

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Barb Goltz, Chief Financial Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

RULE TITLE: Food Permits; Requirements and Fees

RULE NO.: 5K-4.020

PURPOSE AND EFFECT: The purpose of the proposed rule is to establish a definition for an additional category of food establishment. The rule will also establish the amount charged for an annual food permit for establishments covered by that definition and adjust the amount charged to certain other defined categories for an annual food permit. The effect of the rule is to add a definition which distinguishes minor food outlets which only offer foods for sale which are not perishable or potentially hazardous from other type of minor food outlets. A secondary effect is that the fees for other similar food establishment categories are adjusted to maintain internal consistency.

SUMMARY: The proposed rule establishes a new definition for a minor food outlet which only offers non-perishable, non-potentially hazardous foods to the public. The proposed rule establishes an annual permit fee for establishments meeting the definition, and adjusts the current annual permit fee amounts for firms defined as Limited Sales and as Semi-permanent Vendor.

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: 500.09, 500.12(1)(b), 570.07(23) FS.

LAW IMPLEMENTED: 500.04, 500.09, 500.10, 500.12(1)(a),(b),(c),(d), 500.121, 500.171, 500.172, 500.177 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: 10:00 a.m., September 21, 2004

PLACE: Department of Agriculture and Consumer Services, Division of Forestry, Conner Complex, 3125 Conner Blvd., Conference Room, 2nd Floor, Tallahassee, Florida, (850)488-3951

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. J. D. Warren, Department of Agriculture and Consumer Services, Room 185, 3125 Conner Blvd., Tallahassee, Florida 32399-1650

THE FULL TEXT OF THE PROPOSED RULE IS:

5K-4.020 Food Permits; Requirements and Fees.

(1) As used in this rule, the following definitions shall apply in determining food permit fees:

(a) through (m) No change.

(n) Minor food outlet, only non-perishable foods. A minor food outlet which sells, stores or offers only commercially prepackaged, non-potentially hazardous, non-perishable foods and at which there is no food processing activity, no food service or any activity related to repackaging of foods. Commercially prepackaged ice, not bagged on the premises, may be sold.

(n) through (bb) renumbered (o) through (cc) No change.

(2) through (4) No change.

(5) Food Permit Fees.

(a) No change.

(b) The following schedule of fees is established for each food permit.

Bottled Water Plant	\$500
Bottling Plant	350
Canning Plant	375
Convenience Store	300
Convenience Store with Limited Food Service	350
Convenience Store with Significant Food Service	425
Food Salvage Center	400
Food Storage Warehouse	325
Grocery Store	425
Health Food Store	275
Health Food Store with Food Service	350
Limited Sales	<u>100 75</u>
Meat Market	350
Minor Food Outlet	275
<u>Minor Food Outlet, Only Non-perishable Foods</u>	<u>175</u>
Minor Food Outlet with Limited Food Service	325
Minor Food Outlet with Significant Food Service	400

Mobile Vendor	275
Packaged Ice Plant	250
Processor, Other Non-perishable Foods	300
Processor, Other Perishable Foods	375
Rabbit or Game Processor	300
Retail Bakery	325
Retail Bakery with Food Service	400
Salvage Store	375
Seafood Market	325
Seafood Processor	400
Semi-permanent Vendor	<u>175</u> 200
Supermarket	500
Wholesale Bakery	425
(6) through (7) No change.	

Specific Authority 500.09, 500.12(1)(b), 570.07(23) FS. Law Implemented 500.04, 500.09, 500.10, 500.12(1)(a),(b),(c),(d), 500.121, 500.171, 500.172, 500.177 FS. History—New 1-10-93, Formerly 5E-6.020, Amended 8-8-95, 3-11-98, 3-6-01, 10-30-01, 1-1-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Marion F. Aller, Director, Division of Food Safety

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. J. D. Warren, Assistant Director, Division of Food Safety

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 18, 2004

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

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: RULE CHAPTER NO.:
Utilities Installation or Adjustment 14-46

RULE TITLE: RULE NO.:
Utilities Installation or Adjustment 14-46.001

PURPOSE AND EFFECT: The proposed amendment to Rule 14-46.001, F.A.C., is to incorporate by reference a revised *Utility Accommodation Manual* and revised Utility Permit form. The proposed revisions are the result of internal and industry input during the biennial review. Requests for changes and clarifications of processes were received from the Department's Construction, Design, and Maintenance Offices. Other changes have been made based upon utility industry request, changed technology, or to reduce the cost of infrastructure management as a result of utility use of the rights of way. This revision reflects improved business practices.

A rule development workshop was conducted on February 6, 2002. The *Utility Accommodation Manual* draft includes changes resulting from that workshop and subsequent meetings with the utility industry.

SUMMARY: The proposed amendment to Rule 14-46.001, F.A.C., is to incorporate by reference a revised *Utility Accommodation Manual* and revised Utility Permit form. The proposed revisions are the result of internal and industry input during the biennial review.

SPECIFIC AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 316.006, 334.044, 335.02, 337.401, 337.402, 337.403, 337.405, 339.05 FS.

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 regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., October 22, 2004

PLACE: Haydon Burns Building Auditorium, 605 Suwannee Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED NEW RULE CHAPTER IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULE IS:

14-46.001 Utilities Installation or Adjustment.

(1) Purpose. This ~~rule policy~~ is established to regulate the location and manner for installation and adjustment of utility facilities on any FDOT right of way ~~right-of-way~~, in the interest of safety and the protection, utilization, and future development of such rights of way ~~these rights-of-way~~, with due consideration given to public service afforded by adequate and economical utility installations, and to provide procedures for the issuance of permits.

~~(2) Authorization by the FDOT Required. No person shall enter upon any right of way under the jurisdiction of the FDOT to construct, alter, operate, maintain, or relocate any utility installation without first being issued a permit to do so, except as otherwise noted in the FDOT's *Utility Accommodation Manual*.~~

~~(2)(3)~~ Permits.

(a) The FDOT will issue permits for the construction, alteration, operation, relocation, and maintenance of utilities upon the right of way ~~right-of-way~~ in conformity with the FDOT's *Utility Accommodation Manual*, August 2004 ~~January 1999~~ edition, FDOT Document No. 710-020-001-~~ed~~, which is hereby incorporated by reference and made part of this rule, and which supersedes all previous editions. Copies of this document are available from the FDOT via the Office of

Roadway Design, Utility Section at 605 Suwannee Street, MS 32, Tallahassee, Florida 32399-0450, or the Department Utility Web Site or File Transfer Protol Site as follows:

<http://www.dot.state.fl.us/rddesign/utilities/files/utilities.htm>
ftp://ftp.dot.state.fl.us/fdot/co/utilities/Proposed_2004_UAM_Rule_Change_Maps_and_Publication_Sales_605_Suwannee_Street_Mail_Station_12_Tallahassee_Florida_32399-0450.

