

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

TIME AND DATE: 10:00 a.m., October 27, 2004
PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kerry Krantz, Bureau of Life and Health Solvency, Office of Insurance Regulation, E-mail: krantzk@dfs.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT MAY BE OBTAINED AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLE: Standards
RULE NO.: 5F-10.001

PURPOSE AND EFFECT: The purpose of Rule 5F-10.001, F.A.C., is to adopt the most recent version of the chemical and physical standards set forth in the American Society for Testing and Materials for antifreeze (engine coolant). The effect of each adoption is to maintain nationally recognized standards.

SUMMARY: Proposed Rule 5F-10.001, F.A.C., will adopt the most recent versions of the American Society for Testing and Materials' standards and specifications for antifreeze products in accordance with Section 501.921, Florida Statutes. The Department will use these standards and specifications when evaluating antifreeze products offered for registration with the Department or offered for sale to the public.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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: 570.07(23), 501.921 FS.
LAWS IMPLEMENTED: 501.913, 501.917, 501.921 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., Monday, November 1, 2004
PLACE: Division of Standards' Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Eric Hamilton, Bureau Chief, Bureau of Petroleum Inspection, 3125 Conner Blvd., Bldg. #1, Tallahassee, FL 32399-1650, (850)488-9740

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-10.001 Standards.

(1) The performance specifications and standards for glycol base antifreeze are hereby incorporated by reference: ASTM D 3306-0304, "Standard Specification for Glycol Base Engine Coolant for Automobile and Light Duty Service," (approved September 10, 2003).

(2) The performance specifications and standards for recycled glycol base antifreeze are hereby incorporated by reference: ASTM D 6471-0399, "Standard Specification for Recycled Prediluted Aqueous Glycol Base Engine Coolant (50 Volume % Minimum) for Automobile and Light Duty Service," (approved November 1, 2003) and ASTM D 6472-0300, "Standard Specification for Recycled Glycol Base Engine Coolant Concentrate for Automobile and Light Duty Service," (approved November 1, 2003).

Specific Authority 570.07(23), 501.921 FS. Law Implemented 501.913, 501.917, 501.921 FS. History--New 10-6-93, Amended 7-5-95, 12-9-98, 6-25-00, 10-22-01, 12-9-02.

NAME OF PERSON ORIGINATING PROPOSED RULE: Eric Hamilton

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ben Faulk, Director, Division of Standards

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 30, 2004

DEPARTMENT OF REVENUE

Property Tax Administration Program

RULE CHAPTER TITLE: Value Adjustment Board
RULE CHAPTER NO.: 12D-10

RULE TITLES: Receipt of Taxpayer's Petition to be Acknowledged
RULE NOS.: 12D-10.004

Uniform Procedures for Hearings; Procedures for Information and Evidence Exchange Between the Petitioner and Property Appraiser, Consistent with Section 194.032, F.S.; Organizational Meeting; Uniform Procedures to be Available to Petitioners
12D-10.0044

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rules 12D-10.004 and 12D-10.0044, F.A.C., is to implement the provisions of Chapter 2004-349, Laws of Florida, which changes the time frames for the clerk of court's notification of a scheduled hearing before the value adjustment board; changes the time frames for the exchange of evidence between the property appraiser and the petitioner; and, provides a requirement for rescheduling of hearings under certain circumstances.

SUMMARY: The proposed amendment to Rule 12D-10.004, F.A.C., changes the timeframe for the clerk of court to notify a petitioner of a scheduled value adjustment board hearing. The proposed amendments to Rule 12D-10.0044, F.A.C.: changes the timeframes for petitioners and property appraisers to exchange evidence to be presented at hearings; removes a timeframe computation provision; requires that a hearing be rescheduled if the property appraiser does not timely provide evidence; removes the provision allowing the petitioner to reschedule a hearing where the property appraiser does not timely provide evidence; and, makes other technical changes relating to the timeframe changes.

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

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

SPECIFIC AUTHORITY: 194.011(5), 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 194.011, 194.015, 194.032, 194.034, 194.035, 195.022, 200.069, 213.05 FS.

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

TIME AND DATE: 1:00 p.m., October 29, 2004

PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 501 S. Calhoun Street, Room 415, Carlton Building, Tallahassee, Florida 32399-0100, (850)414-6108, e-mail: gallops@dor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

12D-10.004 Receipt of Taxpayer's Petition to be Acknowledged.

(1) No change.

(2) The clerk of the board shall prepare a schedule of appearances before the board based on timely filed petitions. The clerk shall notify each petitioner of the scheduled time of appearance. The notice shall be in writing, and delivered by regular or certified U.S. mail or personal delivery so that the notice shall be received by the taxpayer no less than ~~twenty-five (25) (20)~~ calendar days prior to the day of such scheduled appearance. The clerk will have prima facie complied with the requirements of this section if the notice was deposited in the U.S. mail ~~thirty (30) twenty-five (25)~~ days prior to the day of such scheduled appearance.

(3) through (4) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 194.011, 194.015, 194.032, ~~195.022, 200.069~~, 213.05 FS. History—New 10-12-76, Formerly 12D-10.04, Amended 1-11-94, 12-28-95, 12-31-98, 1-20-03,

12D-10.0044 Uniform Procedures for Hearings; Procedures for Information and Evidence Exchange Between the Petitioner and Property Appraiser, Consistent with Section 194.032, F.S.; Organizational Meeting; Uniform Procedures to be Available to Petitioners.

(1) No change.

(2) Subsequent to the mailing or sending of the hearing notice, and at least ~~15 ten (10)~~ days before the scheduled hearing, the petitioner shall provide the property appraiser with a list and summary of evidence to be presented at the hearing. The list and summary must be accompanied by copies of documentation to be presented at the hearing.

(3) No later than ~~7 five (5)~~ days ~~before the hearing, if after the property appraiser receives the petitioner's documentation and if requested in writing by the petitioner,~~ the property appraiser shall provide the petitioner with a list and summary of evidence to be presented at the hearing. The list and summary must be accompanied by copies of documentation to be presented at the hearing. The evidence list must contain the property record card if provided by the clerk. ~~In computing the five (5) day period prescribed in this subsection, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. See Rule 1090(a), Florida Rules of Civil Procedure, entitled Time.~~

(4)(a) If the taxpayer does not provide the information to the property appraiser at least ~~15 ten (10)~~ days prior to the hearing pursuant to subsection (2), the property appraiser need not provide the information to the taxpayer pursuant to subsection (3).

(b) If the property appraiser does not provide the information within the time required by subsection (3), the hearing shall be rescheduled and at least five (5) calendar days

~~before the hearing, the taxpayer shall be entitled to reschedule the hearing. If the property appraiser provides the information within the time set forth in subsection (5) but less than five (5) calendar days before the hearing, the petitioner's submission of the information shall qualify as a written request for rescheduling as provided in subsection (9). In such circumstances, the clerk shall reschedule the hearing upon being so advised by the petitioner.~~

(5)(a) through (b) No change.

(c) In computing any period of time prescribed or allowed by these rules, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday, or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, or legal holiday. If the ~~fifteenth tenth~~ day before a hearing is a Saturday, Sunday, or legal holiday, the information under subsection (2) shall be provided no later than the previous business day.

(6) through (7) No change.

~~(8) The information shall be in writing and may be delivered by regular or certified U.S. mail or personal delivery so that the information shall be received timely.~~

~~(8)(9)~~ The petitioner may reschedule the hearing one time by submitting a written request to the clerk of the board no less than 5 calendar days before the scheduled appearance.

~~(9)(10)~~ This rule provides procedures for information and evidence exchange between the petitioner and property appraiser, consistent with Section 194.032, F.S., subject to the provisions of Section 194.034(1)(d), F.S., and subsection 12D-10.003(4), F.A.C., relating to a request by a property appraiser for information from the petitioner in connection with a filed petition, which information need not be provided earlier than ~~fifteen (15) ten (10)~~ days prior to a scheduled hearing pursuant to subsections (2) and (5).

~~(10)(11)~~ The value adjustment board shall hold an organizational meeting and must make the uniform procedures available to petitioners. Such procedures shall be available a reasonable time following the organizational meeting and shall be available a reasonable time before the commencement of hearings in conformance with this rule. The Board shall be deemed to have complied if it causes petitioners to be notified in writing, along with or as part of the notice of hearing, of the existence and availability of its procedures and include notice as to the exchange of information contained in this rule. The Board is authorized to use other additional or alternative means of notification directed to the general public or specific taxpayers, as it may determine.

~~(11)(12)~~ Such procedures shall be available in time to permit parties to comply with them, and such procedures, and the provisions of this rule, shall apply to petitions heard on and after January 1, 2003.

Specific Authority 194.011(5), 195.027(1), 213.06(1) FS. Law Implemented 194.011, 194.015, 194.032, 194.034, 194.035, 195.022, 200.069, 213.05 FS. History—New 4-4-04, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 501 S. Calhoun Street, Room 415, Carlton Building, Tallahassee, Florida 32399-0100, (850)414-6108, e-mail: gallopss@dor.state.fl.us

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator, Property Tax Technical Unit, Department of Revenue, 501 S. Calhoun Street, Room 415, Carlton Building, Tallahassee, Florida 32399-0100, (850)414-6109

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 13, 2004, Vol. 30, No. 33, pp. 3263-3264. Comments and questions were received during the workshop; however, no comments were received after the workshop.

DEPARTMENT OF REVENUE

Property Tax Administration Program

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Tax Collectors Rules and Regulations	12D-13
RULE TITLES:	RULE NOS.:
Application for Obtaining Tax Deed by Holder of Tax Certificate; Fees	12D-13.060
Minimum Standards for Ownership and Encumbrance Reports Made in Connection with Tax Deed Applications; Fees	12D-13.061
Lands Available for Taxes	12D-13.064

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rules 12D-13.060, 12D-13.061 and 12D-13.064, F.A.C., is to implement the provisions of Chapter 2004-349, Laws of Florida, which provides a definition of contiguous property for property owner identification purposes in the tax deed application process; allows a tax collector to contract for higher liability limits than statutorily allowed for title searches or abstracts in the tax deed application process; and, provides that land escheats to the county free and clear of all taxes and liens and provides that an escheatment tax deed be issued.

SUMMARY: The proposed amendment to Rule 12D-13.060, F.A.C., provides the meaning of the term “contiguous” for purposes of identifying and certifying names of owners of contiguous properties who are required to be notified that a tax deed application has been filed. The proposed amendment to Rule 12D-13.061, F.A.C., provides that a tax collector is authorized to contract for higher liability limits with title search or abstract providers than allowed under Section 627.7843(3), F.S. The proposed amendment to Rule

12D-13.064, F.A.C., provides that property escheats to a county free and clear and provides for execution of an "escheatment" tax deed.

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

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

SPECIFIC AUTHORITY: 195.022, 195.027(1), 213.06(1) FS. LAW IMPLEMENTED: 125.411, 197.3632, 197.482, 197.502, 197.512, 197.522, 197.532, 197.542, 197.552, 197.562, 197.573, 197.582, 197.593, 197.602, 213.05 FS.

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

TIME AND DATE: 1:00 p.m., October 29, 2004
 PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 501 S. Calhoun Street, Room 415, Carlton Building, Tallahassee, Florida 32399-0100, (850)414-6108, e-mail: gallopss@dor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

12D-13.060 Application for Obtaining Tax Deed by Holder of Tax Certificate; Fees.

(1) through (3) No change.

(4) PROCEDURE AFTER APPLICATION IS MADE – ALL CERTIFICATES.

(a) through (b) No change.

(c) The tax collector shall also attach to the certification Form DR-513 a statement certifying the names and addresses of all persons the clerk is required by law to notify prior to the tax deed sale. (See Section 197.522, F.S.) The statement shall contain at a minimum the following names and addresses:

1. through 9. No change.

10. Any legal titleholder of record of property that is contiguous to the property described in the tax certificate, when the property described is either submerged land or common elements of a subdivision, if the address of the titleholder of contiguous property appears on the record of conveyance of the land to that legal titleholder. However, if the legal titleholder of property contiguous to the property

described in the tax certificate is the same as the person to whom the property described in the tax certificate was assessed on the tax roll for the year in which the property was last assessed, the notice may be mailed only to the address of the legal titleholder as it appears on the latest assessment roll. The term "contiguous" means touching, meeting, or joining at the surface or border, other than at a corner or a single point, and not separated by submerged lands. Submerged lands lying below the ordinary high-water mark which are sovereignty lands are not part of the upland contiguous property for purposes of notification to the owner of contiguous property and for certification purposes as provided in this rule subsection.

(d) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 197.3632, 197.482, 197.502, 197.512, 197.522, 197.532, 197.542, 197.552, 197.562, 197.573, 197.582, 197.593, 197.602, 213.05 FS. History--New 6-18-85, Formerly 12D-13.60, Amended 5-23-91, 12-13-92, 1-11-94, 12-25-96, 12-31-98, 1-26-04, _____.

