the laws and regulations relating to claims for Medicaid reimbursements and payments, and that the services identified in this cost report were provided in compliance with such laws and regulations."

SUMMARY: The proposed amendment to Rule Number 59G-6.010, F.A.C., incorporates revisions to the Florida Title XIX Long-Term Care Reimbursement Plan. The amendment seeks update the Florida Nursing Home Cost Inflation Index. The amendment seeks to proportionately reduce each component of a nursing home rate, except for the direct care component, until an aggregate total estimated savings of \$66,689,094 is achieved on an annualized basis and requires a nursing home administrator or chief financial officer to sign a certification statement for their cost reports submitted on or after July 1, 2004.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A statement of estimated regulatory cost has not been prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or 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: 409.908 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD ON THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 9:00 a.m., August 31, 2004

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, FL 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robert Butler, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2120B, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2756

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.010 Payment Methodology for Nursing Home Services.

Reimbursement to participating nursing homes for services provided shall be in accord with the Florida Title XIX Long-Term Care Reimbursement Plan, Version ~~XXVIII~~ ~~XXVII~~ Effective Date ~~_____ July 21, 2004~~ and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Deputy Secretary for Medicaid, 2727 Mahan Drive, Mail Stop 8, Tallahassee, Florida 32308. The plan incorporates Provider Reimbursement Manual (CMS Pub. 15-1).

Specific Authority 409.919 FS. Law Implemented 409.908 FS. History—New 7-1-85, Amended 10-1-85, Formerly 10C-7.482, Amended 7-1-86, 1-1-88, 3-26-90, 9-30-90, 12-17-90, 9-15-91, 3-26-92, 10-22-92, 4-13-93, 6-27-93, Formerly 10C-7.0482, Amended 4-10-94, 9-22-94, 5-22-95, 11-27-95, 11-6-97, 2-14-99, 10-18-99 01-11-00, 4-24-00, 9-20-00, 11-20-01, 2-20-02, 7-14-02, 1-08-03, 6-11-03, 12-3-03, 2-16-04, 7-21-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Mr. Robert Butler

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Mr. Robert Butler

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: July 28, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: June 18, 2004

AGENCY FOR HEALTH CARE ADMINISTRATION**Medicaid****RULE TITLE:****RULE NO.:**

Payment Methodology for Inpatient

Hospital Services

59G-6.020

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Inpatient Hospital Reimbursement Plan (the Plan) Payment methodology, effective July 1, 2004, to provide the following changes based on House Bill 1835, General Appropriations Act 2004-05, Specific Appropriation 202 (2004-268, Laws of Florida) and Senate Bill 1064, Section 7(6) (2004-344, Laws of Florida):

1. \$47,497,222 is provided for special Medicaid payments to statutory teaching hospitals; family practice teaching hospitals; hospitals providing primary care to low-income individuals; hospitals operating as designated or provisional trauma centers; and rural hospitals. Statutory teaching hospitals that received a special Medicaid payment in State Fiscal Year 2003-04 shall be paid \$12,203,921 distributed in the same proportion as the State Fiscal Year 2003-04 special Medicaid payments to statutory teaching hospitals. Family practice teaching hospitals shall be paid \$2,330,882 distributed equally between the hospitals. Hospitals providing primary care to low-income individuals and participating in the Primary Care DSH program in state Fiscal Year 2003-04 shall be paid \$12,203,921 distributed in the same proportion as the Primary Care DSH payments for State Fiscal Year 2003-04. Hospitals designated as provisional trauma centers shall be paid \$12,375,000. Of this amount, \$5,355,000 shall be distributed equally between hospitals that are a Level I trauma center; \$4,500,000 shall be distributed equally between hospitals that are either a Level II or pediatric trauma center; and \$2,520,000 shall be distributed equally between hospitals that are both a Level II and pediatric trauma center. Of the amount payable to the Level I trauma centers, \$765,000 is reserved for Shands Teaching Hospital, upon their becoming a designated or provisional trauma center. Rural hospitals participating in the Rural Hospital DSH program shall be paid \$8,383,500 distributed in the same proportion as the DSH payments.
2. \$2,000,000 is provided for special Medicaid payments to specialty pediatric facilities. To qualify for a special Medicaid payment under this section a hospital must be licensed as a children's specialty hospital and their combined Medicaid managed care and fee for service days as a percentage to total inpatient days equals or exceeds 30 percent. The agency shall use the 2002 Financial Hospital Uniform Reporting System (FHURS) data to determine

the combined Medicaid managed care and fee-for-service days. The total special Medicaid payments made shall be distributed equally to the qualifying hospitals.