(b) The Utility Permit, FDOT Form 710-010-85, Rev. 08/04 01/99, is incorporated herein by reference. Copies of FDOT Form 710-010-85, Rev. 08/04 01/99, are available from the Department Utility Web Site listed above State Utility Engineer at 605 Suwannee Street, Mail Station 32, Tallahassee, Florida 32399-0450, or the District Maintenance Engineer's Office in each of the Department's districts.

(4) Reimbursement Conditions (Other than Interstate).

(a) ~~The FDOT will not reimburse any utility for adjustment, relocation, or removal of existing utilities where the utility is located on public rights-of-way or other areas dedicated for public use.~~

(b) ~~The FDOT will reimburse a utility for the relocation, adjustment, or removal of its facilities as a result of a FDOT construction project, where the utility's facilities are located on property in which the utility holds a compensable property interest.~~

(5) ~~Reimbursement Conditions (Interstate). If relocation of utility facilities is required by construction of a project on the Federal Aid Interstate System and the cost of such project is financed by the federal government under the Federal Aid Highway Act, the FDOT will reimburse the expense of utility relocation which qualifies for reimbursement under Section 337.403(1)(a), Florida Statutes, and is subject to the provisions of 23 C.F.R., Part 645. Copies of these federal regulations are available from the FDOT Maps and Publication Sales, 605 Suwannee Street, Mail Station 12, Tallahassee, Florida 32399-0450.~~

(6) ~~Calculation of State Cost Participation. When the utility is eligible for any reimbursement from the FDOT, state participation will be based on the cost of making the required change in the utility after deducting any resulting increase in the value of the new utility and any salvage value derived from the old utility, and otherwise as fixed by FDOT Procedure, Utility Relocation Costs, No. 710-010-030-b, effective May 19, 1989, which is hereby incorporated by reference and made a part of these rules. Copies of this document are available from the FDOT Maps and Publication Sales, 605 Suwannee Street, Mail Station 12, Tallahassee, Florida 32399-0450.~~

(7) ~~Cost Development and Reimbursement. Reimbursement by the FDOT for any eligible utility work will be based upon an executed utility agreement between the FDOT and the utility, authorizing the work of adjusting or relocating utility facilities. Reimbursement for utility work involving Federal Aid Participation will be subject to the provisions of 23 C.F.R., Part 645.~~

~~(8) Utilities Liaison. FDOT will coordinate its advance planning of highway projects with the affected utilities to facilitate the relocation of the utility.~~

Specific Authority 334.044(2) FS. Law Implemented 316.006, 334.044, 335.02, 337.401, 337.402, 337.403, 337.405, 339.05 FS. History—New 5-13-70, Amended 8-10-78, 7-22-82, Formerly 14-46.01, Amended 7-5-90, 6-8-93, 8-30-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ken Weldon, State Utilities Engineer

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kevin Thibault, Assistant Secretary for Engineering and Operations, for José Abreu, P.E., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 17, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2002

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."

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE TITLE: Certificate of Need Application Procedures
RULE NO.: 59C-1.008

PURPOSE AND EFFECT: The agency is proposing to amend the rule that outlines Certificate of Need (CON) application procedures. The amended rule incorporates an amended CON application, increased CON filing fee, and removes requirements for CON filing with Local Health Councils.

SUMMARY: The proposed amended rule eliminates some projects from comparative review. The comparative review batching cycles are amended to reflect the change in reviewable projects. The rule amends Letter of Intent requirements and eliminates local health council requirements. The amended rule increases the CON filing fee and incorporates an amended CON application.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None 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: 408.034(6), 408.15(8) FS.

LAW IMPLEMENTED: 408.033, 408.035, 408.036(1) 408.037, 408.038, 408.039 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: September 22, 2004, 2:00 p.m. Eastern Standard Time

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rommel Bain, Certificate of Need, 2727 Mahan Drive, Building 1, MS 28, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULE IS:

59C-1.008 Certificate of Need Application Procedures.

(1) Letters of Intent and applications subject to comparative review shall be accepted in two batching cycles annually each for hospital, beds and facilities and for other beds and programs, as specified in paragraph (g) of this subsection. The category "hospital beds and facilities" includes proposals for new hospital facilities, replacement hospital facilities if being replaced more than a mile away, acute care beds pursuant to Section 408.036(1)(g), F.S., the establishment of new neonatal level II and level III programs unless otherwise exempt pursuant to Section 408.036(3)(k), F.S. beds, hospital inpatient psychiatric beds, hospital inpatient substance abuse beds, and comprehensive medical rehabilitation beds unless otherwise exempt pursuant to Section 408.036(3)(i), F.S., and beds for long-term care. The category "other beds and programs" includes proposals for open heart surgery, pediatric cardiac catheterization, specialty burn units, organ transplantation, ~~distinct part-skilled nursing unit (SNU) beds,~~ community nursing home projects, hospice programs, hospice inpatient ~~facilities beds,~~ and intermediate care facilities for the developmentally disabled.

(a) Letter of Intent. A letter of intent shall state with specificity the type of project proposed with sufficient clarity to notify the public of the intention to file a Certificate of Need application. A separate letter of intent is required for each type of project and for each type of bed; or service or equipment having a separate need methodology proposed to be located in a different planning area as defined for each program under this Chapter, or licensing category, even if the projects are within the same facility. At least 30 days prior to the applicable batching cycle application due date, an applicant shall file a letter of intent respecting the development of a proposal in the following manner:

1. The letter of intent must be actually received by the agency by 5:00 p.m. local time. The original of the letter of intent must be submitted to the agency.

2. A letter of intent is for a specific project within a specific geographic planning area as defined by rule or statute for an established planning horizon. When no planning area is defined, the district should be specified.

3. through 4. No change.

(b) through (c) No change.

a. No change.

b. If the proposal is for a project which will result in licensure of a new health care facility or hospice, the applicant seeking the Certificate of Need must be in existence at the time the letter of intent is submitted. If the applicant is a corporation, Limited Partnership, or otherwise organized, it must have filed an application with the Florida Department of State authorizing the applicant to conduct business in Florida.

2. through 4. No change.

5. Location refers to the health planning subdistricts adopted in Chapter 59C-2, F.A.C. in each program rule under this Chapter, or the service districts. The applicant must indicate the subdistrict by name or number; Nursing home applicants as provided in Chapter 59C-2, F.A.C., must also and give the name of the county where the proposed project will be located; as provided in Chapter 59C-2, F.A.C.

(d) through (e) No change.

(f) No change.