12D-13.061 Minimum Standards for Ownership and Encumbrance Reports Made in Connection with Tax Deed Applications; Fees.

(1) through (5) No change.

(6) The tax collector shall not accept or pay for any title search or abstract that includes a phrase such as "no financial responsibility is assumed for this search." However, reasonable restrictions as to the liability or responsibility of the abstract or title company are acceptable. The tax collector is authorized to contract for higher maximum liability limits than provided under Section 627.7843(3), F.S.

(7) through (8) No change.

Specific Authority 195.022, 195.027(1), 213.06(1) FS. Law Implemented 197.502, 197.512, 197.522, 213.05 FS. History--New 6-18-85, Formerly 12D-13.61, Amended 12-3-01, _____.

12D-13.064 Lands Available for Taxes.

(1) through (2) No change.

(3) If not purchased, lands contained on the list with any certificates issued on them on or before July 1, 1999, shall escheat to the county, free and clear as provided under Section 197.502(8), F.S., seven years after the date on which the property was offered for tax deed sale. If not purchased, lands contained on the list on which all certificates on them were issued after July 1, 1999, shall escheat to the county, free and clear as provided under Section 197.502(8), F.S., three years after the date on which the property was offered for tax deed sale. The clerk shall execute an escheatment tax deed vesting title in the board of county commissioners of the county in which the property is located.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 125.411, 197.502, 213.05 FS. History--New 6-18-85, Formerly 12D-13.64, Amended 12-30-99, 1-26-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 501 S. Calhoun Street, Room 415, Carlton Building, Tallahassee, Florida 32399-0100, (850)414-6108, e-mail: gallopss@dor.state.fl.us

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator, Property Tax Technical Unit, Department of Revenue, 501 S. Calhoun Street, Room 415, Carlton Building, Tallahassee, Florida 32399-0100, (850)414-6109

DATE PROPOSED RULES APPROVED BY AGENCY HEAD: September 27, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 13, 2004, Vol. 30, No. 33, pp. 3264-3265. No comments were received during or after the workshop.

DEPARTMENT OF REVENUE

Property Tax Administration Program

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Administration of Forms	12D-16
RULE TITLES:	RULE NOS.:
Administration of Forms	12D-16.001
Index to Forms	12D-16.002

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rules 12D-16.001 and 12D-16.002, F.A.C., is to implement provisions of Chapter 2004-22, Laws of Florida, requiring certain counties to reproduce their forms; implement forms revisions created under Chapter 2004-349, Laws of Florida; and implement other technical changes to ad valorem property tax forms used by property appraisers, tax collectors, value adjustment boards, and the general public.

SUMMARY: The proposed amendment to Rule 12D-16.001, F.A.C., provides that the Department is required to furnish prescribed forms to counties with populations of 100,000 or less and all other counties must reproduce prescribed forms at the county's expense. The amendment to Rule 12D-16.002, F.A.C., incorporates 2004 legislative changes and other technical changes to ad valorem property tax forms prescribed by the Department.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.092, 193.114, 193.122, 193.461, 193.503, 193.625, 193.703, 194.011, 194.032, 194.034, 194.035, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193, 196.1961,

196.1983, 196.1995, 196.24, 197.182, 197.222, 197.253, 197.3632, 197.3635, 197.414, 197.432, 197.472, 197.502, 197.512, 197.552, 200.065, 200.069, 213.05, 218.66 FS.

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

TIME AND DATE: 1:00 p.m., October 29, 2004

PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 501 S. Calhoun Street, Room 415, Carlton Building, Tallahassee, Florida 32399-0100, (850)414-6108, e-mail: gallopss@dor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

12D-16.001 Administration of Forms.

(1) The Department shall prescribe ~~and furnish~~ all forms and instructions relating to their use, which shall be uniform throughout the state, to be used by county property appraisers, county tax collectors, clerks of the circuit court, and value adjustment boards in administering and collecting ad valorem taxes. The Department shall furnish forms for counties with a population of 100,000 or less. Counties with a population of more than 100,000 shall reproduce forms for distribution at the county officer's expense.

(2) No change.

(3) For counties with populations of 100,000 or less, requisitions ~~Requisitions~~ for forms shall be made to the Department not less than 90 days prior to desired date of delivery ~~so that each appraiser can and shall make them available in his office on the first working day of the next ensuing calendar year.~~ Requisitions for the following forms shall be submitted to the Department on or before August 1 of each year so that the property appraiser can and shall make them available in his or her office on the first working day of the next ensuing calendar year ~~Each appraiser shall, on or before August 1 of each year, submit his requisition to the Department for the following forms:~~

- (a) Tangible Personal Property and Inventory Return;
- (b) Application for Agricultural Classification of Lands;
- (c) Applications for Assessment of Pollution Control Devices; ~~and~~
- (d) Applications for Exemptions (original and renewal);

(e) Applications for classification as High-Water Recharge Lands or as Historic Properties Used for Commercial or Certain Nonprofit Purposes.

(4) through (6) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 193.052, 195.002, 195.022 FS. History—New 10-12-76, Amended 4-11-80, Formerly 12D-16.01, Amended 1-11-94, 12-27-94, _____.

12D-16.002 Index to Forms.

(1) The following paragraphs list the forms utilized by the Department of Revenue. A copy of these forms may be obtained by writing to: Director, Property Tax Administration Program, Department of Revenue, Post Office Box 3000, Tallahassee, Florida 32315-3000. The Department of Revenue adopts, and hereby incorporates by reference in this rule, the following forms and instructions:

Form Number	Form Title	Effective Date
(2) DR-401	Private Car and Freight Line Equipment Companies Annual Report to State of Florida Department of Revenue Property Tax Administration (r. <u>12/04</u> 12/03)	_____ <u>1/04</u>
(3)(a) No change.		
(b) DR-403	<u>Tax Roll Certification</u> (n. <u>1/04</u>)	_____
(c)(b) DR-403AC	Revised Recapitulation of the Ad Valorem Assessment Rolls (County Values) (r. <u>1/04</u> 1/03)	_____ <u>1/04</u>
(4)(a) DR-403AM	Revised Recapitulation of the Ad Valorem Assessment Rolls (Municipality Values) (r. <u>1/04</u> 1/03)	_____ <u>1/04</u>
(b) through (5)(a) No change.		
(b) DR-403EB	Assessment Roll Exemption Breakdown (r. <u>1/04</u> 1/03)	_____ <u>1/04</u>
(6) through (21)(a) No change.		
(b) DR-474	Notice of Proposed Property Taxes (r. <u>12/04</u> 12/03)	_____ <u>1/04</u>
(c) No change.		

(d) DR-474N	Notice of Proposed Property Taxes and Proposed or Adopted Non-Ad Valorem Assessments (r. <u>12/04</u> 12/03)	_____ <u>1/04</u>
(22)(a) through (b) No change.		
(c) DR-482HP	Application and Return for Classification/ <u>Exemption</u> of Property as Historic Property Used for Commercial or Certain Nonprofit Purposes (r. <u>12/04</u> n. 12/00)	_____ <u>1/04</u>
(d) through (27) No change.		
(28)(a) DR-489AC	Preliminary Recapitulation of Ad Valorem Assessment Rolls – County (r. <u>1/04</u> 1/03)	_____ <u>1/04</u>
(b) DR-489AM	Preliminary Recapitulation of Ad Valorem Assessment Rolls – Municipality (r. <u>1/04</u> 1/03)	_____ <u>1/04</u>
(c) DR-489EB	Assessment Roll Exemption Breakdown (r. <u>1/04</u> 1/03)	_____ <u>1/04</u>
(d) through (38)(c) No change.		
(d) DR-501SC	Sworn Statement of Adjusted Gross Income of Household and Return (r. <u>12/04</u> 12/03)	_____ <u>1/04</u>
(e) through (41) No change.		
(42)(a) DR-506	Tax Deed (r. 1/95)	12/95
(b) DR-506E	<u>Escheatment Tax Deed</u> (n. <u>12/04</u>)	_____
(43) through (51)(a) No change.		
(b) DR-534	Notice and Application for Alternative Payment of <u>2005</u> 2004 Property Taxes (r. <u>12/04</u> 12/03)	_____ <u>1/04</u>
(52) through (61) No change.		

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.092, 193.114, 193.122, 193.461, 193.503, 193.625, 193.703, 194.011, 194.032, 194.034, 194.035, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193, 196.196, 196.1983, 196.1995, 196.24, 197.182, 197.222, 197.253, 197.3632, 197.3635, 197.414, 197.432, 197.472, 197.502, 197.512, 197.552, 200.065, 200.069, 213.05, 218.66 FS. History-New 10-12-76, Amended 4-11-80, 9-17-80, 5-17-81, 1-18-82, 4-29-82, Formerly 12D-16.02, Amended 12-26-88, 1-9-92, 12-10-92, 1-11-94, 12-27-94, 12-28-95, 12-25-96, 12-30-97, 12-31-98, 2-3-00, 1-9-01, 12-27-01, 1-20-03, 1-26-04.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 501 S. Calhoun Street, Room 415, Carlton Building, Tallahassee, Florida 32399-0100, (850)414-6108, e-mail: galloss@dor.state.fl.us

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator, Property Tax Technical Unit, Department of Revenue, 501 S. Calhoun Street, Room 415, Carlton Building, Tallahassee, Florida 32399-0100, (850)414-6109

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 13, 2004, Vol. 30, No. 33, pp. 3265-3266. A workshop was held on August 27, 2004. No comments were received during or after the workshop.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

LAND AND WATER ADJUDICATORY COMMISSION

Tesoro Community Development District

RULE CHAPTER TITLE: Tesoro Community Development

RULE CHAPTER NO.:
42XX-1

RULE TITLES: Establishment
Boundary
Supervisors

RULE NOS.:
42XX-1.001
42XX-1.002
42XX-1.003

PURPOSE, EFFECT AND SUMMARY: The purpose of this proposed rule is to establish a community development district ("CDD"), the Tesoro Community Development District ("District"), pursuant to Chapter 190, F.S. The petition filed by Ginn-LA St. Lucie Ltd., LLLP, requests the Commission establish a community development district located within the municipal limits of the City of Port St. Lucie in St. Lucie County, Florida. The land area proposed to be served by the District comprises approximately 1,419 acres. A general location map is contained as Exhibit 1 to the petition to establish the District. The only parcels within the exterior

boundaries of the proposed District which are excluded from the District are the waters of Blakeslee Creek and Winters Creek and the right-of-way of Southbend Boulevard. All developable lands within the exterior boundaries of the District are included within the District. All lands proposed to be included in the District are subject to the approved Tesoro Development of Regional Impact. The development planned for the proposed District consists of approximately 1,000 residential units, comprising 986 single family units and 14 multi-family units and 160,000 square feet of commercial. The Petitioner either owns or has written consent to establish the District from the landowners of one hundred percent (100%) of the real property located within the proposed District. The District, if established, currently intends to participate in the provision of certain infrastructure improvements limited primarily to stormwater management and wetlands mitigation.

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 5 to the petition to establish the District. The scope of the SERC is limited to evaluating the regulatory costs consequences of approving the proposal to establish the District. The requirements for a SERC are found in Section 120.541(2), F.S. A SERC must contain (a) a good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a description of the types of individuals likely to be affected by the rule; (b) a good faith estimate of the costs to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues; (c) a good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the rule; (d) an analysis of the impact on small businesses, small counties, and small cities; (e) any additional information that the agency determines may be useful; and (f) any good faith written proposal submitted under section (a) and either a statement adopting the alternative or a statement rejecting the alternative in favor of the proposed rule. Addressing section (a), the principle entities that are likely to be required to comply with the rules include the District, the State of Florida, the City of Port St. Lucie, and St. Lucie County. In addition, future property owners and commercial interests will be affected by the establishment of the proposed District. Under section (b), FLWAC and the State of Florida will incur minimal administrative costs. The City of Port St. Lucie will also incur one-time administrative costs which are offset by the required filing fee paid to the City of Port St. Lucie by the Petitioner. Adoption of the proposed rule to approve the formation of the District will not have adverse impact on State and local revenues. Addressing section (c), the District may levy non-ad valorem special assessments on properties within its boundaries to finance infrastructure that

the District funds and to defray the costs of operating and maintaining the infrastructure and associated community facilities. The District may issue notes, bonds, or other indebtedness to fund its improvement program. Prospective future land owners would be required to pay off such indebtedness over time in the form of non-ad valorem special assessments or other rates, fees or charges. The District may also impose an annual levy for the operation and maintenance of the District. The planned stormwater management system and wetland mitigation facilities will be maintained by the District. The Developer will fund the initial capital costs related to these facilities. The Petitioner has estimated the design and development costs for providing the capital facilities as outlined in Exhibit 5 of the Petition. Total design and development costs for these facilities are estimated to be approximately \$4,000,000. The District is to provide maintenance for these facilities. Under section (d), approval of the petition to establish the District will have little impact or a positive impact on all small businesses and will not have any impact on small cities. The City of Port St. Lucie is not a small city as defined in Section 120.52, F.S. Under section (e), the analysis was based on the straightforward application of economic theory with input received from the Petitioner's Engineer and other professionals associated with the Petitioner. 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 (IF NOT REQUESTED, A HEARING WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m. – 12:00 Noon, Friday, November 5, 2004

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: William G. Capko, Lewis, Longman & Walker, P.A., 1700 Palm Beach Lakes Boulevard, Suite 1000, West Palm Beach, Florida 33401, (561)640-0820; 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:

TESORO COMMUNITY DEVELOPMENT DISTRICT

42XX-1.001 Establishment.