3. \$46,910,529 is provided to eliminate the inpatient reimbursement ceilings for hospitals whose charity care and Medicaid days, as a percentage of total adjusted hospital days, equal or exceed 11 percent. The agency shall use the average of the 1998, 1999 and 2000 audited DSH data available as of March 1, 2004. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency will use the average of the audited DSH data for 1998, 1999, and 2000 that are available.
4. \$19,477,766 is provided to eliminate the inpatient hospital reimbursement ceilings for hospitals whose Medicaid days as a percentage of total hospital days exceed 9.6 percent, and are trauma centers. The agency shall use the average of the 1998, 1999 and 2000 audited DSH data available as of March 1, 2004. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency will use the average of the audited DSH data for 1998, 1999 and 2000 that are available.
5. \$103,495,651 is provided to make special Medicaid payments to hospitals that serve as a safety net in providing emergency, specialized pediatric trauma services and inpatient hospital care to low-income individuals. These amounts shall be paid to the following:

Jackson Memorial Hospital	\$3,322,365
University Medical Center – Shands	\$44,418,270
All Children's Hospital	\$6,637,413
Shands Teaching Hospital	\$7,703,253
Tampa General Hospital	\$18,914,451
Orlando Regional Medical Center	\$5,560,262
Lee Memorial Hospital/CMS	\$950,000
St. Mary's Hospital	\$291,706
Miami Children's Hospital	\$5,400,000
Broward General Medical Center	\$330,366
Tallahassee Memorial Healthcare	\$54,402
St. Joseph's Hospital	\$52,835
Florida Hospital	\$55,072
Baptist Hospital of Pensacola	\$450,000
Mt. Sinai Medical Center	\$8,972,075
Bayfront Medical Center	\$215,975
Sacred Heart Hospital	\$166,977

6. \$406,672,080 is provided for special Medicaid payments to hospitals providing enhanced services to low-income individuals.
7. \$182,616,639 is provided to eliminate the inpatient reimbursement ceilings for teaching, specialty, Community Hospital Education Program hospitals and

Level III Neonatal Intensive Care Units that have a minimum of three of the following designated tertiary services as regulated under the certificate of need program: pediatric bone marrow transplantation, pediatric open heart surgery, pediatric cardiac catheterization and pediatric heart transplantation.

8. \$3,183,014 is provided to make special Medicaid payments to the hospitals. These payments may be used, in collaboration with the Department of Health, to provide funding for hospitals providing poison control programs.
9. Special Medicaid payments to reward hospitals enhancing medical education programs are discontinued.
10. \$7,299,270 is provided to make special Medicaid payments to hospitals. These payments may be used, in collaboration with the Department of Health, to provide funding for hospitals supporting primary care services in medically underserved areas.
11. Effective July 1, 2004 and all subsequent rate semesters, each inpatient rate shall be reduced proportionately until an aggregate total estimated savings of \$69,662,000 is achieved on an annualized basis. In reducing hospital inpatient rates, rural hospitals and hospitals with twenty thousand (20,000) or more combined Medicaid managed care and fee-for-service inpatient days shall not have their inpatient rates reduced below the final rates that are effective on June 30, 2004. The 2002 Financial Hospital Uniform Reporting System (FHURS) data shall be used to determine the combined inpatient Medicaid days.
12. \$26,296,287 is payable to the following hospitals: Jackson Memorial Hospital – \$13,999,408; Broward General Medical Center – \$6,298,136; North Broward Medical Center – \$1,827,884; Coral Springs Medical Center – \$622,184; Imperial Point Hospital – \$756,557; and Memorial Regional Hospital – \$2,792,118. These funds are additional disproportionate share dollars provided through the Medicare Prescription Drug Act for Federal Fiscal Year 2004.
13. In accordance with Chapter 2004-344, Laws of Florida, Section 7(6), cost reports submitted on or after July 1, 2004, must include the following statement immediately preceding the dated signature of the provider's administrator or chief financial officer: "I certify that I am familiar with the laws and regulations regarding the provision of health care services under the Florida Medicaid program, including the laws and regulations relating to claims for Medicaid reimbursements and payments, and that the services identified in this cost report were provided in compliance with such laws and regulations."
14. Cost reports beginning January 1, 2005 and later shall report all allowable direct and indirect graduate medical education (GME) costs within inpatient cost centers. No GME costs shall be reported in outpatient cost centers.

