

(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.

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 History—New 3-2-98, Repealed \_\_\_\_\_.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 transcript review if applicable, initial examination and certificate issuance. \$50 25

(b) ~~Initial certification. \$25~~

(c) ~~Additional program certifications. \$10~~

(b)(d) Renewal of certification per program per biennial period. \$25

(c) Late fee for renewal per program per biennial period. \$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, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
David B. Wolfe

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Padraic Juarez

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 1, 2004

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

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

**DEPARTMENT OF STATE**

**Division of Elections**

RULE NO.:	RULE TITLE:
IS-2.015	Minimum Security Procedures for Voting Systems

NOTICE OF CORRECTION

A Notice of Change on the above-referenced rule was published in the Florida Administrative Weekly, Page 3775, Vol. 30, No. 37, September 10, 2004. The Notice of Change contained two technical errors. The public hearing held was July 13, 2004, in lieu of June 18, 2004. In addition, reference to Section 120.535, Florida Statutes, as specific authority should be deleted since that section was repealed in 1996. In addition, the Election Parameter Statement found in subsection (5)(f)5. did not reflect the changes made based on comments received from JAPC.

The excerpted provision should read as follows:

5. If the election definition is created by an individual who is not an employee of the supervisor of elections, then the parameters shall include a statement signed by the person who created the election definition. The statement shall be in substantially the following form:

ELECTION PARAMETER STATEMENT

Pursuant to Section 837.06, Florida Statutes, whoever knowingly makes false statement in writing with the intent to mislead a public servant in the performance of his or her official duty, shall be guilty of a misdemeanor of the second degree, punishable as provided in Section 775.082, or Section 775.083, Florida Statutes.

The election coding for \_\_\_\_\_ County was assembled according to specified procedures using (name of system and Florida certification number). Furthermore, included with the election materials is a duplicate copy of the administrative database used to define the election, a copy of the voting

system software, a copy of all election-specific files generated and used by the system and a document stating the release level of the precinct tabulation equipment and firmware. To the best of my knowledge and belief, the foregoing statement is truthful.

Signature of the Person Coding the Election.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Maria I. Matthews, Assistant General Counsel, Division of Elections, Department of State, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399, (850)245-6536.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Plant Industry**

RULE CHAPTER NO.: RULE CHAPTER TITLE:  
5B-58 Citrus Canker  
RULE NO.: RULE TITLE:  
5B-58.001 Citrus Canker Eradication

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the proposed amendments to the above rule, as published in Vol. 27, No. 42, October 19, 2001, Florida Administrative Weekly, have been withdrawn.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Environmental Services**

RULE NOS.: RULE TITLES:  
5E-4.003 Noxious Weed Seed  
5E-4.0041 Disposition of Seed Contaminated  
With Noxious Weed Seed

**NOTICE OF CHANGE**

Notice is hereby given that the proposed Chapter 5E-4, F.A.C., published in the Florida Administrative Weekly Vol. 30, No. 34, August 20, 2004, has been changed to reflect comments received from the Joint Administrative Procedures Committee. When changed, the rule will read as follows:

5E-4.003 Noxious Weed Seed.

(1)(a) through (c) No change.

(d) Tropical soda apple

(Solanum viarum)

None per pound

(e) Benghal dayflower

(Commelina benghalensis)

None per pound

(2) through (3) No change.

Specific Authority 570.07(23), 578.11(2) FS. Law Implemented 578.11(3), 578.12 FS. History--Amended 5-30-63, 8-22-68, 9-29-83, Formerly 5E-4.03, Amended 8-6-89, \_\_\_\_\_.

5E-4.0041 Disposition of Seed Contaminated with Noxious Weed Seed.

(1) Seed lots containing one or more of the noxious weed seeds listed in Rule 5E-4.003, F.A.C., and found by the department to be in violation of Section 578.13, Florida Statutes, and which have been placed under stop-sale, stop-use, removal, or hold order, shall not be further subdivided or renumbered such that the integrity of the lot for identification and further inspection and testing is maintained. Within 30 days of receipt of the stop-sale, stop-use, removal, or hold order issued by the department, the owner of the seed lot shall arrange for the reprocessing, destruction through incineration or burial of the seed to a depth of at least 3 feet for a period of at least one year in a solid waste disposal facility for which a permit has been issued or that is exempt from the permit requirement as specified under Rule 62-701.320 F.A.C. (Effective 5-27-01), Solid Waste Management Facilities.