1. The application must be actually received by the agency by 5 p.m. local time on or before the application due date. ~~The Local Health Council must receive a copy of the application bearing a postmark or shipping date that is no later than the application due date.~~

2. Applications for projects which exceed the proposed number of beds contained in the letter of intent shall not be deemed complete for review by the agency and shall be withdrawn from further review.

3. No change.

(g) No change.

(h) An applicant for a project subject to Certificate of Need review which affects an existing licensed health care facility, an existing licensed hospice, or an existing licensed intermediate care facility for the developmentally disabled ~~mentally retarded~~ must be the license holder. The legal name of the license holder must be stated. In addition, the license number and date of expiration must be stated. It is the responsibility of the person issued a license to keep licensure information current. If agency records indicate information different from that presented in the letter of intent with respect to the identification of the holder of the license and the licensure status, then the agency records create a rebuttable presumption as to the correctness of those records and therefore the application will be rejected.

(i) through (j) No change.

(2) No change.

(a) No change.

1. No change.

2. Any person who identifies an error in the fixed need pool numbers must advise the agency of the error within 10 days of the date the fixed need pool was published in the Florida Administrative Weekly publication of the number. If the agency concurs in the error, the fixed need pool number will be adjusted and re-published in the first available edition of the Florida Administrative Weekly. Failure to notify the agency of the error during this time period will result in no adjustment to the fixed need pool number for that batching cycle. ~~Any other adjustments will be made in the first cycle subsequent to identification of an error, including those errors identified through administrative hearings or final judicial review.~~

3. No change.

(b) No change.

1. No change.

2. Beds or services initially denied by the agency and subsequently granted in administrative hearing or by stipulated agreement will be counted as approved when the final order granting them is rendered. No beds or services previously denied will be included in the inventory based on a recommended order.

~~3. Beds or services initially denied by the agency and subsequently granted in a stipulated agreement will be counted as approved on the date the stipulated agreement is signed by all parties.~~

(c) Deleting Beds or Services. Beds or services will be included in the inventory as long as there is a valid intent to grant or a valid Certificate of Need outstanding. Beds or services will not be deleted from the inventory until an intent to grant is overturned in a final order or judicial review of the final order. Beds or services will not be deleted from the inventory until a Certificate of Need is rescinded, revoked, modified, voided, or voluntarily surrendered by an applicant. Licensed beds and services will be deleted when the license is no longer in effect. The effective date for the deletion will be the date the license was voluntarily surrendered by the license holder, the date of final agency action in the case of a final order or the date of a court order if a final order is appealed.

(d) through (e) No change.

(3) Filing Fees. Certificate of Need applications shall not be accepted by the agency at the time of filing unless accompanied by the minimum base Certificate of Need application filing fee in accordance with s. 408.038, F.S. The minimum base fee shall be \$10,000 ~~\$5,000~~. In addition to the base fee of \$10,000 ~~\$5,000~~, the fee shall be 0.015 of each dollar of the proposed expenditure, except that no fee shall exceed \$50,000 ~~\$22,000~~.

(a) through (c) No change.

~~(4) Submission to Local Health Council. Each applicant shall submit a copy of its application to the Local Health Council consistent with the requirements established under subsection (1)(f)1. of this rule.~~

~~(4)(5)~~ Certificate of Need Application Contents. An application for a Certificate of Need shall contain the following items:

(a) through (e) No change.

~~(5)(6)~~ Identifiable Portions. If an applicant would like to be considered for an award of an identifiable portion of the project, the application, at the time of submission, must include responses to the applicable questions on the identifiable portion. The agency may make a partial award only if the applicant included responses to the applicable questions in the application.

Specific Authority ~~408.034(6)~~ 408.034(5), 408.15(8) FS. Law Implemented 408.033, 408.037, 408.038, 408.039 FS. History—New 1-1-77, Amended 11-1-77, 9-1-78, 6-5-79, 2-1-81, 4-1-82, 7-29-82, 9-6-84, Formerly 10-5.08, Amended 11-24-86, 3-2-87, 6-11-87, 11-17-87, 3-23-88, 5-30-90, 12-20-90, 1-31-91, 9-9-91, 5-12-92, 7-1-92, 8-10-92, Formerly 10-5.008, Amended 4-19-93, 6-23-94, 10-12-94, 10-18-95, 2-12-96, 7-18-96, 9-16-96, 11-4-97, 7-21-98, 12-12-00, 4-2-01, 1-10-02, 6-26-03.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rommel Bain, Health Services and Facilities Consultant

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Karen Rivera, Consultant Supervisor

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 18, 2004

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE TITLE:

RULE NO.:

Certificate of Need Penalties

59C-1.021

PURPOSE AND EFFECT: The agency is proposing to amend the rule that outlines assessment of administrative fines for failure to comply with conditions placed on a Certificate of Need (CON).

SUMMARY: The proposed amended rule adds noncompliance with conditions placed on exemptions and failure to provide the Certificate of Need office with a compliance report as actions subject to the assessment of administrative fines. Failure to report compliance with any condition upon which the issuance of the Certificate of Need or exemption was predicated constitutes noncompliance. The rule is amended to incorporate the degree of noncompliance in the assessment of penalty.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None 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: 408.034(6), 408.15(8) FS.

LAW IMPLEMENTED: 408.040 FS.

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

TIME AND DATE: 2:00 p.m. Eastern Standard Time, September 22, 2004

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rommel Bain, Certificate of Need, 2727 Mahan Drive, Building 1, MS 28, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULE IS:

59C-1.021 Certificate of Need Penalties.

(1) through (2) No change.

(3) Penalties for Failure to comply with Certificate of Need or Exemption Conditions. The agency shall review the annual compliance report submitted by the health care providers who are licensed and operate the facilities or services and other pertinent data to assess compliance with Certificate of Need or exemption conditions. Providers who are not in compliance with Certificate of Need or exemption conditions shall be fined. Failure to report compliance with any condition upon which the issuance of the Certificate of Need or exemption was predicated constitutes noncompliance. For community nursing homes or hospital-based skilled nursing units certified as such by Medicare, the first compliance report on the status of conditions must be submitted 30 calendar days following the eighteenth month of operation or the first month where an 85 percent occupancy is achieved, whichever comes first. The schedule of fines is as follows:

(a) Facilities failing to comply with any conditions or failing to provide the Certificate of Need office with a report on its compliance with conditions set forth on the Certificate of Need or exemption, will be assessed a fine, not to exceed \$1,000 per failure per day. In assessing the penalty the agency shall take into account the degree of noncompliance relative lack of severity of a particular failure.

(b) No change.

(4) No change.

