

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Reporting Requirements for Campaign Treasurer's Reports

RULE NO.: 1S-2.017

PURPOSE AND EFFECT: The purpose of this rule is to amend procedures for the electronic filing of campaign treasurer's reports for all persons and political parties who file with the Division of Elections. The Florida Legislature in its regular 2004 session passed Chapter Law 2004-252, Laws of Florida, which mandated the electronic filing of campaign treasurer's reports, effective January 1, 2005.

SUMMARY: This rule implements Sections 106.0705 and 106.0706, Florida Statutes, and makes minor changes to the rule regarding the electronic filing of campaign treasurer's reports which was effective January 1, 2005.

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: 106.0705, 106.35(1),(5) FS.

LAW IMPLEMENTED: 106.04, 106.07, 106.29, 106.30-.36, 106.0705, 106.0706 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., Monday, March 21, 2005

PLACE: R. A. Gray Building Auditorium, 500 S. Bronough Street, Tallahassee, FL 32399-0250

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should contact Brenda Milton, (850)245-6240, at least three days in advance of the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kristi Reid Bronson, Chief, Bureau of Election Records, Division of Elections, Department of State, Room 316, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, FL 32399-0250, (850)245-6240

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.017 Reporting Requirements for Campaign Treasurer's Reports.

(1) General Reporting Requirements.

(a) All persons and political parties who file campaign treasurer's reports with the Division of Elections (Division) must file reports of contributions and expenditures as set forth in this rule.

(b) All campaign treasurer's reports filed with the Division of Elections shall be filed in electronic format by means of the internet by either keying in the detail data via the web pages or uploading an electronic file that meets the Division of Election's file specifications. All data submitted must comply with the instructions on Forms DS-DE 13A, Campaign Treasurer's Report Itemized Contributions and Fund Transfers (Eff. 01/05) and Form DS-DE 14B, Campaign Treasurer's Report Itemized Expenditures and Distributions (Eff. 01/05). Any amendment to a campaign treasurer's report that covered a reporting period was filed prior to January 1, 2005 and that was not filed electronically, may be submitted in paper form on ~~on. Any amendment to a campaign treasurer's report that was filed prior to January 1, 2005 and that was filed by magnetic diskette, may be submitted on magnetic diskette. Amendments filed in paper or on magnetic diskette shall be filed using~~ Forms DS-DE 12, Campaign Treasurer's Report Summary (Eff. 08/04); ~~Form DS-DE 13, Campaign Treasurer's Report Itemized Contributions (Eff. 08/03); and Form DS-DE 14, Campaign Treasurer's Report Itemized Expenditures (Eff. 08/03); Form DS-DE 14A, Campaign Treasurer's Report Itemized Distributions (Eff. 08/03); and Form DS-DE 94, Campaign Treasurer's Report Itemized Fund Transfers (Eff. 08/03).~~ Any amendment to a campaign treasurer's report that covered a reporting period filed prior to January 1, 2005 and that was filed by magnetic diskette, may be submitted on magnetic diskette and shall conform to Division specifications. Forms DS-DE 12, 13 and 14 are incorporated by reference. Copies of these forms may be obtained from the Division's website at <http://election.dos.state.fl.us/index.htm> or by contacting the Bureau of Election Records, R. A. Gray Building, Room 316, 500 South Bronough Street, Tallahassee, Florida 32399-0250, telephone number (850)245-6240.

(c) Prior to filing the first campaign treasurer's report in electronic format, each person or political party must obtain credentials for a secure sign-in to the Division's electronic filing system. Each person or political party is responsible for protecting the credentials from disclosure and is responsible for all filings using these credentials unless the person has notified the Division that his or her credentials have been compromised.

(d) The Division shall issue credentials for a secure sign-in when a person or political party files a completed Form DS-DE 9, Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates (Eff. 08/03); or a completed Form DS-DE 5, Statement of Organization of Political Committee (Eff. 08/03); or a completed Form DS-DE 103, Electioneering Communication Statement of Organization (Eff. 08/04). The Division shall issue credentials for a secure sign-in upon request to candidates and their treasurers or deputy treasurers and to chairpersons, treasurers, and deputy treasurers of committees, organizations, and political parties.

(e) Each individual who receives secure sign-in credentials will also furnish the Division with confidential personal information, which involves supplying the answer to a personal question relating to the particular individual, that shall ~~may~~ be used by the Division to allow access by the individual in the event that credentials are forgotten or lost. Examples of confidential personal information shall include mother's maiden name, date of birth, child's name, pet's name, etc.