SUMMARY: The proposed amendment to Rule Number 59G-6.020, F.A.C., incorporates revisions to the Florida Title XIX Inpatient Hospital Reimbursement Plan. The amendment seeks to update special Medicaid payments, Florida Medicaid upper payment limit (UPL), and the Disproportionate Share (DSH) payments. It also requires a hospital administrator or chief financial officer to sign a certification statement for their cost reports submitted on or after July 1, 2004.

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.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 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: 10:00 a.m., August 31, 2004

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robert Butler, Medicaid Program Analysis, 2727 Mahan Drive, Mail Stop 21, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.020 Payment Methodology for Inpatient Hospital Services.

Reimbursement to participating inpatient hospitals for services provided shall be in accord with the Florida Title XIX Inpatient Hospital Reimbursement Plan, Version ~~XXVI~~ XXVII, Effective Date ~~August 10, 2004~~, and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Office of the Deputy Secretary for Medicaid, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 8, Tallahassee, Florida 32308.

Specific Authority 409.919 FS. Law Implemented 409.908, 409.9117 FS. History—New 10-31-85, Formerly 10C-7.391, Amended 10-1-86, 1-10-89, 11-19-89, 3-26-90, 8-14-90, 9-30-90, 9-16-91, 4-6-92, 11-30-92, 6-30-93, Formerly 10C-7.0391, Amended 4-10-94, 8-15-94, 1-11-95, 5-13-96, 7-1-96, 12-2-96, 11-30-97, 9-16-98, 11-10-99, 9-20-00, 3-31-02, 1-8-03, 7-3-03, 2-1-04, 2-16-04, 2-17-04, 8-10-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Robert Butler

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Robert Butler

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: July 28, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: June 18, 2004

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: RULE NO.:

Payment Methodology for Outpatient

Hospital Services

59G-6.030

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Outpatient Hospital Reimbursement plan (the Plan) payment methodology, effective July 1, 2004, the proposed rates for Medicaid outpatient hospitals will be rates resulting from the revised methodology used to calculate per diems including appropriations from the 2004-05 General Appropriations Act, House Bill 1835, Specific Appropriation 206 (2004-268, Laws of Florida) and Senate Bill 1064, Section 7(6) (2004-344, Laws of Florida):

1. \$46,058,449 is provided to increase the outpatient cap for adults from \$1,000 to \$1,500 per year and to eliminate the outpatient reimbursement ceilings for teaching, specialty, Community Health Education Program hospitals and Level III Neonatal Intensive Care Units that have a minimum of three of the following designated tertiary services as regulated under the certificate of need program: pediatric bone marrow transplantation, pediatric open heart surgery, pediatric cardiac catheterization and pediatric heart transplantation.
2. \$9,194,434 is provided to eliminate the outpatient reimbursement ceilings for hospitals whose charity care and Medicaid days as a percentage of total adjusted hospital days equals or exceeds 11 percent. The agency shall use the average of the 1998, 1999 and 2000 audited Disproportionate Share Hospital (DSH) data available as of March 1, 2004. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency will use the average of the audited DSH data for 1998, 1999 and 2000 that are available.
3. \$769,913 is provided to eliminate the outpatient reimbursement ceilings for hospitals whose Medicaid days, as a percentage of total hospital days, exceed 9.6 percent, and are trauma centers. The agency shall use the average of the 1998, 1999 and 2000 audited DSH data available as of March 1, 2004. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency will use the average of the audited DSH data for 1998, 1999 and 2000 that are available.
4. In accordance with 2004-344, Laws of Florida, cost reports submitted on or after July 1, 2004, must include the following statement immediately preceding the dated

signature of the provider's administrator or chief financial officer: "I certify that I am familiar with the laws and regulations regarding the provision of health care services under the Florida Medicaid program, including the laws and regulations relating to claims for Medicaid reimbursements and payments, and that the services identified in this cost report were provided in compliance with such laws and regulations."