Specific Authority 408.15(8), 408.034(5) FS. Law Implemented 408.040(1)(b),(2)(a), 408.044 FS. History--New 7-25-89, Formerly 10-5.021, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rommel Bain, Health Services and Facilities Consultant

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Karen Rivera, Consultant Supervisor

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 18, 2004

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: Applications by Individuals
RULE NO.: 61J2-2.027

PURPOSE AND EFFECT: The purpose of the proposed rule change is to incorporate language to require applicants to submit criminal background records with their application.

SUMMARY: The proposed rule development affects rule provisions relating to the application process for real estate licensure.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COST: No Statement of Estimated Regulatory Costs was 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: 475.05 FS.

LAW IMPLEMENTED: 475.17, 475.175, 475.451 FS., Georgia Association of Realtors, Inc., et al. v. Florida Real Estate Commission, et al., Civil Case No. 87-15-Orl-Civ-18 (M.D. Fla. 1987)

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

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, September 14, 2004

PLACE: Zora Neale Hurston Building, Conference Meeting Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THIS NOTICE, AN ADDITIONAL HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-2.027 Applications by Individuals.

The application of a natural person for active licensure, whether the applicant expects to operate alone, or as a partner, or with a corporation, or as a sales associate, is governed by substantially the same rules and forms.

(1) The applicant must meet necessary personal qualifications as follows:

(a) Is 18 years of age or older.

(b) If the application is for broker:

1. Has been registered as an active sales associate for at least 12 months during the preceding 5 years under one or more brokers;

2. Has held a current and valid real estate sales associate's license for at least 12 months during the preceding 5 years in the employ of a governmental agency for a salary and performing the duties authorized in Chapter 475, Florida Statutes; or

3. Has held a current and valid real estate broker's license for at least 12 months during the preceding 5 years in any other state, territory, or jurisdiction of the United States, or in any foreign national jurisdiction.

(c) Hold a high school diploma or its equivalent.

(2) The applicant must make it possible to immediately begin the inquiry as to whether the applicant is honest, truthful, trustworthy, of good character, and bears a good reputation for fair dealings, and will likely make transactions and conduct negotiations with safety to investors and to those with whom the applicant may undertake a relation of trust and confidence. The applicant is required to disclose:

(a) If ever convicted of a crime, or if any judgment or decree has been rendered against the applicant for fraud or dishonest dealings, or

(b) If now a patient of a mental health facility or similar institution for the treatment of mental disabilities, or

(c) If ever called by, or done business under any other name, or alias, than the name signed on the application, with sufficient information to enable the Commission to investigate the circumstances, or

(d) If ever had a broker's or sales associate's license revoked, suspended, or otherwise acted against, or had an application for such licensure denied, by the real estate licensing agency of another state, territory, or country.

(3) Each application shall be accompanied by a completed FBI fingerprint card for processing, and a complete certified criminal history report from the Florida Department of Law Enforcement; and

(4) All applicants for permits to instruct or be a permitholder for a real estate school must comply with Sections 475.451(2)(a) and (c), F.S.

Specific Authority 475.05 FS. Law Implemented 475.17, 475.175, 475.451 FS., Georgia Association of Realtors, Inc., et al. v. Florida Real Estate Commission, et al., Civil Case No. 87-15-Orl-Civ-18 (M.D. Fla. 1987). History—New 1-1-80, Formerly 21V-2.27, Amended 4-10-88, 5-20-90, 1-13-91, 7-15-92, 7-20-93, Formerly 21V-2.027, Amended 11-10-97, 1-18-00, 11-26-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Real Estate Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 20, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 9, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: Examination Areas of Competency

RULE NO.: 61J2-2.029

PURPOSE AND EFFECT: The purpose of the proposed rule change is to clarify areas of competency relating to real estate broker and instructor examinations.

SUMMARY: The proposed rule development affects rule provisions relating to examination areas of competency for real estate licensure.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COST: No Statement of Estimated Regulatory Costs was 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: 475.05 FS.

LAW IMPLEMENTED: 455.217(1)(b) FS.

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

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, September 14, 2004

PLACE: Zora Neale Hurston Building, Conference Meeting Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THIS NOTICE, AN ADDITIONAL HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-2.029 Examination Areas of Competency.

(1) The answers to the Broker, Sales Associate, and Instructor examination shall be graded on the basis of 100 points for a perfect examination. An applicant who receives a grade of 75 points or higher shall be deemed to have successfully completed the licensure examination. The sales associate examination shall be based upon a knowledge, understanding and application of real estate principles and practices, real estate law and real estate mathematics as contained in the Commission prescribed prerequisite education course syllabus for licensure as a real estate sales associate. To the extent these subject areas can reasonably be separated, 45 points shall be based on law, 45 points on principles and practices and 10 points on real estate mathematics. The broker and instructor examinations shall be based upon a knowledge, understanding and application of real estate law, real estate principles and practices including appraising, finance, investment and brokerage management and real estate mathematics as contained in the prerequisite education course syllabus for licensure as a real estate broker. The broker examination shall also be based upon a knowledge, understanding and application of principles and concepts contained in the sales associate syllabus. To the extent these subject areas can reasonably be separated, 45 points shall be based on law, 40 points on principles and practices and 15 points on real estate mathematics.

(2) A successful applicant may lawfully practice the services of real estate provided employment information is on file with the DBPR.

Specific Authority 475.05 FS. Law Implemented 455.217(1)(b) FS. History--New 1-1-80, Amended 4-13-81, Formerly 21V-2.29, Amended 6-28-93, Formerly 21V-2.029, Amended 1-18-00, 2-4-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Real Estate Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Florida Real Estate Commission

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 9, 2004

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION****Florida Mobile Home Relocation Corporation**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
General and Procedural Rules	61M-1
RULE TITLES:	RULE NOS.:
Procedures for Operation	61M-1.001
Claims Procedures	61M-1.002
Approved Forms	61M-1.003

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 61M-1.001, F.A.C., is to correctly reflect the Corporation's responsibilities to receive and disburse funding for abandonment of mobile homes as well as relocation of such homes. The purpose of the proposed amendments to Rule 61M-1.002, F.A.C., is to reflect changes in mobile home owner documentation and reimbursements and park owner invoice amounts made by 2003 legislation, Chapter 2003-263, L.O.F., and 2004 legislation, Chapter 2004-13, L.O.F.. The purpose of the proposed amendments to Rule 61M-1.003, F.A.C., is to adopt by reference ministerial changes to the forms used by the Florida Mobile Home Relocation Corporation in the administration of its duties, and to adopt by reference a new form developed to reflect statutory changes made in 2003, Chapter 2003-263, L.O.F.

SUMMARY: The proposed amendments reflect the changes made in the 2003 and 2004 legislative sessions to the governing statutes, identify necessary forms within the text of the Rules, and adopt amended and new forms by reference.