The Tesoro Community Development District is hereby established.

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

42XX-1.002 Boundary.

The boundaries of the District are as follows:

Being a portion of TESORO PLAT NO. ONE Plat Book 40, Page 30, and a portion of Sections 21 and 22, Township 37 South, Range 40 East, all being in St. Lucie County, Florida and being more particularly described as follows:

Commence at the intersection of the East right-of-way line of the Sunshine State Parkway (a 300 foot right-of-way) and the North right-of-way line of Becker Road; thence S89°47'18"E a distance of 153.97 feet to the beginning of a curve concave to the north having a radius of 1,375.00 feet; thence easterly along the arc of said curve a distance of 588.36 feet through a central angle of 24°31'00"; thence S24°8'18"E a distance of 25.00 feet; thence N65°42'01"E a distance of 677.39 feet to the POINT OF BEGINNING of the following described Parcel;

Thence continue N65°41'12"E a distance of 1,340.11 feet; thence N65°43'15"E a distance of 442.50 feet to the intersection with a non tangent curve concave to the south, having a radius of 3,075.00 feet, the chord of which bears N74°09'07"E; thence easterly along the arc of said curve, a distance of 907.70 feet through a central angle of 16°54'47"; thence N00°13'10"E a distance of 850.37 feet; thence N40°59'10"E a distance of 741.61 feet; thence N49°07'47"W a distance of 95.03 feet; thence N40°52'13"E a distance of 81.53 feet; thence N49°07'47"W a distance of 125.00 feet; thence N40°52'13"E a distance of 1,029.81 feet; thence N00°07'35"E a distance of 64.58 feet; thence N00°13'28"E a distance of 5,320.71 feet; thence N89°33'21"W a distance of 1,327.48 feet; thence N00°13'28"E a distance of 484.24 feet; thence S88°44'06"W a distance of 147.46 feet; thence S80°21'05"W a distance of 144.31 feet; thence S62°44'55"W a distance of 104.04 feet; thence S55°35'49"W a distance of 114.43 feet; thence N75°36'33"W a distance of 95.31 feet; thence N22°15'48"E a distance of 480.80 feet; thence N40°31'26"W a distance of 368.66 feet; thence N14°12'03"W a distance of 363.51 feet; thence N79°07'54"W a distance of 280.00 feet; thence N59°42'38"W a distance of 428.42 feet; thence N46°00'51"W a distance of 205.77 feet; thence N21°35'51"W a distance of 675.61 feet; thence N84°25'23"W a distance of 471.85 feet; thence S35°26'38"W a distance of 311.33 feet; thence S58°54'27"W a distance of 1,006.20 feet; thence S38°44'32"W a distance of 1,028.58 feet; thence S52°41'08"W a distance of 522.19 feet; thence S73°21'41"W a distance of 410.44 feet; thence S85°27'55"W a distance of 776.45 feet; thence S77°57'28"W a distance of 50.56 feet; thence N03°30'04"W a distance of 886.34 feet; thence S86°29'56"W a distance of 100.00 feet; thence S03°30'04"E a distance of 255.17 feet; thence S86°29'49"W a distance of 145.00 feet; thence S03°30'11"E a distance of 150.00 feet; thence S86°29'49"W a distance of 254.78 feet; thence S34°33'30"W a distance of 62.63 feet to the intersection with a non tangent curve concave to the southwest, having a radius of 250.00 feet, the chord of which bears N66°56'53"W; thence northwesterly along the arc of said curve, a distance of 100.39 feet through a central angle of 23°00'32" to the point of reverse curvature

with a curve concave to the northeast having a radius of 186.53 feet; thence northwesterly along the arc of said curve a distance of 100.79 feet, through a central angle of 30°57'36"; thence N47°29'32"W a distance of 263.50 feet; thence S42°30'28"W a distance of 100.00 feet; thence N47°29'32"W a distance of 195.31 feet to the beginning of a curve concave to the south having a radius of 70.00 feet; thence westerly along the arc of said curve a distance of 136.24 feet through a central angle of 111°30'41"; thence S21°13'48"W a distance of 75.59 feet; thence S13°29'38"E a distance of 96.31 feet; thence S76°30'22"W a distance of 270.80 feet; thence S13°29'38"E a distance of 3,565.06 feet to the beginning of a curve concave to the east having a radius of 11,286.16 feet; thence southerly along the arc of said curve a distance of 1,975.37 feet through a central angle of 10°01'42"; thence S23°31'20"E a distance of 1,417.06 feet; thence S24°43'09"E a distance of 1,089.58 feet to the beginning of a curve concave to the northeast having a radius of 2,741.00 feet; thence southeasterly along the arc of said curve a distance of 1,499.50 feet through a central angle of 31°20'40"; thence S56°03'49"E a distance of 710.10 feet to the beginning of a curve concave to the north having a radius of 860.00 feet; thence easterly along the arc of said curve a distance of 419.62 feet through a central angle of 27°57'22" to the point of reverse curvature with a curve concave to the southwest having a radius of 540.00 feet; thence southeasterly along the arc of said curve a distance of 573.06 feet, through a central angle of 60°48'13" to the intersection with a non tangent curve concave to the west, having a radius of 50.00 feet, the chord of which bears S18°54'22"W; thence southerly along the arc of said curve, a distance of 81.66 feet through a central angle of 93°34'43" to the POINT OF BEGINNING.

LESS AND EXCEPT SOUTHBEND BOULEVARD RIGHT-OF-WAY

Beginning at a point, said point being the POINT OF BEGINNING; thence N65°41'12"E a distance of 220.01 feet to the intersection with a non tangent curve concave to the north, having a radius of 50.00 feet, the chord of which bears N69°18'33"W; thence westerly along the arc of said curve, a distance of 78.55 feet through a central angle of 90°00'30"; thence N24°18'18"W a distance of 13.35 feet to the beginning of a curve concave to the southwest having a radius of 660.00 feet; thence northwesterly along the arc of said curve a distance of 687.87 feet through a central angle of 59°42'53" to the point of reverse curvature with a curve concave to the north, having a radius of 740.00 feet; thence westerly along the arc of said curve a distance of 361.06 feet, through a central angle of 27°57'22"; thence N56°03'49"W a distance of 710.10 feet to the beginning of a curve concave to the northeast having a radius of 2,621.00 feet; thence northwesterly along the arc of said curve a distance of 1,433.85 feet through a central angle of 31°20'40"; thence N24°43'09"W a distance of 1,088.33 feet; thence N23°31'20"W a distance of 1,415.81 feet to the beginning of a curve concave to the east having a radius of 11,166.16 feet; thence northerly along the arc of said curve a

distance of 1,954.37 feet through a central angle of 10°01'42"; thence N13°29'38"W a distance of 1,696.84 feet to the intersection with a non tangent curve concave to the southeast, having a radius of 1,221.19 feet, the chord of which bears N22°46'30"E; thence northeasterly along the arc of said curve, a distance of 1,536.48 feet through a central angle of 72°05'19"; thence N31°10'51"W a distance of 10.00 feet to the intersection with a non tangent curve concave to the northwest, having a radius of 795.00 feet, the chord of which bears N27°39'33"E; thence northeasterly along the arc of said curve, a distance of 864.72 feet through a central angle of 62°19'13"; thence N03°30'04"W a distance of 146.34 feet; thence S86°29'56"W a distance of 100.00 feet; thence S03°30'04"E a distance of 255.17 feet; thence S86°29'49"W a distance of 50.00 feet; thence S03°30'11"E a distance of 150.00 feet to the intersection with a non tangent curve concave to the northwest, having a radius of 695.00 feet, the chord of which bears S38°35'29"W; thence southwesterly along the arc of said curve, a distance of 490.73 feet through a central angle of 40°27'19"; thence N31°10'51"W a distance of 10.00 feet to the intersection with a non tangent curve concave to the southeast, having a radius of 1,341.19 feet, the chord of which bears S22°39'46"W; thence southwesterly along the arc of said curve, a distance of 1,692.71 feet through a central angle of 72°18'47"; thence S13°29'38"E a distance of 1,692.07 feet to the beginning of a curve concave to the east having a radius of 11,286.16 feet; thence southerly along the arc of said curve a distance of 1,975.37 feet through a central angle of 10°01'42"; thence S23°31'20"E a distance of 1,417.06 feet; thence S24°43'09"E a distance of 1,089.58 feet to the beginning of a curve concave to the northeast having a radius of 2,741.00 feet; thence southeasterly along the arc of said curve a distance of 1,499.50 feet through a central angle of 31°20'40"; thence S56°03'49"E a distance of 710.10 feet to the beginning of a curve concave to the north having a radius of 860.00 feet; thence easterly along the arc of said curve a distance of 419.62 feet through a central angle of 27°57'22" to the point of reverse curvature with a curve concave to the southwest, having a radius of 540.00 feet; thence southeasterly along the arc of said curve a distance of 573.06 feet, through a central angle of 60°48'13" to the intersection with a non tangent curve concave to the west, having a radius of 50.00 feet, the chord of which bears S18°54'22"W; thence southerly along the arc of said curve, a distance of 81.66 feet through a central angle of 93°34'43" to the POINT OF BEGINNING.

LESS AND EXCEPT THE WATERS OF BLAKESLEE CREEK

LESS AND EXCEPT THE WATERS OF WINTERS CREEK

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

42XX-1.003 Supervisors.

The following five persons are designated as the initial members of the Board of Supervisors: Robert Kernen; Cindy Ford; Thomas Knowles; Richard Hohman and Todd White.

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: September 28, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 1, 2004

REGIONAL UTILITY AUTHORITIES

Tampa Bay Water

RULE CHAPTER TITLE: Description of Organization RULE CHAPTER NO.: 49B-1

RULE TITLE: Delegation of Authority by the Board of Directors RULE NO.: 49B-1.011

PURPOSE AND EFFECT: Revise the circumstances when the General Manager, with concurrence of the Board Chairman and General Counsel, can act on behalf of the Board and exercise delegated authority between regular Board meetings.

SUMMARY: In accordance with notice published in the FAW on July 16, 2004, a rule development workshop was held on August 12 and 13, 2004 concerning revisions to Rule 49B-1.011, F.A.C. The rule is proposed to be amended to grant authority to the General Manager to act on behalf of the Board, with the concurrence of the Chairman and General Counsel, to settle disputes involving small amounts in controversy, relating to property acquisition, initiation of legal action, and referral of amended requests for hearing to the Division of Administrative Hearings.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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: 163.01(5)(h), 373.1962, 373.1963 FS.

LAW IMPLEMENTED: 163.01, 373.1962, 373.1963 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., October 28, 2004

PLACE: Silo Bend Office Park, 111 Kelsey Lane, Suite F, Tampa, Florida

NOTICE UNDER AMERICANS WITH DISABILITIES ACT: Pursuant to the provisions of the Americans with Disabilities Act and Section 286.26, Florida Statutes, any person requiring special accommodations to participate in this public hearing, please advise Tampa Bay Water at least 48 hours before the public hearing by contacting: Holly Wells, Human Resources Officer, Tampa Bay Water, 2535 Landmark Drive, Suite 211, Clearwater, FL 33761, (727)796-2355, Fax (727)791-2339.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Donald D. Conn, General Counsel, Tampa Bay Water, 2535 Landmark Drive, Suite 211, Clearwater, FL 33761, (727)796-2355, Fax (727)791-2390

THE FULL TEXT OF THE PROPOSED RULE IS:

49B-1.011 Delegation of Authority by the Board of Directors.