5. Cost reports beginning January 1, 2005 and later shall not include any direct or indirect graduate medical education (GME) costs in any outpatient cost center. All GME costs are to be reported and/or allocated to inpatient cost centers.
6. Effective July 1, 2004 and all subsequent rate semesters, each outpatient rate shall be reduced proportionately until an aggregate total estimated savings of \$14,103,000 is achieved on an annualized basis. In reducing hospital outpatient rates, rural hospitals and hospitals with twenty thousand (20,000) or more combined Medicaid managed care and fee-for-service inpatient days shall not have their outpatient rates reduced below the final rates that are effective on June 30, 2004. The 2002 Financial Hospital Uniform Reporting System (FHURS) data shall be used to determine the combined inpatient Medicaid days.

SUMMARY: The proposed amendment to Rule 59G-6.030, F.A.C., incorporates revisions to the Medicaid Outpatient Hospital Reimbursement Plan. The amendment seeks to eliminate certain outpatient reimbursement ceilings, require a hospital administrator or chief financial officer to sign a certification statement for their cost reports submitted on or after July 1, 2004, proportionately reduce the aggregate reimbursement rate for outpatient hospitals, and all GME costs are to be reported and/or allocated to inpatient cost centers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A statement of estimated regulatory cost has not been prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or 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 409.908 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 11:00 a.m., August 31, 2004

PLACE: 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THIS PROPOSED RULE IS: Robert Butler, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2756

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.030 Payment Methodology for Outpatient Hospital Services.

Reimbursement to participating outpatient hospitals for services provided shall be in accordance with the Florida Title XIX Outpatient Hospital Reimbursement Plan, Version ~~XII~~ **XI**, Effective date: February 16, 2004, and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Office of the Deputy Secretary for Medicaid, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 8, Tallahassee, Florida 32308.

Specific Authority 409.919 FS. Law Implemented 409.908 FS. History—New 10-31-85, Amended 12-31-85, Formerly 10C-7.401, Amended 10-1-86, 3-26-90, 9-30-90, 10-13-91, 7-1-93, Formerly 10C-7.0401, Amended 4-10-94, 9-18-96, 9-6-99, 9-20-00, 12-6-01, 11-10-02, 2-16-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Robert Butler

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Robert Butler

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 18, 2004

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE:

RULE NO.:

Payment Methodology for Services in
Facilities Not Publicly Owned and
Publicly Operated (Facilities Formerly
Known As ICF/DD Facilities)

59G-6.045

PURPOSE AND EFFECT: The purpose and effect of the proposed amendment is to incorporate changes to the Florida Title XIX Intermediate Care Facilities (ICF) for the Mentally Retarded and the Developmentally Disabled Facilities not publicly owned and not publicly operated Reimbursement Plan (the Plan) payment methodology) in accordance with the 2004-05 General Appropriations Act, House Bill 1835, Specific Appropriation 231 (2004-268, Laws of Florida) and Senate Bill 1064, Section 7(6) (2004-344, Laws of Florida):.

1. Effective July 1, 2004, individual rates shall be reduced proportionately by an estimated aggregate total of \$4,788,000 per state fiscal year. The full amount of the estimated reduction of \$4,788,000 shall be applied to the rates in effect from October 1, 2004 through June 30, 2005, then annually thereafter.