SUMMARY OF STATEMENT OF ESTIMATED
REGULATORY COST: No formal summary 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: 723.0611(3) FS.

LAW IMPLIMENTED: 723.0611, 723.0612 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: Cari L. Roth, General Counsel,
Bryant Miller & Olive, 201 South Monroe Street, Suite 500,
Tallahassee, Florida 32301, (850)222-8611

THE FULL TEXT OF THE PROPOSED RULES IS:

61M-1.001 Procedures for Operation.

(1) through (5) No change.

(6) The corporation shall implement procedures, in conjunction with the department, for the transfer of funds from the Florida Mobile Home Relocation Trust Fund to the corporation for the payment of claims for relocation and abandonment expenses approved by the board of directors.

Specific Authority 723.0611(3) FS. Law Implemented 723.0611, 723.0612 FS. History--New 1-6-04, Amended _____.

61M-1.002 Claims Procedures.

(1) In order to receive payment from the corporation for relocation expenses, the mobile home owner shall submit to the corporation, with a copy to the park owner, a Home Owner Application for Payment of Relocation Expenses, FMHRC Form 1001, which includes a copy of the notice of eviction due

to change in use of the land comprising the mobile home park and a copy of the signed contract with a moving or towing contractor that includes an itemization of the costs of taking down, moving and setting up the mobile home in a new location. The copy of the notice of eviction shall show a date after July 1, 2001, the effective date of the statute creating the Florida Mobile Home Relocation Corporation. The cost itemization referenced herein shall be in a form substantially similar to the Installer's Form, FMHRC Form 1007 in order to be considered for approval by the board of the corporation. The application shall also include a copy of the title to the mobile home showing the name of the owner of the home being the same as the applicant for relocation expenses. The title certificate must bear the Department of Highway Safety and Motor Vehicles designation of "HS" which designates the home as a "mobile home." No other designation on the title will be accepted for processing and approval for relocation expenses. Any application received that does not contain complete information and all of the required documentation shall be returned by the corporation to the applicant along with a notice of the deficiencies in the application. Only completed applications will receive a date stamp. In the event the applicant resubmits the application with the required documentation, the application will then receive a date stamp assigning its priority. Applicants for payment under this section shall also submit an Acknowledgement of Non-Participation in Litigation and Acknowledgement of Non-Acceptance of Compensation from Park Owner, FMHRC Form 1008. A mobile home owner who complies with the application requirements of law and rule shall be entitled to payment of the actual moving expenses to relocate the mobile home within a 50-mile radius of the vacated park, not to exceed \$3,000 for a single-section mobile home or \$6,000 for a multi-section mobile home. Please refer to the Corporation's website for the forms referenced herein and for additional information on how to submit an application for assistance from the Corporation, www.fmhrc.net.

(2) Any claims made pursuant to this rule shall be prioritized as follows: The mail will be collected from the post office box address of the corporation at least Monday, Wednesday and Friday, state and federal holidays excluded. Any completed applications received will be date stamped. Priority of payment of claims for relocation expenses will be based upon the date the completed application is date stamped.

(3) The corporation must approve payment within 45 days after receipt of the completed application, or payment is deemed approved. Once the mobile home has been moved to its new location, the corporation shall forward to the park owner a copy of the approval along with an invoice for payment of ~~\$2,750~~ for a single-section mobile home or ~~\$3,750~~ for a multi-section mobile home. If the homeowner's application was approved prior to June 26, 2003,

the corporation will invoice the park owner for payment of \$2,000 for a single-section mobile home or \$2,500 for a multi-section mobile home.

(4) If funds are available and the completed application is approved, the following shall occur:

(a) In the event the mobile home has not yet been moved to a new location, the corporation shall issue a voucher to the moving or towing contractor in the amount of the contract price for relocation of the mobile home. The amount of the voucher shall be as approved by the board of the corporation and as set forth in Section 723.0612(1), F.S. The moving or towing contractor may redeem the voucher from the corporation following completion of the relocation of the mobile home and upon approval of the relocation by the mobile home owner that the work performed was satisfactory. Within 30 days of receipt of Contractor Voucher for Payment for Mobile Home Relocation, FMHRC Form 1003, ~~the voucher~~ and proof of the satisfactory completion of the relocation by the moving or towing contractor, the corporation shall pay the amount set forth on the voucher.

(b) In the event the home owner has already moved the mobile home to a new location and paid for the move, the corporation shall issue a voucher to the home owner whose application was previously approved by the corporation in accordance with this rule. The amount of the voucher shall be as approved by the board of the corporation and as set forth in Section 723.0612(1), F.S. The home owner may redeem the voucher upon submitting proof of the relocation of the mobile home in the form of a receipt or invoice marked "paid" by the moving or towing contractor. Within 30 days of receipt of Home Owner Voucher for Payment for Mobile Home Relocation, FMHRC Form 1004, ~~the voucher~~ and proof of the relocation by the moving or towing contractor, as set forth herein, the corporation shall pay the amount set forth on the voucher.

(5) In the event a mobile home owner who has been evicted for change in the use of the land chooses to abandon the mobile home pursuant to Section 723.0612(7), F.S., the home owner who received a notice of eviction on or after June 26, 2003 may collect ~~an amount equal to one fourth of the maximum allowable moving expenses~~ from the corporation \$1,375 for a single-section mobile home and \$2,750 for a multi-section mobile home so long as the mobile home owner delivers to the park owner the current title to the mobile home properly endorsed by the owner of record with valid releases of all liens shown on the title. If the home owner received a notice of eviction prior to July 26, 2003, the homeowner may collect an amount equal to one fourth of the maximum allowable moving expenses. In order to qualify for reimbursement under this subsection, the title certificate on the mobile home sought to be abandoned must bear the Department of Highway Safety and Motor Vehicles designation of "HS" which is the designation as a "mobile home." No other designation will be

accepted for processing and approval for payment for an abandoned home. The mobile home owner who seeks payment under this section shall submit to the corporation an Application for Payment for Abandoned Mobile Home, FMHRC Form 1002, which includes a copy of the notice of eviction due to change in the use of the land comprising the mobile home park and a copy of the current title to the mobile home with the proper designation of "HS" duly endorsed to the park owner by the owner of record and valid releases of all liens shown on the title. Applicants for payment under this paragraph shall also submit an Acknowledgment by Park Owner When a Home Is Abandoned, FMHRC Form 1009, with either the park owner's signature acknowledging abandonment and agreeing to make payment to the corporation, or the home owner's signature certifying their inability to obtain the park owner's signature; Abandonment Acknowledgement, FMHRC Form 1010, which is a notarized form stating where the home was abandoned and the address payment should be sent to; and Acknowledgement of Non-Participation in Litigation and Acknowledgement of Non-Acceptance of Compensation for Park Owner, FMHRC Form 1008. For applications approved on or after April 26, 2004, the corporation shall forward the park owner a copy of the approval along with an invoice for payment of \$1,375 for a single-section and \$2,750 for a multi-section mobile home. For application approved prior to April 26, 2003, the corporation shall forward the park owner a copy of the approval along with an invoice for payment of one fourth of the maximum allowable moving expenses. Please refer to the Corporation's website for the forms referenced herein and for additional information on how to submit an application for assistance from the Corporation, www.fmhrc.net. Upon approval of the application by the corporation, the corporation shall forward to the park owner a copy of the approval along with an invoice for the payment of one-fourth of the maximum allowable moving expenses.