The Board of Directors, as head of Tampa Bay Water, have delegated authority as follows:

(1) To the General Manager to hire or terminate the employment of any employee; to recommend and maintain personnel rules which shall be made available for public inspection; to secure services, labor or material costing \$25,000.00 or less; to prepare proposed budgets; to advise the Board on budget matters; to keep correct minutes and records of Board meetings; to prepare agendas; to represent Tampa Bay Water at public hearings; and to serve as the registered agent of Tampa Bay Water; and to act on behalf of the Board with the concurrence of the General Counsel and Chairman in matters relating to settlement of regulatory and legal actions when total amount in controversy does not exceed \$25,000.00, settlement of property acquisition matters, initiation of legal action, and referral of an amended request for hearing to the Division of Administrative Hearings.

(2) It is recognized that in making the foregoing delegation of authority, that the Board shall continue to retain and exercise general supervisory authority over the matters stated therein.

Specific Authority 163.01(5)(h), 373.1962, 373.1963 FS. Law Implemented 163.01, 373.1962, 373.1963 FS. History--New 1-1-81, Formerly 16M-1.11, Amended 5-8-88, 3-6-91, Formerly 16M-1.011, Amended 7-29-97, _____

NAME OF PERSON ORIGINATING PROPOSED RULE: Donald D. Conn, General Counsel, Tampa Bay Water

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Directors, Tampa Bay Water

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 21, 2003; Status September 20, 2004

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

REGIONAL UTILITY AUTHORITIES

Tampa Bay Water

RULE CHAPTER TITLE: Miscellaneous
 RULE CHAPTER NO.: 49B-3

RULE TITLE: Well Mitigation Policy
 RULE NO.: 49B-3.005

PURPOSE, EFFECT AND SUMMARY: In accordance with notice published in the FAW on July 16, 2004, a rule development workshop was held on August 12 and 13, 2004 concerning revisions to Rule 49B-3.005, F.A.C. The rule is proposed for amendment to revise the eligibility criteria that will apply to well mitigation areas for small quantity public water supply facilities that produce 3.5 million gallons per day or less on an annual average basis.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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: 163.01(5)(h), 373.1962, 373.1963 FS.

LAW IMPLEMENTED: 163.01, 373.1962, 373.1963 FS.

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

TIME AND DATE: 9:00 a.m., October 28, 2004

PLACE: Silo Bend Office Park, 111 Kelsey Lane, Suite F, Tampa, Florida

NOTICE UNDER AMERICANS WITH DISABILITIES ACT: Pursuant to the provisions of the Americans with Disabilities Act and Section 286.26, Florida Statutes, any person requiring special accommodations to participate in this public hearing, please advise Tampa Bay Water at least 48 hours before the public hearing by contacting: Holly Wells, Human Resources Officer, Tampa Bay Water, 2535 Landmark Drive, Suite 211, Clearwater, FL 33761, (727)796-2355, Fax (727)791-2339.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Donald D. Conn, General Counsel, Tampa Bay Water, 2535 Landmark Drive, Suite 211, Clearwater, FL 33761, (727)796-2355, Fax (727)791-2390

THE FULL TEXT OF THE PROPOSED RULE IS:

49B-3.005 Well Mitigation Policy.

Tampa Bay Water shall mitigate on a priority basis all eligible water level and related complaints regarding domestic wells for existing legal users, as well as other eligible domestic wells constructed with a minimum of 147 feet (210 feet in the case of the South Central Hillsborough Regional Wellfield) of 4 or 5-inch galvanized steel or PVC casing, except in those instances of well failure due to an Act of God (i.e., lightning strikes, power failure, and flooding). Mitigation under this

policy shall be without a determination of the cause of the well failure. This procedure shall not limit the authority of the Southwest Florida Water Management District to require additional mitigation by rule or applicable water use permit condition. To be eligible for mitigation a domestic well must be located within the mitigation area established for each wellfield in the current water use permit. In those cases where the current water use permit does not prescribe a mitigation area, the boundary of the mitigation area shall be the five (5) foot drawdown contour in the Floridian Aquifer caused by permitted peak month withdrawals from the well field, or a circle(s) whose radius extends two (2) miles from each active production well, whichever is greater; provided, however, that for facilities permitted for 3.5 million gallons per day or less on an annual average basis the boundary of the mitigation area shall be the five (5) foot drawdown contour in the Floridian Aquifer caused by permitted peak month withdrawals from said facility, or a circle whose radius is 1,760 feet from each active production well, whichever is greater.

Specific Authority 163.01, 373.1962, 373.1963 FS. Law Implemented 163.01, 373.223(1)(b), 373.1962, 373.1963 FS. History—New 5-24-93, Amended 4-16-95, Formerly 16M-3.005, Amended 5-20-01.

NAME OF PERSON ORIGINATING PROPOSED RULE: Douglas Crowson, P.G., Mitigation Manager, Tampa Bay Water

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jonathan Kennedy, P.E., Director of Operations and Facilities, Tampa Bay Water

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 28, 2004; Status September 20, 2004

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Provider Requirements
 RULE NO.: 59G-5.020

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Provider General Handbook, October 2003, updated January 2004. The January 2004 handbook revisions include: electronic record keeping requirements for providers, copayments for hospital emergency room visits, changes to the family planning waiver, and authorization for Home and Community-Based Waiver Services providers to enroll to provide additional services on the one page Application for a New Location Code form. In addition, policy clarifications were added and content from the Florida Medicaid Provider Reimbursement Handbooks that pertains to all provider types was moved to the Provider General handbook.

The Joint Administrative Procedures Committee (JAPC) is now requiring that all forms included in the handbook be incorporated by reference separately from the handbook. We added a paragraph to the rule to incorporate the forms.

SUMMARY: The purpose of this rule amendment is to incorporate by reference in the rule the Florida Medicaid Provider General Handbook, October 2003, updated January 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: 409.902, 409.906, 409.907, 409.908, 409.912, 409.913 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. – 3:00 p.m., Wednesday, November 3, 2004

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Conference Room E, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Girard, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)488-9711

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-5.020 Provider Requirements.

(1) All Medicaid providers enrolled in the Medicaid program and billing agents who submit claims to Medicaid on behalf of an enrolled Medicaid provider must comply with the provisions of the Florida Medicaid Provider General Handbook, October 2003, updated January 2004, which is incorporated by reference and available from the fiscal agent.

(2) The following forms that are included in the Florida Medicaid Provider General Handbook are incorporated by reference: IROS 07/2001 State of Florida, Provider Inquiry Form, Florida Medicaid Program; Temporary Emergency Medicaid Identification Form, October 2003; CF-ES 2661, Feb 2003, Notice and Proof of Presumptive Eligibility for Medicaid for Pregnant Women; CF-ES Form 2014, Feb 2003, Authorization for Medicaid/Medikids Eligibility; Unborn Activation Form, January 2004; CF-ES 2039, Sep 2002, Medical Assistance Referral; CTEC-07, Crossover with TPL Claim and/or Adjustment Form, March 2003; and Florida

Medicaid Claims Order Form, January 2004. The CF-ES forms are available from the Department of Children and Families. The other forms are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.906, 409.907, 409.908, 409.912, 409.913 FS. History—New 9-22-93, Formerly 10P-5.020, Amended 7-8-97, 1-9-00, 4-24-01, 8-6-01, 10-8-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Karen Girard

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 22, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 5, 2003

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Home and Community-Based Services Waivers

RULE NO.: 59G-8.200

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Developmental Disabilities Waiver Services Provider Rate Table, Appendix A. The effect will be to incorporate provider rate information into rule.

SUMMARY: This rule amendment incorporates by reference the Florida Medicaid Developmental Disabilities Waiver Services Provider Rate Table, Appendix A.

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: 409.902, 409.906, 409.908, 409.912 FS.

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

TIME AND DATE: 11:00 a.m. – 12:00 Noon, Tuesday November 2, 2004

PLACE: AHCA Conference Room "A", 2727 Mahan Drive, Building 3, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Henderson, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)414-9756

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-8.200 Home and Community-Based Services Waivers.

(1) through (11) No change.

(12) Developmental Services Waiver – General. This rule applies to all Developmental Services Waiver Services providers enrolled in the Medicaid program. All Developmental Services Waiver Services providers enrolled in the Medicaid program must comply with the Developmental Services Waiver Services Florida Medicaid Coverage and Limitations Handbook, July 2002, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, Non-Institutional 081, October 2003, ~~July 2004~~. Both handbooks are available from the Medicaid fiscal agent.

(a) The Developmental Disabilities Waiver Services Provider Rate Table, November 2003, is incorporated by reference. The Developmental Disabilities Waiver Services Provider Rate Table is available from the Medicaid fiscal agent.

(13) through (15) No change.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.906, 409.908, 409.910, 409.912, 409.913 FS. History—New 4-20-82, Formerly 10C-7.527, Amended 3-22-87, 11-23-89, Formerly 10C-7.0527, Amended 1-16-96, 7-23-97, 1-6-02, 10-27-02, 6-11-03, 11-24-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen Henderson

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 22, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 21, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLE: Operation of the Association

RULE NO.: 61B-23.002

PURPOSE AND EFFECT: To develop a procedure and form for condominium associations to report the waiver of handrail and guardrail retrofitting information to the Division of Florida Land Sales, Condominiums and Mobile Homes and establish a date for reporting this information to the Division of State Fire Marshal of the Department of Financial Services, pursuant to Chapter 2004-80, Laws of Florida. The rule amendment also conforms this rule to revised voting procedures for the waiver of retrofitting of fire sprinkler systems adopted by the 2004 Legislature.

SUMMARY: Provides a procedure for reporting fire sprinkler systems and handrail and guardrail retrofitting for condominium associations.

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 in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 718.501(1)(f) FS.

LAW IMPLEMENTED: 718.1085, 718.112(2)(1) 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: 1:30 p.m., November 1, 2004

PLACE: Warren Building, Meeting Room #B03, 201 W. Bloxham Street, Tallahassee, FL

THOSE PERSONS WHO CANNOT ATTEND IN PERSON MAY SUBMIT THEIR COMMENTS IN WRITING: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, within 21 days of this notice. written comments received after the hearing may not be considered.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting: Sharon A. Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32311-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-23.002 Operation of the Association.

(1) through (2) No change.

(3) Each association that votes to forego retrofitting of the common elements or units of a residential condominium with a fire sprinkler system or other engineered life safety system or handrails or guardrails by the affirmative vote of two-thirds of all voting interests in the affected condominium, shall report the voting results and certification information for each affected condominium to the division on DBPR Form CO 6000-8, ~~FIRE SAFETY~~ RETROFITTING REPORT FOR CONDOMINIUMS, incorporated herein by reference and effective _____ ~~1-28-04~~. The form may be obtained by writing the division at 1940 North Monroe Street, Tallahassee, Florida 32399-1030. If retrofitting has been undertaken by a

residential condominium, the association shall report the per-unit cost of such work to the division using DBPR Form CO 6000-8, ~~FIRE SAFETY~~ RETROFITTING REPORT FOR CONDOMINIUMS. The division shall prepare separate reports ~~a report~~ of information obtained from associations relating to the waiver of a fire sprinkler system and the waiver of handrails and guardrails and deliver the reports ~~report~~ to the Division of State Fire Marshal of the Department of Financial Services no later than August 1 of each year. DBPR Form CO 6000-8, ~~FIRE SAFETY~~ RETROFITTING REPORT FOR CONDOMINIUMS must be filed with the division within 60 days of recordation of the retrofitting waiver certificate in the public records where the condominium is located or upon commencement of the retrofitting project.

(4)(a) As provided for by Sections ~~Section~~ 718.1085 and 718.112(2)(1), Florida Statutes, any vote to waive a ~~fire safety~~ retrofitting requirement shall be held at a duly called meeting of the membership, with members voting live and in person, or may be conducted without a membership meeting by written consents, or may be conducted by a combination of the two with the association counting written consents received along with votes cast live and in person at a duly called meeting of the membership. Effective October 1, 2004, retrofitting requirements related to a fire sprinkler system may also be waived by the use of limited proxies cast at a duly called meeting of the membership.

(b) The written consent form utilized by the association must contain a space for the authorized voter to sign and must identify the unit owned. Voting by written consents or written agreements may be utilized by an association regardless of whether the bylaws or the declaration specifically permit voting by written consents or written agreements.

(c) There is no limitation on the number of times an association may conduct a vote to waive a ~~fire safety~~ retrofitting requirement. However, in order to be effective, the affirmative vote of not less than two-thirds of the total voting interests must be obtained, and a certificate attesting to such vote must be recorded in the public records, not later than December 31, 2014.

(d) In the case of an association that operates more than one condominium, in order for a waiver to be effective as to a particular condominium and the buildings located within that condominium, two-thirds of the total voting interests of that condominium must affirmatively vote in favor of waiving the retrofitting requirements.

(4) through (10) No change.