2. In accordance with 2004-344 laws of Florida, cost reports submitted on or after July 1, 2004, must include the following statement immediately preceding the dated signature of the provider's administrator or chief financial officer: "I certify that I am familiar with the laws and regulations regarding the provision of health care services under the Florida Medicaid program, including the laws and regulations relating to claims for Medicaid reimbursements and payments, and that the services identified in this cost report were provided in compliance with such laws and regulations."
3. Change from "Health Care Financing Administration (HCFA)" to "Centers for Medicare and Medicaid Services (CMS)."
4. Updates to Code of Federal Regulation (CFR), Florida Administrative Code (FAC), and Florida Statute references.
5. Vacancy interim rates will be prohibited unless the bed(s) in question has been empty for at least 90 days (the waiting period), the facility has an occupancy rate of at least 95%, and the effected reimbursement rate is based upon patient days that included occupancy of the bed(s). The vacancy interim rate will not cover the 90-day waiting period.
6. The period between the exit conference from an audit and the date the cost report is deemed audited will be increased from 30 days to 60 days.
7. Updates to references to the Office of Developmental Services, Florida Department of Children and Families.

SUMMARY: Reimbursement rates for Intermediate Care Facilities (ICF) for the Mentally Retarded and the Developmentally Disabled Facilities not publicly owned and not publicly operated will be reduced proportionately, cost reports will require certification language to be signed by a facility administrator or chief financial officer, editorial and statute updates, Vacancy interim rates will be prohibited unless the bed(s) in question has been empty for at least 90 days (the waiting period), the facility has an occupancy rate of at least 95%, and the effected reimbursement rate is based upon patient days that included occupancy of the bed(s), and the period between the exit conference from an audit and the date the cost report is deemed audited will be increased from 30 days to 60 days, and updates to references to the Office of Developmental Services, Florida Department of Children and Families.

SUMMARY OF ESTIMATED REGULATORY COSTS: A statement of estimated regulatory cost has not been prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or 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: 409.908 FS.

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

TIME AND DATE: 2:00 p.m., August 31, 2004

PLACE: 2727 Mahan Drive, Conference Room C, Building 3, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robert C. Butler, Bureau Chief, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2106-B, Tallahassee, Florida 32308, (850)414-2759.

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.045 Payment Methodology for Services in Facilities Not Publicly Owned and Publicly Operated (Facilities Formerly Known as ICF/DD Facilities).

Reimbursement to participating facilities for services provided shall be in accord with the Florida Title XIX ICF/MR-DD Reimbursement Plan for Facilities Not Publicly Owned and Not Publicly Operated (Formerly known as ICF-MR/DD Facilities), Version II, Effective Date March 14, 1999, incorporated herein by reference. A copy of the Plan may be obtained by writing to the Deputy Secretary for Medicaid John A. Owens, Medicaid Cost Reimbursement, Agency for Health Care Administration, Mail Stop 8 P.O. Box 12400, Tallahassee, Florida 32308-17-2400.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.908 FS. History—New 3-14-99, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert Butler

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Robert Butler

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 18, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE TITLE: Continuing Education for Interior Designers RULE NO.: 61G1-21.001

PURPOSE AND EFFECT: The proposed rule amendment is intended to set forth the minimum number of continuing education hours required in an approved provider's specialized or advanced course on the Florida Building Code.

SUMMARY: The proposed rule amendment specifies that none of the required continuing education hours must be completed in an approved provider's specialized or advanced course on the Florida Building Code.

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: 481.2055, 481.215 FS.

LAW IMPLEMENTED: 481.215(3),(4),(5),(6) 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: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-21.001 Continuing Education for Interior Designers.

(1) through (3) No change.

(4) A minimum of zero (0) of the 20 required contact hours must be obtained by completing an approved provider's specialized or advanced course, approved by the Florida Building Commission, on the Florida Building Code, relating to the interior designer's respective area of practice.

Specific Authority 481.2055, 481.215 FS. Law Implemented 481.215(3),(4),(5),(6) FS. History—New 11-29-90, Amended 9-2-92, Formerly 21B-21.001, Amended 5-4-97, 4-12-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Architecture and Interior Design

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 28, 2004

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE TITLE: Continuing Education for Architects RULE NO.: 61G1-24.001

PURPOSE AND EFFECT: The proposed rule amendment is intended to set forth the minimum number of continuing education hours required in an approved provider's specialized or advanced course on the Florida Building Code.

SUMMARY: The proposed rule amendment specifies that none of the required continuing education hours must be completed in an approved provider's specialized or advanced course on the Florida Building Code.

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: 481.2055, 481.215 FS.

LAW IMPLEMENTED: 481.215(3),(4),(5),(6) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-24.001 Continuing Education for Architects.