(6) In the event the funds for payment of relocation expenses or the payment for abandonment of the mobile home have been exhausted due to the payment of previous claims and expenses of the corporation, the mobile home owner who has properly completed the application and attached the required documentation will receive a certificate showing the time and date of approval of payment to a claimant. Should sufficient funds become available, the corporation shall pay the claimant for relocation expenses whose unpaid claim is the earliest by time and date of approval. In the event the funds for payment for an abandoned home have been exhausted, the corporation shall pay the home owner at the time the park owner has made the required payment to the corporation ~~of the one-fourth of the maximum allowable moving expenses as set forth in the previous subsection.~~

Specific Authority 723.0611(3) FS. Law Implemented 723.061, 723.06116, 723.0612 FS. History--New 1-6-04, Amended.

61M-1.003 Approved Forms.

The corporation adopts the forms below as suggested forms for use by mobile home owners and park owners:

(1) Home Owner Application for Payment of Relocation Expenses, FMHRC Form 1001, incorporated by reference herein and effective 1-6-04, amended.

(2) Application for Payment for Abandoned Mobile Home, FMHRC Form 1002, incorporated by reference herein and effective 1-6-04, amended.

(3) Contractor Voucher for Payment for Mobile Home Relocation, FMHRC Form 1003, incorporated by reference herein and effective 1-6-04, amended.

(4) Home Owner Voucher for Payment for Mobile Home Relocation, FMHRC Form 1004, incorporated by reference herein and effective 1-6-04, amended.

(5) Certificate for Payment of ~~When~~ Relocation Expenses When Funds Become Available, FMHRC Form 1005, incorporated by reference herein and effective 1-6-04, amended.

(6) Certificate for Payment for Abandoned Mobile Home When ~~Abandoned Home~~ Funds Become Available, FMHRC Form 1006, incorporated by reference herein and effective 1-6-04, amended.

(7) ~~Installer's Form Standard Form Relocation Contract~~, FMHRC Form 1007, incorporated by reference herein and effective 1-6-04, amended.

(8) Acknowledgement of Non-Participation in Litigation and Acknowledgement of Non-Acceptance of Compensation for Park Owner, FMHRC Form 1008, incorporated by reference herein and effective.

(9) Acknowledgment by Park Owner When a Home Is Abandoned, FMHRC Form 1009, incorporated by reference herein and effective.

(10) Abandonment Acknowledgment, FMHRC Form 1010, incorporated by reference herein and effective.

All forms referenced in these rules may be obtained by writing to the Florida Mobile Home Relocation Corporation, Post Office Box 14125, Tallahassee, Florida 32317-4125 or by visiting www.fmhrc.net.

Specific Authority 723.00611(3) FS. Law Implemented 723.061, 723.0611, 723.06116, 723.0612 FS. History--New 1-6-04, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Cari L. Roth, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Connie Prince, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 11, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 30, 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 Medicine****RULE TITLE:**

Physician Assistant Licensure Renewal
and Reactivation

RULE NO.:

64B8-30.005

PURPOSE AND EFFECT: The proposed rule amendments are necessary make the Board of Medicine and Board of Osteopathic Medicine rules on the same subject similar.

SUMMARY: The proposed rule amendments clarify requirements for reactivation of licensure.

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: 456.013, 456.031(1)(a), 456.033(1), 458.309, 458.347 FS.

LAW IMPLEMENTED: 456.013, 456.031(1), 456.033, 458.347 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: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-30.005 Physician Assistant Licensure Renewal and Reactivation.

(1) through (3) No change.

(4) Reactivation of Inactive License. To reactivate a license that has been inactive for two (2) consecutive biennial cycles ~~an inactive license~~, the licensee must:

(a) through (f) No change.

(5) through (6) No change.

(7) The failure of any license holder to ~~either~~ renew the license ~~or elect inactive status~~ before the license expires shall cause the license to become delinquent.

(a) The delinquent status licensee must ~~affirmatively~~ apply for active or inactive license status during the licensure cycle in which the license becomes delinquent. The failure by the delinquent status licensee to become active or inactive ~~cause~~

~~the license to be reactivated or made inactive~~ before the expiration of the licensure cycle in which the license became delinquent shall render the license null and void without further action by the Board or the Department.

(b) The delinquent status licensee who applies for active or inactive licensure ~~license reactivation or inactive status~~ shall:

1. File with the Department the completed application for either active or inactive license status ~~reactivation as required by Section 458.347, F.S., or inactive status as required by Section 456.036, F.S.~~;

2. Pay to the Board ~~either the applicable~~ license renewal ~~reactivation fee or the inactive status fee~~, the delinquency fee, and if applicable, the processing fee; and

3. If active status ~~reactivation~~ is elected, demonstrate compliance with the continuing education requirements found in Rule 64B8-30.005, F.A.C.

Specific Authority 456.013, 456.031(1)(a), 456.033(1), 458.309, 458.347 FS. Law Implemented 456.013, 456.031(1), 456.033, 458.347 FS. History--New 5-13-87, Amended 1-9-92, Formerly 21M-17.0035, Amended 9-21-93, Formerly 61F6-17.0035, Amended 11-30-94, Formerly 59R-30.005, Amended 6-7-98, 3-3-02, 10-12-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Council on Physician Assistants

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 9, 2004

DEPARTMENT OF HEALTH**Office of Vital Statistics****RULE TITLES:****RULE NOS.:****PART I DELAYED BIRTH REGISTRATION**

Delayed Birth Registration Requirements; Fees 64V-1.001

PART II AMENDMENT OF BIRTH CERTIFICATES

Birth Certificate Amendments;

Who May Apply; Fees 64V-1.002

Birth Certificate Amendments; Documentary

Evidence Requirements 64V-1.003

Birth Certificate Amendments by

Paternity Establishment; Judicial and Administrative Process 64V-1.0032

PART III BIRTH, DEATH AND FETAL DEATH REGISTRATION

Evidence Required for Births Occurring

Outside of a Facility 64V-1.006

Death and Fetal Death Registration 64V-1.0061

PART VII ASSOCIATED ACTIVITIES

Disposition of Fetal Demise 64V-1.019

PURPOSE AND EFFECT: Purpose of proposed amendments is to change certain practices used in the amendment of birth records and to update forms incorporated in rules due to recent legislation.