Specific Authority 718.112(2)(d)3., 718.501(1)(f) FS. Law Implemented 718.1085, 718.111(12), 718.112(2)(b)2.,(c),(d)3.,4., 718.117, 718.501(2)(a), 718.504 FS. History--New 7-22-80, Amended 8-31-83, 10-1-85, Formerly 7D-23.02, Amended 1-27-87, 7-10-88, 3-21-89, 2-18-92, Formerly 7D-23.002, Amended 11-23-93, 2-20-97, 4-14-99, 12-23-02, 1-28-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Cochran, Director, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Diane Carr, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 22, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 13, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLE: Association Fee; Mailing Address; Retrofitting

RULE NO.: 61B-78.001

PURPOSE AND EFFECT: To develop a procedure and form for cooperative associations to report the waiver of handrail and guardrail retrofitting information to the Division of Florida Land Sales, Condominiums and Mobile Homes and establish a date for reporting this information to the Division of State Fire Marshal of the Department of Financial Services, pursuant to Chapter 2004-80, Laws of Florida. The rule amendment also conforms this rule to revised voting procedures for the waiver of retrofitting of fire sprinkler systems adopted by the 2004 Legislature.

SUMMARY: Provides a procedure for reporting fire sprinkler systems and handrail and guardrail retrofitting for cooperative associations.

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 in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 719.501(1)(f) FS.

LAW IMPLEMENTED: 719.1055(5),(6) 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: 1:30 p.m., November 1, 2004

PLACE: Warren Building Meeting Room #B03, 201 W. Bloxham Street, Tallahassee, FL

THOSE PERSONS WHO CANNOT ATTEND IN PERSON MAY SUBMIT THEIR COMMENTS IN WRITING: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North

Monroe Street, Tallahassee, Florida 32399-1030, within 21 days of this notice. written comments received after the hearing may not be considered.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting: Sharon A. Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32311-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-78.001 Association Fee; Mailing Address; ~~Fire Safety~~ Retrofitting.

(1) through (2) No change.

(3) Each association that votes to forego retrofitting of the common areas or units of a residential cooperative with a fire sprinkler system or other engineered life system safety or handrails and guardrails by the affirmative vote of two-thirds of all voting interests in the affected cooperative, shall report the voting results and certification information for each affected cooperative to the division on DBPR Form CP 6000-1, ~~FIRE SAFETY RETROFITTING REPORT FOR COOPERATIVES~~, incorporated herein by reference and effective 1-28-04. The form may be obtained by writing the division at 1940 North Monroe Street, Tallahassee, Florida 32399-1030. If retrofitting has been undertaken by a residential cooperative, the association shall report the per-unit cost of such work to the division using DBPR Form CP 6000-1, ~~FIRE SAFETY RETROFITTING REPORT FOR COOPERATIVES~~. The division shall prepare separate reports ~~a report~~ of information obtained from associations relating to the waiver of a fire sprinkler system or the waiver of handrails and guardrails and deliver the reports ~~report~~ to the Division of State Fire Marshal of the Department of Financial Services no later than August 1 of each year. DBPR Form CP 6000-1, ~~FIRE SAFETY RETROFITTING REPORT FOR COOPERATIVES~~ must be filed with the division within 60 days of recordation of the retrofitting waiver certificate in the public records where the cooperative is located or upon commencement of the retrofitting project.

(4)(a) As provided for by Section 719.1055, F.S., any vote to waive a ~~fire safety~~ retrofitting requirement shall be held at a duly called meeting of the membership, with members voting live and in person, or may be conducted without a membership meeting by written consents, or may be conducted by a combination of the two with the association counting written

consents received along with votes cast live and in person at a duly called meeting of the membership. Effective October 1, 2004, retrofitting requirements related to a fire sprinkler system may also be waived by the use of limited proxies cast at a duly called meeting of the membership.

(b) The written consent form utilized by the association must contain a space for the authorized voter to sign and must identify the unit owned. Voting by written consent may be utilized by an association regardless of whether the cooperative documents specifically permit voting by written consent.

(c) There is no limitation on the number of times an association may conduct a vote to waive a ~~fire safety~~ retrofitting requirement. However, in order to be effective, the affirmative vote of not less than two-thirds of the total voting interests must be obtained, and a certificate attesting to such vote must be recorded in the public records, not later than December 31, 2014.

(d) In the case of an association that operates more than one cooperative, in order for a waiver to be effective as to a particular cooperative and the buildings located within that cooperative, two-thirds of the total voting interests of that cooperative must affirmatively vote in favor of waiving the retrofitting requirements.

Specific Authority 719.501(1)(f) FS. Law Implemented 719.1055(5),(6), 719.501(1), (2) FS. History--New 2-17-98, Amended 1-28-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Cochran, Director, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Diane Carr, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 22, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 13, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Normal Penalty Ranges
 RULE NO.: 61G4-17.001

PURPOSE AND EFFECT: The proposed rule amendments are intended to clarify the penalties for violation of Chapter 489, Part I, Florida Statutes.

SUMMARY: The proposed rule amendments set forth increased penalties for violation of Chapter 489, Part I, Florida Statutes.

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: 455.227, 489.108, 489.129 FS.

LAW IMPLEMENTED: 455.227, 455.2273, 489.129 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: Timothy Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-17.001 Normal Penalty Ranges.

(1) The following guidelines shall be used in disciplinary cases, absent aggravating or mitigating circumstances and subject to other provisions of this chapter.

(a) Section 489.129(1)(a), F.S.: Obtaining license through fraud or misrepresentation. Revocation and/or \$5,000 fine.

(b) Section 489.129(1)(b), F.S.: Convicted or found guilty of a crime relating to contracting. Use penalty for violation most closely resembling the act underlying the conviction; repeat violation, revocation and \$2,500 ~~\$1,000~~ to \$5,000 fine.

(c) Section 489.129(1)(c), F.S.: Violating any part of Chapter 455, F.S. Penalty within ranges prescribed by Section 455.227, F.S., unless otherwise prescribed herein.

1. Section 455.227(1)(a), F.S.: Fraud, deceit, misleading, or untrue representations. First violation, \$2,000 to \$5,000 ~~\$1,000 to \$3,000~~ fine and suspension or revocation; repeat violation, revocation and \$5,000 fine.

2. Section 455.227(1)(r), F.S.: Improperly interfering with an investigation or disciplinary action. \$2,500 ~~\$1,000~~ to \$5,000 fine and suspension or revocation.

(d) Section 489.129(1)(d), F.S.: Assisting unlicensed person to evade provision of Chapter 489, F.S. First violation, \$1,000 ~~\$500~~ to \$2,500 fine and/or probation; repeat violation, \$2,500 ~~\$500~~ to \$5,000 fine and suspension or revocation.

(e) Section 489.129(1)(e), F.S.: Combining and conspiring with unlicensed person or entity to evade provision of Chapter 489, F.S. First violation, \$1,000 to \$3,500 ~~\$500 to \$2,500~~ fine and/or probation; repeat violation, \$3,500 ~~\$2,500~~ to \$5,000 fine and suspension or revocation.

(f) Sections 489.129(1)(f), 489.119(2), F.S.: Failure to qualify a firm, and/or acting under a name not on license; First violation \$1,500 to \$3,000; repeat violation, \$3,000 to \$5,000 ~~\$750 to \$1,500~~ fine.

(g) Section 489.129(1)(g), F.S.: Mismanagement or misconduct causing financial harm to the customer. First violation, \$1,500 to \$2,500 ~~\$750 to \$1,500~~ fine, restitution and/or probation; repeat violation, \$2,500 ~~\$1,500~~ to \$5,000 fine, restitution and suspension or revocation.

(h) Section 489.129(1)(h), F.S.: Local disciplinary action. Use penalty herein listed for the violation most closely resembling the act underlying the local discipline; repeat violation, same method, use the penalty herein for repeat violation.

(i) Section 489.129(1)(i), F.S.: Failing in any material respect to comply with the provisions of Part I of Chapter 489, F.S.

1. Section 489.1195(2)(e), F.S.: Failure to supervise construction activities. First violation, \$250 to \$1,000 fine and/or probation; repeat violation, \$1,000 to \$5,000 fine and suspension or revocation.

2. Sections 489.113, 489.117, F.S.: Contracting beyond scope of practice allowed by license, no safety hazard. First violation, \$1,000 to \$3,000 ~~\$500~~ fine; repeat violation, \$3,000 to \$5,000 ~~\$500 to \$2,500~~ fine and probation, suspension or revocation.

3. Sections 489.113, 489.117, F.S.: Contracting beyond scope of license, safety hazard is created. First violation, \$1,000 to \$2,500 fine; repeat violation, \$2,500 to \$5,000 fine and suspension or revocation.

4. Section 489.1425, F.S.: Failure to notify residential property owner of recovery fund. First violation, \$250 to \$2,000 ~~\$100 to \$500~~ fine; repeat violation, \$2,000 to \$5,000 ~~\$1,000~~ fine.

5. Section 489.115, F.S.: Contracting with a delinquent license. First violation, \$250 to \$2,500 fine; repeat violation, \$2,500 to \$5,000 ~~\$1,000 to \$2,500~~ fine and suspension or revocation. Any violation, respondent must pay all fees and costs required to place license in current and active status, in addition to fines specified herein.

6. Section 489.116, F.S.: Contracting with an inactive license. First violation, \$500 to \$2,500 ~~\$250 to \$500~~ fine; repeat violation, \$2,500 to \$5,000 ~~\$500 to \$1,000~~ fine and suspension or revocation.

7. Section 489.117, F.S.: Contracting in a city or county where the contractor is not licensed.

a. First violation, \$1,000 ~~\$500~~ fine where the jurisdiction is not adjacent to one where contractor is properly licensed, or practice outside the geographical scope of the license was willful.

b. Repeat violation under any circumstances, \$1,000 to \$5,000 ~~\$500 to \$1,500~~ fine and/or probation, suspension or revocation.

8. Section 489.119, F.S.: Failure to register qualified business organization. First violation, \$250 to \$500 fine; repeat violation, \$500 to \$1,000 fine and/or probation, suspension or revocation.

9. Section 489.119(6)(b), F.S.: License number not appearing in advertisement. First violation, \$250 ~~\$400~~ fine; repeat violation, \$500 to \$2,500 fine and/or probation ~~reprimand and \$250 to \$1,000 fine.~~

10. Section 489.124, F.S.: Failure to keep business and financial records as required. First violation, \$500 to \$2,000 ~~\$100 to \$1,000~~ fine and/or ~~reprimand to~~ probation; repeat violation, \$2,000 ~~\$500~~ to \$5,000 fine and/or probation or suspension.

(j) Section 489.129(1)(j), F.S.: Abandonment. First violation, \$1,000 to \$5,000 ~~\$500 to \$2,000~~ fine and/or probation; repeat violation, \$5,000 fine and revocation ~~and \$5,000 fine.~~

(k) Section 489.129(1)(k), F.S.: False payment statements, false statement of insurance coverage.

1. False payment statement, valid liens were filed or customer otherwise injured. First violation, \$1,000 ~~\$500~~ to \$3,000 fine and/or probation, suspension or revocation; repeat violation, \$3,000 ~~\$1,500~~ to \$5,000 fine and/or probation, suspension or revocation.

2. False statement of insurance coverage. Without financial harm to customer: First violation, \$1,000 to \$2,000 fine; repeat violation, \$2,500 ~~\$1,500~~ to \$5,000 fine and probation, suspension or revocation. With financial injury to customer occurs: first violation, \$2,000 to \$5,000 fine and probation, suspension or revocation; repeat violation, \$5,000 fine and ~~suspension or~~ revocation.

(l) Section 489.129(1)(l), F.S.: Committing fraud or deceit in the practice of contracting.

1. Causing no monetary or other harm to licensee's customer, and no physical harm to any person. First violation, \$1,000 to \$2,500 ~~\$500 to \$1,000~~ fine and/or probation; repeat violation, \$2,500 to \$5,000 ~~\$1,000 to \$1,500~~ fine and suspension or revocation.

2. Causing monetary or other harm to licensee's customer or physical harm to any person. First violation, \$1,000 to \$2,500 ~~\$500 to \$2,000~~ fine and probation, suspension or revocation; repeat violation, \$2,000 to \$5,000 fine and ~~suspension or~~ revocation.

(m) Misconduct or incompetency in the practice of contracting as set forth in Section 489.129(1)(n), F.S., shall include, but is not limited to:

1. Failure to honor a warranty.

2. Violation of any provision of Chapter 61G4, F.A.C., or Chapter 489, Part I, F.S.

3. Failure to abide by the terms of a mediation agreement.

4. The following guidelines shall apply to cases involving misconduct or incompetency in the practice of contracting, absent aggravating or mitigating circumstances:

a. Misconduct by failure to honor warranty. First violation, \$1,000 to \$2,500 ~~\$500 to \$1,000~~ fine; repeat violation, \$2,500 to \$5,000 ~~\$1,000 to \$2,000~~ fine and suspension or revocation.

b. Violation of any provision of Chapter 61G4, F.A.C., or Chapter 489, Part I, F.S. First violation, \$1,000 to \$2,500 ~~\$500 to \$1,000~~ fine; repeat violations, \$2,500 ~~\$1,000~~ to \$5,000 fine and suspension or revocation.

c. Any other form of misconduct or incompetency. First violation, \$500 ~~\$250~~ to \$1,000 fine and/or ~~or~~ probation; repeat violations \$1,000 to \$5,000 fine and suspension or revocation.