(2) Seed lots which have been reprocessed shall be re-inspected and re-tested by the department to determine if the violation of Section 578.13, Florida Statutes, has been corrected. If the violation of Section 578.13, Florida Statutes, has not been corrected after two consecutive attempts to reprocess the seed lot, and the seed lot continues to contain one or more of the noxious weed seeds listed in Rule 5E-4.003, F.A.C., the seed lot under stop-sale, stop-use, removal, or hold order shall be destroyed by incineration or burial to a depth of at least three feet for a period of at least 1 year in a solid waste disposal facility for which a permit has been issued or that is exempt from the permit requirement as specified under Rule 62-701.320, F.A.C. (Effective 5-27-01), Solid Waste Management Facilities. If none of the noxious weed seeds listed in Rule 5E-4.003, F.A.C., are detected during subsequent inspection and testing, the department shall issue a release for the lot under stop-sale, stop-use, removal, or hold order and the seed lot may be sold and distributed. Upon release of the stop-sale, stop-use, removal, or hold order, the seed lot may be further subdivided or assigned one or more new lot numbers.

Specific Authority 578.11(2) FS. Law Implemented 578.11(3), 578.12 FS. History--New \_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dale Dubberly, Chief, Bureau of Compliance Monitoring, Division of Agricultural Environmental Services, 3125 Conner Blvd., Tallahassee, Florida 32399-1650, (850)488-8731

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**STATE BOARD OF ADMINISTRATION**

RULE NO.: 19-12.007  
 RULE TITLE: Acceptance of Rollovers  
**NOTICE OF CORRECTION**

Notice is hereby given that the following technical correction has been made to the Notice of Change published in Vol. 30, No. 36, which is the September 3, 2004, issue of the Florida Administrative Weekly.

Rule 19-12.007 was noticed as Rule 19-11.007, F.A.C. The text of the change was correct.

The text read: "The last sentence in subsection 19-12.007(5), F.A.C., will read: 'Participants shall use Form IPRO-1, rev. 06/04, "Employee Rollover Deposit Form," which is hereby adopted and incorporated by reference, to effect rollovers described in this rule.'"

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.401  
 RULE TITLE: Interstate Corrections Compact  
**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 30, No. 33, August 13, 2004 issue of the Florida Administrative Weekly, has been withdrawn.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NO.: 40E-4.091  
 RULE TITLE: Publications, Rules and Interagency Agreements Incorporated by Reference  
**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 30, No. 18, of the Florida Administrative Weekly on April 30, 2004, has been withdrawn.

**DEPARTMENT OF MANAGEMENT SERVICES**

**State Technology Office**

RULE CHAPTER NO.: 60DD-3  
 RULE CHAPTER TITLE: Florida Strategic Information Technology Alliance

RULE NOS.: 60DD-3.001  
 RULE TITLES: Enterprise Technology Services Desk; Purpose  
 60DD-3.002 Definitions  
 60DD-3.003 Enterprise Technology Services Desk Functions  
 60DD-3.004 User Responsibilities; Service Agreements  
 60DD-3.005 Service User Committee

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above referenced Proposed Rule, as noticed in Vol. 30, No. 12, of the Florida Administrative Weekly on March 19, 2004, and Proposed Rule Amendments, as noticed in Vol. 30, No. 22 of the Florida Administrative Weekly on May 28, 2004, in Vol. 30, No. 28 of the Florida Administrative Weekly on July 9, 2004, and in Vol. 30, No. 34 of the Florida Administrative Weekly on August 20, 2004, have been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julie Madden, Acting Chief, Bureau of Enterprise Technologies, State Technology Office, Department of Management Services, 4030 Esplanade Way, Suite 115M, Tallahassee, Florida 32399-0950, (850)488-1320, e-mail: Julie.Madden@MyFlorida.com

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE NOS.: 61J2-2.027  
 RULE TITLES: Applications by Individuals  
 61J2-2.029 Examination Areas of Competency

**NOTICE OF RESCHEDULED HEARING**

Notice is hereby given that the public hearing regarding these rules which were scheduled for September 14, 2004, as published in the Florida Administrative Weekly, Vol. 30, No. 35, Section II, on August 27, 2004, has been rescheduled to be held on October 19, 2004, at 8:30 a.m. or soonest thereafter, in Conference Meeting Room 901, North Tower, Zora Neale Hurston Building, 400 West Robinson Street, Orlando, Florida 32801.