SUMMARY: Amending forms to clarify information relative to amendment actions and adding ability for parents to acknowledge paternity of father by witnessed signatures at time of child's birth or subsequent to the birth as an amendment action. Also, amending Certificate of Death, DH Form 512 as a result of revision of the Model Vital Statistics death certificate.

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: 63.054, 382.003(7),(10),(11), 382.008, 382.015(6), 382.016, 382.025, 382.0255(3), 383.33625(3) FS.

LAW IMPLEMENTED: 63.054, 63.152, 68.07(4), 382.003(7),(11), 382.008, 382.012, 382.013(2), 382.015, 382.016, 382.017, 382.019, 382.021, 382.023, 382.025, 382.0255(1), 383.33625, 742.10, 742.16 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: 1:00 p.m., September 20, 2004

PLACE: Room 402, Boorde Building, 1217 Pearl Street, Jacksonville, Florida 32202

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kevin Wright, Government Analyst, Department of Health, Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042

THE FULL TEXT OF THE PROPOSED RULES IS:

PART I DELAYED BIRTH REGISTRATION

64V-1.001 Delayed Birth Registration Requirements; Fees.

(1) All delayed birth registrations must be accompanied by an Application for Florida Delayed Certificate of Birth, DH Form 521, Jul 04 Jan 03 hereby incorporated by reference and available from the department and the fee required by subsection (2) of Rule 64V-1.014, F.A.C., and by documents described in subsection (2) of Rule 64V-1.001, F.A.C., which substantiate the following facts of birth:

(2) through (4) No change.

(5) The Application For Florida Delayed Certificate of Birth, July 04 Delayed Certificate of Birth, DH Form 520, Sept. 97, hereby incorporated by reference, and available from

~~the department~~, must be signed by a parent or guardian for a registrant under the age of 18. A registrant 18 years or older, or if disability of nonage has been removed and the registrant provides proof of such removal, must sign this form.

Specific Authority 382.003(10),(11), 382.019, 382.0255(3) FS. Law Implemented 382.003(7),(11), 382.019 FS. History--New 1-1-77, Formerly 10D-49.13, Amended 10-1-88, 10-1-90, 4-18-96, 12-26-96, Formerly 10D-49.013, Amended 11-11-98, 7-18-00, 2-29-04, _____.

PART II AMENDMENT OF BIRTH CERTIFICATES

64V-1.002 Birth Certificate Amendments; Who May Apply; Fees.

(1) A request for an amendment to a birth certificate made pursuant to subsection (1) of 382.016, F.S., shall be submitted with an Application for Amended Florida Birth Record, DH Form 429, Jun 03 Mar 03 hereby incorporated by reference and available from the department and accompanied by statutory fees required pursuant to subsection (3) of Rule 64V-1.014, F.A.C., an Affidavit of Amendment to Certificate of Live Birth, DH Form 430, May 04 Jan 00, hereby incorporated by reference and available from the department and documentary evidence, if required, by Rule 64V-1.003, F.A.C. The required Affidavit of Amendment to Certificate of Live birth, DH Form 430, must be signed before a notarizing official by a registrant who is at least 18 years of age or if disability of nonage has been removed and the registrant provides proof of such removal; or if under 18, by his or her parent(s) named on the certificate or guardian or agency having legal custody of the registrant. When requesting any correction to the name of the registrant, both parents must sign the affidavit if both parents are named on the birth record.

(2) No change.

Specific Authority 382.003(10), 382.015(6), 382.0255(3) FS. Law Implemented 63.152, 382.003(7), 382.015, 382.017 FS. History--New 11-11-98, Amended 7-18-00, _____.

64V-1.003 Birth Certificate Amendments; Documentary Evidence Requirements.

(1) The following amendments do not require supporting documentary evidence;

(a) Hour of birth, parent(s) age or date of birth, residence, mailing address, ~~social security numbers~~;

(b) Misspelling or transposition of letters in names of registrant or parent(s);

(c) Changing a child's given name or surname up to the child's 1st birthday;

~~(d)(e)~~ Adding given name(s) of registrant up to the registrant's 7th birthday;

~~(e)(d)~~ Adding ~~of~~ given name(s) of parent(s);

~~(f)(e)~~ Transposition of parent(s) given names;

~~(g)(f)~~ Sex if item was left blank, or if sex as recorded is clearly in conflict with given names as recorded;

~~(h)(g)~~ Date of birth up to 10 days within the same calendar year but not later than the file date;

~~(i)(h)~~ Mother's maiden name if married surname was originally recorded;

~~(j)(i)~~ Parent(s) state or country of birth except for a change from foreign country to United States; and

~~(k)(j)~~ Any other item not covered in this subsection or subsection (2) of Rule 64V-1.003, F.A.C.

(2) Amendments to birth certificates as specified below shall be accompanied by original, certified, or notarized supporting documentary evidence. Except for paragraph (2)(e) of Rule 64V-1.003, F.A.C., documents submitted for registrant 18 years or older must have been established prior to the 18th birthday and at least five years old; documents submitted for registrant under the age of 18 must have been established within the first 7 years of the date of birth:

(a) through (h) No change.

(i) Parent(s) country of birth from foreign born to United States; ~~and~~

(j) Parent(s) race; ~~and~~

(k) Social security number of registrant or parent(s).

(3) The documents submitted must substantiate the following facts of birth;

(a) through (b) No change.

(c) Sex of child;

(d) No change.

(e) Place of birth, and

(f) Date the document was originally established.

(4) Suggested sources of documentary evidence are as follows:

(a) through (b) No change.

(c) Vital records of parent(s) or ~~and~~ sibling(s) upon submission of an affidavit from the parent or sibling authorizing such use;

(d) through (f) No change.

(g) Social security record containing birth information provided at the time of application for a social security account number application;

(h) through (i) No change.

(5) No change.

Specific Authority 382.003(10)(11), 382.016, 382.0255(3)(~~4~~)(e) FS. Law Implemented 382.003(7), 382.016 FS. History—New 1-1-77, Formerly 10D-49.16, Amended 10-1-88, 10-1-90, 4-18-96, 12-26-96, Formerly 10D-49.016, Amended 11-11-98, _____.

64V-1.0032 Birth Certificate Amendments by Paternity Establishment; Judicial and Administrative Process.