(n) Section 489.129(1)(n), F.S.: Being found guilty of gross negligence, repeated negligence, or negligence resulting in a significant danger to life or property. First violation, \$1,000 to \$3,000 ~~\$500 to \$1,500~~ fine and probation, suspension or revocation; repeat violation, \$3,000 ~~\$1,500~~ to \$5,000 fine and ~~suspension or~~ revocation.

(o) Section 489.129(1)(o), F.S.: Proceeding on any job without obtaining applicable local building department permits and/or inspections.

1. Late permits. Contractor pulls permit after starting job but prior to completion of same and does not miss any inspections. First violation, \$250 to \$1,000 ~~\$400~~ fine; repeat violation, \$1,000 to \$3,000 ~~\$500 to \$1,000~~ fine and/or probation.

2. Failure to obtain inspections. First violation \$250 to \$1,000 fine and/or probation or suspension; repeat ~~Repeat~~ violation, \$1,000 to \$5,000 ~~\$500 to \$2,500~~ fine and suspension or revocation.

3. Job finished without a permit having been pulled, or no permit until caught after job, or late permit during the job resulting in missed inspection or inspections. First violation, \$1,000 to \$2,500 ~~\$500 to \$1,500~~ fine and/or probation; repeat violation, \$2,500 to \$5,000 ~~\$1,000 to \$2,500~~ fine and suspension or revocation.

(p) Section 489.129(1)(p), F.S.: Intimidating, threatening, coercing, or otherwise discouraging the service of a notice to owner or notice to contractor pursuant to Chapter 713, F.S. First violation, \$1,000 to \$2,500 fine and suspension or revocation; repeat violation, \$2,500 to \$5,000 fine and suspension or revocation.

(q) Section 489.129(1)(q), F.S.: Failure to satisfy a civil judgment obtained against the licensee or the business organization qualified by the licensee within a reasonable time. First violation, \$1,000 to \$3,000 ~~\$500 to \$1,000~~ fine and/or proof of satisfaction of civil judgment; repeat violation, \$3,000 ~~\$1,000~~ to \$5,000 fine and/or proof of satisfaction of civil judgment, and suspension or revocation. For purposes of this section "reasonable time" means ninety (90) days following the entry of a civil judgment that is not appealed. The Board will consider a mutually agreed upon payment plan as satisfaction of such judgment, so long as the payments are current.

(r) Violation of state or local building codes or laws. First violation, \$500 to \$2,500 fine; repeat violation, \$2,500 to \$5,000 fine and probation, suspension or revocation.

(2) The Board may require continuing education hours as an additional penalty to the guidelines listed above. All continuing education hours assessed as part of a penalty shall be in excess of the credit hours required for bi-annual renewal as stated in this act and rules.

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

Specific Authority 455.227, 489.108, 489.129 FS. Law Implemented 455.227, 455.2273, 489.129 FS. History—New 10-26-86, Amended 12-21-92, Formerly 21E-17.001, Amended 11-2-93, 10-12-94, 7-2-95, 9-3-96, 10-31-96, 2-4-98, 8-2-98, 2-2-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2004

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

RULE TITLES:	RULE NOS.:
Continuing Education Requirements	64B5-12.013
Individual Study	64B5-12.018
Standards for Board Approval of Pro Bono Programs	64B5-12.1085

PURPOSE AND EFFECT: The proposed rule amendments update the requirements for continuing education credit hours and implement Section 456.031, F.S.

SUMMARY: The proposed rule amendments add teaching experiences related to dentistry for fulfillment of required continuing education credit hours, and require dental hygienists to complete one hour of domestic violence training every other biennial renewal period.

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(8), 456.031, 466.004(4), 466.0135, 466.014, 466.017(3),(4) FS.

LAW IMPLEMENTED: 456.013(8), 456.031, 466.0135, 466.014, 466.017(3),(5), 466.028(1)(i),(bb) 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULES IS:

64B5-12.013 Continuing Education Requirements.

(1) No change.

(2) Dental hygienists shall complete 24 hours of continuing professional education during each license renewal biennium which shall include no more or no less than one hour of training in domestic violence every other biennium as required by Section 456.031, F.S., as a condition of license renewal. In addition, during each license renewal biennium licensed dental hygienists shall complete training in cardiopulmonary resuscitation (CPR) at the basic support level, which results in certification or recertification in CPR by the American Heart Association, the American Red Cross or an entity with equivalent requirements. ~~In addition to the 24 hours required herein, each dental hygienist shall complete no more and no less than one hour of training in domestic violence as required by Section 456.031, F.S., and described in subsection 64B5-12.019(8), F.A.C.~~

(3) Continuing education credit shall be awarded only for educational experiences that are specifically appropriate for, and contain useful information directly pertinent to, dentistry and only if received through the following methods:

(a) through (f) No change.

(g) By participating as part of a course at a dental, dental hygiene or dental assisting school accredited by the ADA Commission on Dental Accreditation, its successor agency or other nationally recognized accrediting agency, an adjunct, part-time faculty member may receive three (3) continuing education hours per semester/quarter by providing the following requirements: application, documentation from the teaching institution which shall include the number of the semesters/quarters the licensee taught the course.

(4) through (6) No change.

Specific Authority 456.013(8), 456.031, 466.004(4), 466.0135, 466.014, 466.017(3),(4) FS. Law Implemented 456.013(8), 456.031, 466.0135, 466.014, 466.017(3),(5), 466.028(1)(i),(bb) FS. History—New 4-2-86, Amended 12-31-86, 4-26-87, 7-20-87, 9-16-87, 11-18-89, 7-9-90, Formerly 21G-12.013, Amended 5-19-94, 7-18-94, Formerly 61F5-12.013, Amended 11-15-95, 4-8-96, Formerly 59Q-12.013, Amended 2-17-98, 2-15-99, 3-11-99, 11-9-00, 5-20-01, 8-25-03, 5-31-04,_____.

64B5-12.018 Individual Study.

(1) No change.

(2) Credit for individual study shall only be awarded in the following manner, for the following educational experiences:

(a) through (b) No change.

(c) ~~Initial~~ Presentation of a lecture devoted to a subject area set forth in Rule 64B5-12.016, F.A.C., when given as part of a course at a dental, dental hygiene or dental assisting school accredited by the American Dental Association's Commission on Dental Accreditation, its successor agency or other nationally recognized accrediting agency, or as part of a formal course or program approved by the Board pursuant to Rule 64B5-16.002, F.A.C. Two hours of continuing education credit shall be awarded for each 50 minutes of actual lecture time upon the licensee's documentation of the following: name of the institution, course and program; subject, length and date of the lecture; and written confirmation of this information from the sponsoring institution or program. Licensees may obtain a maximum of 15 hours per biennium.

Specific Authority 466.004(4), 466.014 FS. Law Implemented 466.0135, 466.014 FS. History--New 4-2-86, Amended 9-7-87, 3-28-88, 1-18-89, Formerly 21G-12.018, 61F5-12.018, 59Q-12.018, Amended.

64B5-12.0185 Standards for Board Approval of Pro Bono Programs.

(1) through (3) No change.

(4) Licensees may receive continuing education credit for provision of pro bono dental or dental hygiene presentations when given as part of a formal course at a dental, dental hygiene or dental assisting school accredited by the ADA Commission on Dental Accreditation, or its successor agency. Two (2) hours of continuing education credit shall be awarded for each 50 minutes of actual lecture time upon the licensee's documentation of the following: name of the institution; course and program; subject; length and dates of the lecture; and, documentation of all information from the sponsoring institution or program. Licensees may obtain a maximum of 15 hours per biennium.

Specific Authority 456.013(8) FS. Law Implemented 456.013(8) FS. History--New 2-15-99, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 23, 2004

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

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLES:

Mediation

Notice of Noncompliance

RULE NOS.:

64B7-30.005

64B7-30.006

PURPOSE AND EFFECT: As to the Mediation section the rule change adds an additional first time offense that is eligible for mediation by the subject of a complaint. Concerning the Notice of Non-Compliance section the rule change clarifies the violation that is eligible for the notice of non-compliance.

SUMMARY: The changes add a first time offense to the list of eligible offenses for which mediation is appropriate and clarifies the advertising provision that is eligible for a notice of non-compliance, for an alleged first time violation.

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: 120.695, 456.073(3), 456.078, 480.035(7) FS.

LAW IMPLEMENTED: 120.695, 456.073(3), 456.078 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: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

64B7-30.005 Mediation.

Pursuant to Section 456.078, F.S., the Board designates first time violations of the following ~~area~~ as appropriate for mediation:

(1) Violation of Section 480.047(1)(a), F.S., by practicing on a delinquent license. ~~Mediation is appropriate only for a first offense.~~

(2) Failure to timely respond to a continuing education audit in violation of Section 64B7-28.009(5), F.A.C.

Specific Authority 456.078 FS. Law Implemented 456.078 FS. History--New 1-2-95, Amended 4-21-97, Formerly 61G11-30.005, Amended.

64B7-30.006 Notice of Noncompliance.

Pursuant to Sections 120.695 and 456.073(3), F.S., the Board designates the following as minor violations for which a notice of noncompliance may be issued for the first violation thereof:

(1) through (3) No change.

(4) Failure to include license number or numbers in any advertisement as required by Section 480.0465 F.S. Rule 64B7-33.001, F.A.C.

Specific Authority 120.695, 456.073(3), 480.035(7) FS. Law Implemented 120.695, 456.073(3) FS. History--New 2-5-96, Formerly 61G11-30.006, Amended 9-14-98, 10-12-03, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Massage Therapy
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Massage Therapy
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: July 30, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 3, 2004

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Fees Regarding Physician Assistants
RULE NO.: 64B8-30.019
PURPOSE AND EFFECT: The proposed rule amendment is intended to reduce licensure renewal fees for physician assistants by 25%.
SUMMARY: Licensure renewal fees will be reduced from \$200 to \$150.
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: 456.036(5),(7), 458.309, 458.347 FS.
LAW IMPLEMENTED: 456.036(5),(7), 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:

64B8-30.019 Fees Regarding Physician Assistants.

The following fees are prescribed by the Council and adopted by the Boards:

(1) through (3) No change.

(4) The application fee for a person applying to be certified as a prescribing physician assistant shall be \$200.00. The fee for initial certification as a prescribing physician assistant shall be \$200.00. The renewal fee for a prescribing physician assistant shall be \$150.00 ~~\$200.00~~. No additional fees will be required for any separate application for a distinct area of practice or a change in practice setting during the same biennium.

(5) The biennial renewal fee for an active or inactive physician assistant licensed pursuant to Section 458.347 or 459.022(7), F.S., shall be \$150.00 ~~\$200.00~~. Licenses not renewed at the end of a biennial period shall automatically become delinquent.

(6) through (9) No change.

Specific Authority 456.036(5),(7), 458.309, 458.347 FS. Law Implemented 456.036(5),(7), 458.347 FS. History—New 8-11-98, Amended 7-30-03,

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 7, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 9, 2004

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE: Physician Assistant Fees
RULE NO.: 64B15-6.013
PURPOSE AND EFFECT: The proposed rule amendment is intended to reduce licensure renewal fees for physician assistants by 25%.
SUMMARY: Licensure renewal fees will be reduced from \$200 to \$150.
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: 456.036(5),(7), 459.005, 459.009, 459.022(7) FS.
LAW IMPLEMENTED: 456.036(5),(7), 459.009, 459.022(7) 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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-6.013 Physician Assistant Fees.

The following fees are prescribed by the Council and adopted by the Boards:

(1) through (3) No change.

(4) The application fee for a person applying to be certified as a prescribing physician assistant shall be \$200.00. The fee for initial certification as a prescribing physician assistant shall be \$200.00. The renewal fee for a prescribing physician assistant shall be \$150.00 ~~\$200.00~~. No additional fees will be required for any separate application for a distinct area of practice or a change in practice setting during the same biennium.

(5) The biennial renewal fee for an active or inactive physician assistant certified pursuant to Section 458.347 or 459.022(7), F.S., shall be \$150.00 ~~\$200.00~~. Certificates not renewed at the end of a biennial period shall automatically become delinquent.

(6) through (9) No change.