(1) through (3) No change.

(4) A minimum of zero (0) of the 20 required contact hours must be obtained by completing an approved provider's specialized or advanced course, approved by the Florida Building Commission, on the Florida Building Code, relating to the architect's respective area of practice.

Specific Authority 481.2055, 481.215 FS. Law Implemented 481.215(3),(4),(5),(6) FS. History--New 1-17-96, Amended 4-12-04,

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Architecture and Interior Design

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 28, 2004

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

Board of Acupuncture

RULE TITLE:

Licensure by Endorsement Through National Certification

RULE NO.:

64B1-3.009

PURPOSE AND EFFECT: The Board proposes to clarify the program requirements necessary for licensure by endorsement through national certification, as well as to clarify the documentation required to establish the requirements have been met.

SUMMARY: The rule requires applicants for licensure through national certification to provide transcripts evidencing the completion of the applicable acupuncture education programs set forth in Rule 64B1-4.001, F.A.C.

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: 457.104 FS.

LAW IMPLEMENTED: 457.105 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: Pamela King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-3.009 Licensure by Endorsement Through National Certification.

Pursuant to Section 457.105(2)(c), F.S., the Board of Acupuncture will certify for licensure by endorsement those applicants who establish successful completion of a board-approved national certification or recertification process and demonstrate they meet the requirements of Sections 457.105(2)(a) and (b), F.S. The applicant must establish successful completion of a board-approved national certification process by requesting notification of certification or recertification be provided to the Board by the national certification organization. For the purpose of this requirement the Board approves the National Commission for Certification of Acupuncturist and Oriental Medicine certification. Each applicant for licensure under this section must meet the minimum program requirements of Rule 64B1-4.001, F.A.C. Applicants must establish this requirement by submitting, as part of the application, the documents described in Rule 64B1-4.0011, F.A.C.

Specific Authority 457.104 FS. Law Implemented 457.105 FS. History--New 10-1-89, Amended 2-27-92, Formerly 21AA-3.009, 61F1-3.009, Amended 3-31-96, 11-13-96, Formerly 59M-3.009, Amended 10-15-97, 4-29-99, 1-1-04,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Acupuncture
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Acupuncture
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 25, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: June 25, 2004

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE TITLES: RULE NOS.:
Acupuncture Program Requirements 64B1-4.001
Documentation Necessary for Licensure

Application 64B1-4.0011

PURPOSE AND EFFECT: The Board proposes to delete some obsolete language from Rule 64B1-4.001, F.A.C. that has no purpose. The Board proposes to clarify that applicants for licensure by endorsement are required to meet the program requirements of Rule 64B1-4.001, F.A.C. In Rule 64B1-4.0011, F.A.C. the Board proposes to clarify that the 60 college credits of post-secondary education required for licensure by Section 457.105(2)(b), Florida Statutes does not apply to applicants who qualify under the "2 year course of study" program requirements authorized by the same statutory subsection. The Board further proposes to clarify that transcripts are required to demonstrate completion of the acupuncture education program requirements and, where applicable, the completion of the 60 college credits of post secondary education.

SUMMARY: As to the changes to Rule 64B1-4.001, F.A.C. the rule requires all applicants for licensure to meet the program requirements of Rule 64B1-4.001, F.A.C., while deleting some obsolete language. Concerning Rule 64B1-4.0011, F.A.C. the rule exempts applicants for licensure based on satisfying the two year acupuncture education program requirements from having to satisfy or document sixty college credits of post-secondary education. The rule requires official transcripts to show completion of the 60 credits of post- secondary education, where applicable, and requires official transcripts to demonstrate satisfaction of the acupuncture education requirements of Rule 64B1-4.001, F.A.C.

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: 456.033, 457.102, 457.104, 457.105 FS.

LAW IMPLEMENTED: 456.033, 457.102, 457.105 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 RULES IS: Pamela King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

64B1-4.001 Acupuncture Program Requirements.

In order to be certified to take the licensure examination or to be eligible for licensure by endorsement, the applicant must establish that he/she has met the following minimal requirements. ~~For persons who enrolled on or after July 1, 1997, the applicant must complete the program in which they have enrolled.~~

(1) through (5) No change.