(1) Any judgment establishing paternity entered by a Florida court pursuant to Section 742.10, or Section 382.015(2), F.S., shall be recorded on a Certified Statement of Final Judgment of Paternity, DH Form 673, July 04 ~~May 03~~, hereby incorporated by reference and available from the department. Upon receipt of a Certified Statement of Final Judgment of Paternity, DH 673, completed and certified by the

clerk of the circuit court entering the paternity judgment, the department shall amend the birth certificate if the child was born in this state.

(2) A request to amend a birth certificate upon written request of the parents pursuant to paragraph (1)(b) of Section 382.016, F.S., shall be submitted on a Consenting Affidavit Acknowledging Paternity, DH Form 432, July 04 ~~June 02~~, hereby incorporated by reference and available from the department. The Consenting Affidavit Acknowledging Paternity, DH Form 432 must be signed by both parents and both signatures must be notarized.

(3) through (4) No change.

Specific Authority 382.003(10),(11), 382.015(6), 382.016(1), 382.0255(3) FS. Law Implemented 382.003(7),(11), 382.015(2),(3), 382.016(1)(b), 742.10, 742.16 FS. History—New 11-11-98, Amended 7-18-00, 2-29-04, _____.

PART III BIRTH, DEATH AND FETAL DEATH REGISTRATION

64V-1.006 Birth Registration; Evidence Required for Births Occurring Outside of a Facility.

(1) All birth records filed in this state pursuant to Section 382.013, F.S., shall be registered on a Certificate of Live Birth, DH Form 511, July 04 ~~Jan. 04~~, hereby incorporated by reference and available from the department.

(2) If a birth occurs outside a facility and the child is not taken to a facility within 3 days after delivery, a Certificate of Live Birth, DH Form 511, July 04 ~~Jan. 04~~, will be accepted for registration by a local registrar and state filing by the Office of Vital Statistics if corroborated by a written statement from a licensed physician or a licensed midwife in attendance during or immediately after the birth.

(3) If a written statement referenced in subsection (2) of Rule 64V-1.006, F.A.C., cannot be obtained, corroborating evidence or actions as follows may be substituted:

(a) Presentation of the child for whom the certificate is being filed at the DH county health department or a home visit by an official of a DH county health department to verify the birth; and

(b) A written statement from at least 2 persons other than the parents affirming that to the best of their knowledge of conditions prior to or immediately after the alleged birth that such birth did occur on the date and at the place shown on the certificate; or

(c) If sufficient corroborating evidence cannot be obtained a delayed birth certificate may be filed under Section 382.0195, F.S.

Specific Authority 382.003(7),(10) FS. Law Implemented 382.003(7),(10), 382.013 FS. History—New 10-1-90, Formerly 10D-49.0194, Amended 11-11-98, 7-18-00, 2-29-04, _____.

64V-1.0061 Death and Fetal Death Registration

All deaths except for fetal deaths filed pursuant to Section 382.008, F.S., shall be registered on a Certificate of Death, DH Form 512, July 04 ~~Sept. 96~~. All fetal deaths occurring in this

state shall be filed on a Certificate of Fetal Death, DH Form 428, Nov. 97, both hereby incorporated by reference and available from the department.

Specific Authority 382.003(10), 382.008 FS. Law Implemented 382.003(7),(11), 382.008 FS. History—New 2-29-04, Amended _____.

PART VII ASSOCIATED ACTIVITIES

64V-1.019 Disposition of Fetal Demise.

In accordance with Section 383.33625, F.S., a Notification of Disposition of Fetal Demise, DH Form 1966, Oct 03 Aug 03, hereby incorporated by reference and available from the department shall be issued by a health care practitioner as provided by law.

Specific Authority 383.33625(3) FS. Law Implemented 383.33625 FS. History—New 2-29-04, Amended _____.

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
14-60	Airport Licensing, Registration, and Airspace Protection
RULE NOS.:	RULE TITLES:
14-60.003	Purpose, Definitions, and Designation of Signature Authority
14-60.005	Airport Site Approval
14-60.006	Airport Licenses and Registrations
14-60.007	Airfield Standards for Licensed Airports
14-60.009	Airspace Protection
14-60.011	Forms

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 14, April 2, 2004, Pages 1356-1380 issue of the Florida Administrative Weekly.

SUMMARY OF CHANGE: Changes are being made in response to a review by the Joint Administrative Procedures Committee.

1. Subparagraph 14-60.003(2)(b)9., F.A.C.: The definition of IFR is revised to delete the incorporation by reference statement.

2. Subparagraph 14-60.003(2)(b)23., F.A.C.: The definition of VFR is revised to delete the incorporation by reference statement.

3. Subsection 14-60.005(2), F.A.C.: This section is changed to delete “renewal of an” and substitute “issuance of a new” when referring to a site approval order. The revised language reads as follows:

“(2) Issuance ~~Renewal~~ of a new ~~an~~ airport site approval order shall be required by the Department, whenever:”

4. Paragraph 14-60.005(2)(a), F.A.C.: This section is changed to delete the word “considers” and substitute “has determined” and to add the phrase “because the site approval application contained inaccurate data or misrepresentation of facts” so that the revised section reads as follows:

“(a) The Department has determined ~~considers~~ the airport site approval order to be invalid because the site approval application contained inaccurate data or misrepresentation of facts.”

5. Paragraph 14-60.005(2)(c), F.A.C.: This section is changed to read as follows:

“(c) The license for an existing public airport has expired, without having a new license issued ~~being renewed.~~”

6. Paragraph 14-60.005(3)(c), F.A.C.: The term “expedited” is deleted in reference to site approval. The section is changed to read:

“(c) Temporary Airport. Temporary, public or private airport site approval applicants, due to the limitations placed on their use for a period of less than 30 days and the restriction to no more than 10 operations per day, and due to a normal short lead-time prior to the necessity for activating flight operations, shall have ~~an expedited~~ site approval process with each proposal evaluated by the Department based upon the application. Applicants for a temporary, public or private airport site approval should contact the Department at the earliest opportunity to present their requirements and request ~~an expedited~~ site proposal review and Department approval or disapproval.”

7. Subsection 14-60.005(4), F.A.C.: The conditions for site approval are added.

(4) Conditions for Site Approval. The Department shall grant site approval for a proposed airport that complies with the requirements of Section 330.30, Florida Statutes, subject to any reasonable conditions necessary to protect the public health, safety, or welfare. Such conditions shall include operations limited to VFR flight conditions, restricted approach or takeoff direction from only one end of a runway, specified air-traffic pattern layouts to help prevent mid-air collision conflict with aircraft flying at another nearby airport, airport noise abatement procedures in order to satisfy community standards, or other environmental compatibility measures.”

8. Subsection 14-60.005(6), F.A.C.: The sentence relating to retention of records for private airport site approval applicants is revised to read as follows: “However, all private airport site approval applicants shall retain for their records all