Specific Authority 456.036(5),(7), 459.005, 459.009, 459.022(7) FS. Law Implemented 456.036(5),(7), 459.009, 459.022(7) FS. History—New 11-4-93, Amended 2-20-94, Formerly 61F9-6.013, 59W-6.013, Amended 8-11-98, 2-23-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Council on Physician Assistants
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 17, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 9, 2004

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE: Forms and Instructions

RULE NO.: 64B15-9.007

PURPOSE AND EFFECT: The proposed rule is intended to incorporate forms used by the Board of Osteopathic Medicine into a single rule.

SUMMARY: The proposed rule identifies and incorporates forms utilized by the Board of Osteopathic Medicine into a single rule.

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: 120.55(1)(a),(4), 456.013, 456.036(5), 456.048(1), 456.073, 459.005, 458.0055, 459.007, 459.0075, 459.0077, 459.008, 459.00085, 459.021, 459.022 FS.

LAW IMPLEMENTED: 456.013, 456.035, 456.036, 456.048, 456.073, 459.005, 458.0055, 459.007, 459.0075, 459.0077, 459.008, 459.00085, 459.021, 459.022 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: Pamela King, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 64B15-9.007 follows. See Florida Administrative Code for present text.)

64B15-9.007 Forms and Instructions.

The following forms used by the Board in its dealings with the public are listed as follows and are hereby adopted and incorporated by reference, and can be obtained from the Board office by writing to the Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, or by telephoning (850)488-0595, or via the internet at www.doh.state.fl.us/mqa:

(1) DH-MQA 1029, entitled “Board of Osteopathic Medicine Application for Licensure.” (1/04).

(2) DH-MQA 1071 entitled “Board of Osteopathic Medicine Office Surgery Registration Program.” (1/03).

(3) DH-MQA 1081, entitled “Board of Osteopathic Medicine Application for Registration as an Unlicensed Osteopathic Physician.” (6/04).

(4) DH-MQA 1082, entitled “Board of Osteopathic Medicine Application for Osteopathic Medical Faculty Certificate.” (6/04)

(5) DH-MQA 1083, entitled “Board of Osteopathic Medicine Application for Limited License.” (6/04).

(6) DH-MQA 1084, entitled “Unlicensed Osteopathic Physician Hospital Reporting Form.” (Revised 6/04).

(7) DH-MQA 1085, entitled “Dispensing Practitioner Registration.” (Revised 6/04).

(8) DH-MQA 1086, entitled “License Renewal Notice.” (6/04).

(9) DH-MQA 1089, entitled “Financial Responsibility Filing Form.” (6/04).

(10) DH-1267, entitled “Application for Refund From the State of Florida.” (10/99).

(11) DH-MQA 2000, entitled “Application for Licensure as a Physician Assistant.” (revised 1/04).

(12) DH-MQA 2001, entitled “Application for Licensure as Prescribing Physician Assistant.” (3/02).

(13) DH-MQA 2004, entitled “Physician Assistant Supervision Data Form.” (Rev. 4/04).

Specific Authority 120.55(1)(a)(4), 456.013, 456.036(5), 456.048(1), 456.073, 459.005, 458.0055, 459.007, 459.0075, 459.0077, 459.008, 459.0085, 459.021, 459.022, 120.53, 459.005 FS. Law Implemented 456.013, 456.035, 456.036, 456.048, 456.073, 459.005, 458.0055, 459.007, 459.0075, 459.0077, 459.008, 459.0085, 459.021, 459.022 FS. History—New 10-23-79, Formerly 21R-9.07, 21R-9.007, Amended 11-9-93, Formerly 61F9-9.007, 59W-9.007, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Osteopathic Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 17, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 10, 2003

**DEPARTMENT OF HEALTH
Board of Physical Therapy Practice**

RULE TITLE: Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Laws and Rules Examination
RULE NO.: 64B17-3.002

PURPOSE AND EFFECT: The Board proposes to update the score for passing the national examination and the jurisprudence examination. The Board provides specific information to explain its implementation of the jurisprudence exam.

SUMMARY: The national examination and jurisprudence examination scaled score for passing these exams is 600 or greater. The jurisprudence exam has 40 scored questions in specific topics and weights. An applicant who fails the jurisprudence exam must wait 60 days before retaking this examination.

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: 456.017, 486.025, 486.051 FS.

LAW IMPLEMENTED: 456.017, 486.051 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, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-3.002 Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Florida Jurisprudence Laws and Rules Examination.

(1) The licensure examination for physical therapy ~~administered by the Department~~ shall be the National Physical Therapy Examination for Physical Therapists developed national physical therapy examination approved by the Federation of State Boards of Physical Therapy through the designated agency providing such examination.

(2) In order to achieve a passing score on the examination, an applicant must obtain a score equal to or greater than the scaled score of 600 recommended by the Federation of State Boards of Physical Therapy criterion referenced score determined by the agency providing the national physical therapy examination.

(3) No change.

(4) All applicants for licensure including those licensed by endorsement under Rule 64B17-3.003, F.A.C., are required to take and pass the Florida Jurisprudence Examination developed by the Federation of State Board of Physical Therapy approved laws and rules examination.

(a) The Florida Jurisprudence Examination has 40 scored questions and the content and approximate weights are:

1. Legislative Intent and Definitions 25%
2. Board Powers and Duties 5%
3. Licensure and Examination 7.5%
4. Patient Care 35%
5. Disciplinary Action and Unlawful Practice 15%, and
6. Consumer Advocacy 12.5%

In order to achieve a passing score on the examination, an applicant must obtain a score equal to or greater than the scaled score of 600 based upon a passing score study conducted by the Federation of State Boards of Physical Therapy.

(b)1. Applicants must reapply to retake the Florida Jurisprudence Examination.

2. Any applicant who fails the examination shall not be eligible for reexamination until 60 days following the previous examination administration.

Specific Authority 456.017, 486.025, 486.051 FS. Law Implemented 456.017, 486.051 FS. History—New 8-6-84, Formerly 21M-7.22, Amended 3-16-88, 6-20-89, Formerly 21M-7.022, Amended 6-6-90, 6-3-92, 3-24-93, Formerly 21MM-3.002, 61F11-3.002, Amended 12-22-94, Formerly 59Y-3.002, Amended 2-14-02, 4-23-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Physical Therapy Practice

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 26, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 10, 2004

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE TITLES:

RULE NOS.:

Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Florida Jurisprudence Examination	64B17-4.002
Licensure by Endorsement	64B17-4.003

PURPOSE AND EFFECT: The Board proposes to update the score for passing the national examination and jurisprudence examinations in Rule 64B17-4.002, F.A.C., and to clarify the number of times an applicant may take the national competency examination in Rule 64B17-4.003, F.A.C.

SUMMARY: In Rule 64B17-4.002, F.A.C., the national examination and jurisprudence examination scaled score for passing these exams is 600 or greater. The jurisprudence exam has 40 scored questions in specific topics and weights. An applicant who fails the jurisprudence exam must wait 60 days before retaking this examination. Rule 64B17-4.003, F.A.C., establishes that applicants may take the national physical therapy examination no more than five occasions.

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: 456.017(1)(b), 486.025, 486.104, 486.107(1) FS.

LAW IMPLEMENTED: 456.017, 486.104, 486.107(1) 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: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULES IS:

64B17-4.002 Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Florida Jurisprudence Laws and Rules Examination.

(1) The licensure examination for physical therapists assistants ~~administered by the Department~~ shall be the National Physical Therapy Examination for Physical Therapists developed national physical therapy examination approved by the Federation of State Boards of Physical Therapy through the designated agency providing such examination.

(2) In order to achieve a passing score on the examination, an applicant must obtain a score equal to or greater than the scaled score of 600 recommended by the Federation of State

Boards of Physical Therapy criterion-referenced score determined by the agency providing the national physical therapy examination.

(3) No change.

(4) All applicants for licensure including those licensed by endorsement under Rule 64B17-4.003, F.A.C., are required to take and pass the Florida Jurisprudence Examination developed by the Federation of State Board of Physical Therapy a laws and rules examination.

(a) The Florida Jurisprudence Examination has 40 scored questions and the content and approximate weights are:

1. Legislative Intent and Definitions 25%
2. Board Powers and Duties 5%
3. Licensure and Examination 7.5%
4. Patient Care 35%
5. Disciplinary Action and Unlawful Practice 15%, and
6. Consumer Advocacy 12.5%

In order to achieve a passing score on the examination, an applicant must obtain a score equal to or greater than the scaled score of 600 based upon a passing score study conducted by the Federation of State Boards of Physical Therapy.

(b)1. Applicants must reapply to retake the Florida Jurisprudence Examination.

2. Any applicant who fails the examination shall not be eligible for reexamination until 60 days following the previous examination administration.

Specific Authority 456.017(1)(b), 486.025, 486.104 FS. Law Implemented 456.017, 486.104 FS. History—New 8-6-84, Formerly 21M-10.22, Amended 4-12-87, 3-16-88, 6-20-89, Formerly 21M-10.022, Amended 6-3-92, 3-24-93, Formerly 21MM-4.002, 61F11-4.002, Amended 12-22-94, Formerly 59Y-4.002, Amended 2-14-02, 4-23-02, _____.

64B17-4.003 Licensure by Endorsement.

An applicant demonstrating that he or she is licensed in another state may be licensed to practice as a physical therapist assistant by endorsement by presenting evidence of active licensure in another jurisdiction, under oath, and evidence satisfactory to the Board that the applicant from such other jurisdiction has been licensed under standards for licensure as high as those maintained in Florida. The standard for determining whether those requirements are as high as those in Florida shall be whether the applicant was required to meet educational standards equivalent to those set forth in subsection 64B17-4.001(3), F.A.C., and whether the written examination taken for licensure in such other jurisdiction was through the designated national physical therapy assistants examination provider certified by the Department. An applicant who has failed to pass the national physical therapy examination by or on the fifth attempt after five attempts, regardless of the jurisdiction through which the examination was taken, is precluded from licensure.

Specific Authority 486.025, 486.107(1) FS. Law Implemented 486.107(1) FS. History—New 8-6-84, Formerly 21M-10.26, Amended 5-18-86, Formerly 21M-10.026, 21MM-4.004, 61F11-4.004, 59Y-4.004, Amended 7-11-02, 11-11-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Physical Therapy Practice
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 26, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 10, 2004

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE TITLES:	RULE NOS.:
Laboratory Certification Standards	64E-1.0015
Records, Reports, and Contractual Agreements	64E-1.005
Certification Requirements	64E-1.102
Display of Certificate and Use of Certification	64E-1.105
Proficiency Testing Requirements	64E-1.106

PURPOSE AND EFFECT: The 2002 and 2003 versions of the National Environmental Laboratory Accreditation Conference standards (NELAC Standards) incorporate the revised international standards for the competency of calibration and testing laboratories in ISO 17025. Thus, the updating of environmental testing laboratory certification criteria in Chapter 64E-1, F.A.C., to the most recent NELAC Standards enhances the acceptability of reported test data as relevant for clients' intended uses. The proposed effective dates for each version are consistent with the Florida Administrative Procedures Act and the desired implementation schedule of NELAC.

SUMMARY: These proposed rule amendments incorporate by reference the portions of the 2002 and 2003 versions of the National Environmental Laboratory Accreditation Conference (NELAC) Standards applicable to environmental testing laboratories. To comply with the Florida Administrative Procedures Act and to allow reasonable transition for the laboratories, the 2002 version of the Standards will take effect when these proposed rule amendments are successfully promulgated. The 2003 version of the NELAC Standards will take effect on July 1, 2005. Several forms that the Department of Health uses for laboratory certification will be updated accordingly.

SPECIFIC AUTHORITY: 381.00591, 403.0625(3), 403.863(1), 403.863(2) FS.
LAW IMPLEMENTED: 381.00591, 403.0625(1), 403.0625(2), 403.0625(4), 403.851, 403.863(3), 403.863(4), 403.863(7), 403.8635(1), 403.8635(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 (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 9:00 a.m., November 10, 2004
PLACE: Porter Building Auditorium, Florida Department of Health, Bureau of Laboratories, 1217 N. Pearl Street, Jacksonville, FL 32202
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Stephen A. Arms, Program Administrator

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-1.0015 Laboratory Certification Standards.
Any environmental testing laboratory certified or seeking certification pursuant to this rule shall comply with Section 1.8.1; Appendix A to Chapter 1 (Program Policy and Structure); Sections 2.1.3, 2.2.3, 2.4, 2.5, 2.7.2, 2.7.3, 2.7.4, 2.7.6, 3.4.5, 3.4.6, 3.5, 4.0, 4.1, 4.2, 4.3, 4.4, and 4.6; Chapter 5 (Quality Systems) and its Appendices; and Sections 6.2.2, 6.8, and Appendix A to Chapter 6 (Accrediting Authority) of the standards adopted at the National Environmental Laboratory Accreditation Conference (NELAC) on July 12, 2002, which are adopted herein by reference to take effect on _____, and with the above same sections of the standards adopted at the NELAC on June 5, 2003 (with the exception of Section 1.8.1, which is renumbered to be 1.6.1) May 25, 2004, which are adopted herein by reference to take effect on July 1, 2005.