Specific Authority 456.033, 457.102, 457.104, 457.105 FS. Law Implemented 456.033, 457.102, 457.105 FS. History--New 8-30-84, Formerly 21AA-4.01, Amended 7-20-88, 4-30-89, 9-19-89, 3-18-92, Formerly 21AA-4.001, 61F1-4.001, Amended 3-24-96, Formerly 59M-4.001, Amended 12-31-97, 11-1-99, 6-21-00, 4-3-01, 5-24-04, _____.

64B1-4.0011 Documentation Necessary for Licensure Application.

(1) In order to be certified to take the licensure examination or to be certified for licensure by endorsement, the applicant must establish that he or she has completed an acupuncture program of coursework and clinical experience that meets the requirements of Rule 64B1-4.001, F.A.C. Official transcripts from the institutions at which the requirements were completed shall be provided with the application. ~~and Except for applicants who demonstrate satisfaction of and eligibility under the program requirements in subsection 64B1-4.001(1), F.A.C., each applicant~~ must establish completion of 60 college credits from an accredited post-secondary institution by submitting official transcripts from the institution(s) at which the requirements were completed. The transcript must include grades, and academic credit hours awarded or the number of hours of study completed.

(2) No change.

Specific Authority 457.104 FS. Law Implemented 457.105 FS. History--New 2-18-98, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Acupuncture

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

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 25, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: June 25, 2004

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE:

RULE NO.:

Minor Misconduct; Notices
of Noncompliance

64B19-17.0035

PURPOSE AND EFFECT: The proposed rule amendment sets forth offenses as minor misconduct for which the issuance of noncompliance notices are warranted prior to taking disciplinary action.

SUMMARY: The proposed rule amendment modifies the current language and incorporates new language to further cite offenses defined as minor misconduct for which the Department shall issue notices of noncompliance before disciplinary action is taken.

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: 456.073(3) FS.

LAW IMPLEMENTED: 456.073(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-17.0035 Minor Misconduct; Notices of Noncompliance.

The Board designates the following offenses as minor misconduct for which the Department shall issue notices of noncompliance before disciplinary action is taken:

(1) Section 490.009(1)(2)(d),(e),(n), (o) and (q) (for practicing on an inactive license for less than three months); 490.012(1)(e), and 490.012(2), F.S., (for failing to include "licensed psychologist" in any advertisement).

(2) Section 490.009(1)(o), F.S., (for failing to respond within 30 days to a written communication from the department concerning any investigation by the department or to make available any relevant records with respect to any investigation about the licensee's conduct or background).

(3) Section 456.0351(1), F.S., (for failing to notify the Board of the licensee's current mailing address and place of practice after 45 days but within 60 days).

Specific Authority 456.073(3) FS. Law Implemented 456.073(3) FS. History--New 1-9-96, Formerly 59AA-17.0035, Amended 9-18-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Psychology

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 16, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 20, 2004

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER NO.: RULE CHAPTER TITLE:

5E-9 Licensed Pesticide Applicators and Dealers

RULE NO.: RULE TITLE:

5E-9.026 Procedures for Pesticide Applicator Certification, Licensure, and License Renewal

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule published in the Florida Administrative Weekly, Pages 2494-2500, Vol. 30, No. 25 on June 18, 2004, to reflect comments received from the Joint Administrative Procedures Committee, regarding the renewal of licenses after expiration. When adopted the proposed rule will read as follows:

5E-9.026 Procedures for Pesticide Applicator Certification, Licensure, and License Renewal.

(1) Certification. All individuals seeking pesticide applicator licensure shall demonstrate competency in the responsible use of pesticides by successfully completing the appropriate pesticide applicator examination(s) specified in this chapter for each classification of licensure. All examinations shall be written in the English language and administered by the department or its authorized agents as written, closed-book examinations. Examinations will not be translated into other languages orally, in writing, or in any other form. However, the department shall accommodate individuals seeking licensure in other languages through examination translation or other comparable examination procedures. Licensure based on examination in a language other than English will limit the use of pesticides requiring licensure to those products which bear or provide complete labels and labeling in the language in which examined. Examinations shall be undertaken and completed by the examinee without assistance from other individuals. The department shall set passing scores and determine if the