**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 CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE NO.: RULE TITLE:  
65A-1.707 Family-Related Medicaid Income and Resource Criteria

**NOTICE OF CORRECTION**

Notice is hereby given that the following technical correction is made to proposed Rule 65A-1.707, F.A.C. in accordance with subsection 1S-1.003(4), F.A.C. The Specific Authority and Law Implemented were included after each rule section, but were inadvertently omitted after the Summary of Statement of Estimated Regulatory Cost. This notice corrects the technical deficiency of the Notice of Proposed Rulemaking, which was published in the Florida Administrative Weekly on September 10, 2004, Vol. 30, No. 37.

TEXT OF CORRECTION TO BE ADDED AFTER THE SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.903, 409.918, 409.919 FS.

**Section IV  
Emergency Rules**

**DEPARTMENT OF REVENUE**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Assignment of Service Addresses to Local Taxing Jurisdictions; Liability for Errors; Avoidance of Liability Through Use of Specified Methods; Reduction in Collection Allowance for Failure to Use Specified Methods	12BER04-8
Department of Revenue Electronic Database	12BER04-9
Certification of Service Address Databases	12BER04-10
Use of Enhanced Zip Code Method to Assign Service Addresses to Local Taxing Jurisdictions	12BER04-11

**SPECIFIC FACTS AND REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE:** The Communications Services Tax Simplification Law (Chapter 202, F.S.) requires that communications services dealers must collect and remit local communications services taxes based on the rate of the local taxing jurisdiction in which customer service addresses are located. The Department of Revenue is required to develop and maintain an electronic database in which local service addresses are assigned to local jurisdictions, and local governments are required to provide information for inclusion in the database. The initial electronic database has been developed, and the announcement concerning its availability and initial effective date was included in the April 5, 2002,

issue of the Florida Administrative Weekly. Use of certain methods to assign service addresses, including use of a database that has been certified by the Department of Revenue as meeting statutory accuracy standards, entitles a dealer to a higher collection allowance and to protection against liability for taxes, interest, and penalties resulting from erroneous service address assignments. The promulgation of these emergency rules ensures the following: 1) that communications services tax dealers are informed of their obligations concerning the assignment of customer service addresses, of the methods of assigning addresses that will entitle dealers to protection against liability, and of the methods of assigning addresses that will entitle a dealer to a higher collection allowance; 2) that the procedures and forms for the Department and local governments to maintain the accuracy of the database on an on-going basis are immediately available; and 3) that the procedures and forms for application for certification by the Department of databases used by communications services tax dealers are available.

**REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES:** The Legislature expressly authorized promulgation of emergency rules, and the renewal of such rules, to administer the provisions of the Communications Services Tax Simplification Law. Emergency rules are the most appropriate means of ensuring that local governments have procedures and forms in place to assure they can meet the statutory deadline to submit changes for inclusion in the next update of the Department of Revenue database. Emergency rules are also the most appropriate means for providing communications services dealers and others with procedures and forms to apply for certification of service address databases.

The Department of Revenue has sought comment on these emergency rules to the extent possible within the time restraints resulting from the statutory requirements.

**SUMMARY OF THE RULES:** Emergency Rule 12BER04-8 provides guidelines on: 1) the requirement that communications services dealers assign customer service addresses to local taxing jurisdictions; 2) the use of certain databases to avoid liability for errors in customer service address assignments; 3) the due diligence standard applicable to dealers using databases that provide protection from liability for errors in assigning customer service addresses; and 4) the collection allowance available depending on the database used by a communications services dealer. Emergency Rule 12BER04-9 provides guidelines on: 1) the electronic customer service database maintained by the Department of Revenue; 2) the procedures for local taxing jurisdictions to request changes to the Department of Revenue database; and 3) procedures for any substantially affected person to object to the assignment of a customer service address in the Department of Revenue database. Emergency Rule 12BER04-10 provides guidelines on the standards and procedures for certification of a customer