Specific Authority 381.00591, 403.0625(3), 403.863(2) FS. Law Implemented 381.00591, 403.0625(1), 403.0625(2), 403.0625(4), 403.863(3), 403.863(4), 403.863(7), 403.8635(1), 403.8635(2) FS. History—New 4-16-00, Amended 6-30-03,_____.

64E-1.005 Records, Reports, and Contractual Agreements.
(1) Laboratories shall maintain analytical performance according to Chapter 5 of the NELAC Standards, referenced in Rule 64E-1.0015, F.A.C., for those analytes and test methods with which they have been certified or are seeking certification. Each certified laboratory shall maintain the documentation required in Chapter 5 of the NELAC Standards and comply with the laboratory report format and content requirements in Section 5.5.10 ~~5-13~~ of the NELAC Standards.

(2) For compliance with the Florida Safe Drinking Water Act, the laboratory will report the information described in paragraph 62-550.730(2)(a), F.A.C., revised on 4-3-2003 ~~4-27-2004~~, in the appropriate format approved by the Department of Environmental Protection.

(a) The laboratory may report presumptive positive microbiological results immediately without waiting for total coliform confirmation. The laboratory shall report confirmed positive total coliform results to the supplier of water no later than the end of the next business day after confirmed positive total coliform results are determined. The laboratory shall report positive fecal coliform or *E. coli* results to the supplier

of water by the end of the day when the results are determined, unless the results are determined after the water supplier's office is closed, in which case the laboratory shall report the results to the water supplier before the end of the next business day. If a laboratory invalidates a sample due to heterotrophic interference as described in paragraph 62-550.518(10)(b), F.A.C., revised on 4-3-2003 ~~11-27-2001~~, the replacement sample must be analyzed by a Department of Health-certified laboratory using a method less susceptible to heterotrophic interference (e.g. MMO-MUG).

(b) Whenever a sample result, or the average of the results from an initial sample and a confirmation sample, exceeds the maximum contaminant level for nitrate, nitrite, or total nitrate-nitrite, the laboratory shall report the result to the supplier of water by the end of the day when the result was determined, unless the result was determined after the water supplier's office is closed, in which case the laboratory shall report the result to the water supplier before the end of the next business day.

(c) Whenever a sample result exceeds the maximum contaminant level for any other contaminant listed in Rules 62-550.310, F.A.C., revised on 4-25-2003, or 62-550.320, revised on 11-27-2001, the laboratory shall report the result to the supplier of water no later than the end of the next business day after the result was determined.

(d) For the purposes of this chapter, a result is considered determined when the laboratory director or his/her designee signs or authenticates the report with the results. The results shall be reported in such a manner that the supplier of water receives the results within the indicated timeframes in paragraphs (2)(a) through (2)(c) of this section.

Specific Authority 381.00591, 403.0625(3), 403.863(2) FS. Law Implemented 381.00591, 403.0625(1), 403.0625(2), 403.0625(4), 403.851, 403.863(3), 403.863(4), 403.863(7), 403.8635(1), 403.8635(2) FS. History—New 4-22-79, Amended 3-7-85, Formerly 10D-41.59, Amended 12-12-89, 11-15-90, 8-5-93, 4-19-95, 4-25-96, Formerly 10D-41.059, Amended 4-16-00, 6-30-03,

64E-1.102 Certification Requirements.

(1) An application for certification shall be made in writing to the Department of Health on Form DH 1762, accompanied by the application fee, and the laboratory's Quality Manual. If proficiency testing is available for the requested Fields of Testing, the laboratory must arrange for these results from the latest three testing round attempts to be submitted directly to the Department of Health by the recognized proficiency test provider. DH 1762, "Application for Certification of Environmental Testing Laboratories," July 2004 ~~2003~~ is herein adopted by reference and is available by calling the department's Bureau of Laboratories at (904)791-1599.

(2) Separate application and certification shall be required for all laboratories maintained on separate premises even though operated under the same management; however, separate certification is not required for separate buildings on the same or adjoining grounds.

(3) An application is not completed until the laboratory has fulfilled all of the following requirements:

(a) The application reviewed by the Department of Health was found to contain all the information required in Section 4.1.7 of the NELAC Standards, referenced in Rule 64E-1.0015, F.A.C.

(b) The submitted Quality Manual contains all the information required in Sections 5.4.2.3 and 5.4.2.4 ~~5.5.2~~ of the NELAC Standards, referenced in Rule 64E-1.0015, F.A.C.

(c) Proficiency samples are successfully analyzed in two of the most recent three testing rounds attempted, if available from a recognized proficiency testing provider, as required in Rule 64E-1.106, F.A.C.

(d) An on-site laboratory inspection has been conducted for the Fields of Accreditation for which the laboratory is seeking certification, as required in Rule 64E-1.104, F.A.C.

(e) All applicable fees are paid as required in Rule 64E-1.007, F.A.C.

~~(4) If an incomplete application is submitted, the Department of Health will retain the application for up to one year at the laboratory's request.~~

~~(4)(5)~~ An out-of-state laboratory shall be eligible for reciprocal certification provided:

(a) The laboratory is certified by a National Environmental Laboratory Accreditation Program (NELAP) recognized accrediting authority for those Fields of Accreditation in which the laboratory is requesting certification pursuant to this rule,

(b) The laboratory submits to the Department of Health the application, and fee, and Quality Manual required in subsection 64E-1.102(1), F.A.C., and

(c) The laboratory submits to the Department of Health a current copy of the laboratory's unexpired certification from the NELAP accrediting authority and the certifying agency's analyte sheet showing those Fields of Accreditation for which the laboratory is certified.

~~(5)(6)~~ If upon review of the documents listed in subsection 64E-1.102(5), F.A.C., the Department of Health determines that the application process is complete and that the laboratory is already certified by its NELAP-recognized primary accrediting authority for the same Fields of Accreditation requested on its application, the Department of Health will not require an on-site inspection survey by its inspectors and certification will be granted after the laboratory pays the certification fees required in Rule 64E-1.007, F.A.C.

~~(6)(7)~~ If upon review of the documents listed in subsection 64E-1.102(5), F.A.C., the Department of Health is unable to determine that the out-of-state certification program is equivalent to the requirements of this rule, an on-site

inspection will be performed by the Department of Health. The laboratory will be responsible for the travel expenses incurred for the on-site inspection.

Specific Authority 381.00591, 403.0625(3), 403.863(1), 403.863(2) FS. Law Implemented 381.00591, 403.0625(1), 403.0625(2), 403.0625(4), 403.851, 403.863(3), 403.863(4), 403.863(7), 403.8635(1), 403.8635(2) FS. History—New 8-27-86, Amended 10-10-89, 6-29-94, 2-13-96, 4-25-96, Formerly 10D-41.103, Amended 4-16-00, 6-30-03.

64E-1.105 Display of Certificate and Use of Certification.

A current certification document shall be displayed at all times in a prominent place in each certified laboratory. DH 1697, 7/04 7#03, which includes the Laboratory Scope of Accreditation and is entitled “Environmental Testing Laboratory Certificate,” is adopted by reference herein. The department shall issue the Certificate to the laboratory only upon completion of the requirements of this Rule. The laboratory must also comply with Sections 6.8(a)(1), (2), (3), and (4) and 6.8(b)(1) and (2) of the NELAC Standards, referenced in Rule 64E-1.0015, F.A.C.

Specific Authority:381.00591, 403.0625(3), 403.863(1), 403.863(2) FS. Law Implemented 381.00591, 403.0625(2), 403.0625(4), 403.863(4), 403.863(7), 403.8635(1) FS. History—New 8-27-86, Amended 6-29-94, Repromulgated 4-25-96, Formerly 10D-41.106, Amended 4-16-00, 6-30-03.

64E-1.106 Proficiency Testing Requirements.

(1) through (8) No change.

(9) In addition to the requirements in subsections (1) through (8) above, laboratories certified or seeking certification for Fields of Accreditation in the Drinking Water Matrix category group for the Microbiology category for total coliforms and/or fecal coliforms (or E. coli) must receive acceptable scores for both the total coliforms and for the fecal coliforms (or E. coli) portions of a proficiency testing round for performance on those Fields of Accreditation in that testing round to be considered acceptable.

Specific Authority 381.00591, 403.0625(3), 403.863(2) FS. Law Implemented 381.00591, 403.0625(1), 403.0625(2), 403.0625(4), 403.851, 403.863(3), 403.863(4), 403.863(7), 403.8635(1), 403.8635(2) FS. History—New 8-27-86, Amended 10-10-89, 6-29-94, 2-13-96, 4-25-96, Formerly 10D-41.107, Amended 4-16-00.

NAME OF PERSON ORIGINATING PROPOSED RULE: Stephen A. Arms

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Ming S. Chan

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

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

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLE: Annual and Quarterly Reporting Requirements

RULE NO.:

69O-137.001

PURPOSE, EFFECT AND SUMMARY: To adopt 2004 NAIC manuals.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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: 624.307, 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 624.424(1) FS.

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

TIME AND DATE: 9:00 a.m., November 9, 2004

PLACE: Cabinet Meeting Room, Lower Level, The Capital, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kerry Krantz, Bureau of Life and Health Insurer Solvency, Office of Insurance Regulation, e-mail: krantz@dfs.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-137.001 Annual and Quarterly Reporting Requirements.

(1) through (3) No change.

(4) Manuals Adopted.

(a) Annual and quarterly statements shall be prepared in accordance with the following manuals, which are hereby adopted and incorporated by reference:

1. The NAIC’s Quarterly and Annual Statement Instructions, Property and Casualty, 2004 2003;

2. The NAIC’s Quarterly and Annual Statement Instructions/Life, Accident and Health, 2004 2003; and

3. The NAIC’s Quarterly and Annual Statement Instructions/Health, 2004 2003; and

4. The NAIC’s Accounting Practices and Procedures Manual, as of March 2004 2003.

(b) No change.

Specific Authority 624.307, 624.308(1) FS. Law Implemented 624.307(1), 624.424(1) FS. History—New 3-31-92, Amended 8-24-93, 4-9-95, 4-9-97, 4-4-99, 11-30-99, 2-11-01, 4-5-01, 12-4-01, 12-25-01, 8-18-02, 7-27-03, Formerly 4-137.001, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kerry Krantz, Bureau of Life and Health Insurer Solvency, Division of Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jovita Ashton, Bureau Chief, Bureau of Life and Health Insurer Solvency, Department of Insurance
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 8, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 21, 2004

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jovita Ashton, Bureau Chief, Bureau of Life and Health Insurer Solvency, Department of Insurance
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 8, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 21, 2004

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLE: NAIC Financial Examiners Handbook Adopted
RULE NO.: 690-138.001

PURPOSE, EFFECT AND SUMMARY: To adopt 2004 NAIC manuals.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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: 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 624.316(1)(c) FS.

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

TIME AND DATE: 9:00 a.m., November 9, 2004

PLACE: Cabinet Meeting Room, Lower Level, The Capital, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed above.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kerry Krantz, Bureau of Life and Health Insurer Solvency, Office of Insurance Regulation, e-mail: krantzk@dfs.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

690-138.001 NAIC Financial Examiners Handbook Adopted.

(1) The National Association of Insurance Commissioners Financial Condition Examiners Handbook Volume I (2004 2003) is hereby adopted and incorporated by reference.

(2) through (3) No change.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 624.316(1)(c) FS. History--New 3-30-92, Amended 4-9-97, 4-4-99, 11-30-99, 2-11-01, 12-25-01, 8-18-02, 7-27-03, Formerly 4-138.001, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Kerry Krantz, Bureau of Life and Health Insurer Solvency, Division of Insurer Services, Department of Insurance

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Library and Information Services

RULE NO.: 1B-2.011
RULE TITLE: Library Grant Programs

NOTICE OF CORRECTION

The Florida Department of State hereby publishes this Notice of Correction to the Notice of Proposed Rulemaking, Rule 1B-2.011, F.A.C., published in Vol. 30, No. 37, September 10, 2004 issue of the Florida Administrative Weekly. The Notice of Proposed Rulemaking should have stated the following:

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 BY 5:00 P.M. (EST), MONDAY, OCTOBER 18, 2004, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m. (EST), Thursday, October 21, 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."

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-203.201
RULE TITLE: Inmate Trust Fund

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing on the above referenced proposed rule, as noticed in the Florida Administrative Weekly, Vol. 30, No. 36, September 3, 2004, will be held at 10:00 a.m. on Tuesday, October 26, 2004, at the Department of Corrections Central Office located at 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.