(f) Electronic reports are considered to be filed under oath by the person or political party filing the report and are subject to the fines and penalties in Sections 106.04(4)(d) and (8), 106.07(5) and (8), 106.0705, and 106.29(2) and (3), F.S., as applicable.

(g) Electronic reports must be completed and filed through the Division's electronic filing system no later than 12:00 p.m., Eastern Standard Time, of the due date. In the event that the electronic filing system is inoperable on the date a report is due, the report will be accepted as timely filed if filed no later than 12:00 p.m., Eastern Standard Time, of the first business day the electronic filing system becomes operable again. No fine will be levied during the period the electronic filing system was inoperable.

(h) A report shall be deemed ~~completed and~~ filed through the electronic filing system upon the issuance of an electronic receipt indicating and verifying that the report was filed.

(2) State Matching Funds Program.

(a) Pursuant to Section 106.33, F.S., a candidate for the office of Governor or member of the Cabinet who desires to receive state matching funds shall, upon qualifying for office, file a request for such contributions with the Division on Form DS-DE 98 (~~Eff. 1/02~~), "Candidate for Governor or Cabinet Officer Request for Contributions (Eff. 1/02)."²

(b) To be eligible to receive state matching funds, a candidate for Governor or member of the Cabinet must not be an unopposed candidate as defined in Section 106.011(15), F.S., and shall:

1. Agree to abide by the expenditure limits provided in Section 106.34, F.S.

2. Raise qualifying matching contributions as provided in Sections 106.33 and 106.35, F.S.

3. Retain copies of all checks received, in-kind documentation, credit or debit card receipts, if applicable, and, in the case of cash copies of the accompanying deposit slips, and copies of cashiers checks. Each campaign treasurer shall submit copies of checks, in-kind documentation, credit or debit card receipts, deposit slips for cash contributions and copies of cashiers checks to the Division at each applicable reporting period; and

4. Submit to a post-election audit of the campaign account and financial records by the Division. Surplus matching funds must be returned before the post-election audit is conducted.

(c) State matching funds shall be distributed within 7 days after the close of qualifying and every 7 days thereafter, to eligible candidates. The first distribution shall be based on verified matching contributions as shown on quarterly reports, filed after September 1 of the calendar year prior to the election, through June 30 of the election year. Thereafter, distribution of funds will be based on weekly reports as provided by Section 106.07(1)(b), F.S. Each weekly distribution of funds will be based on the prior week's report as verified by the Division, if timely received; otherwise, the distribution will be made in the next applicable weekly cycle. The Division shall verify matching contributions contained in the reports with copies of checks, in-kind documentation, credit or debit card receipts, deposit slips for cash contributions and copies of cashier's checks which have been submitted by the candidates.

(d) For candidates who are eligible to receive state matching funds, a report is timely if it is received in the Division by 12:00 noon, Eastern Standard Time, on the date it is due. If a report is received after 12:00 noon, Eastern Standard Time, on the due date, such report will be deemed late for matching fund purposes and any eligible matching funds will be distributed in the next reporting cycle. If any fines are due for late filing they will be assessed pursuant to Section 106.07, F.S. For all other candidates, filing deadlines shall be as provided in Section 106.07, F.S.

(e) Reports filed by candidates requesting matching funds must include all information required by this rule and Sections 106.07 and 106.30-.36, F.S. If information related to a matchable contribution is missing, incomplete or cannot be verified, no match will be made for that contribution and the candidate will be notified by the Division. However, upon supplying such missing or incomplete information and upon verification by the Division, matching funds will be provided on the next applicable cycle.

(f) If a candidate requesting matching funds submits a report and subsequently amends such report, any adjustment, up or down, to the candidate's distribution of funds will be made on the next weekly cycle occurring after receipt and review of the amended report. All amendments to reports must be submitted electronically to the Division.

(g) The Division shall record the time that reports are received from candidates requesting matching contributions and distribute funds on a first-in, first-out basis.

(h) An adverse decision regarding the distribution of matching funds may be appealed to the Florida Elections Commission, pursuant to Rule 2B-1.006, F.A.C.

(3) Voluntary Expenditure Limits. Candidates not participating in public campaign finance who wish to voluntarily abide by the expenditure limits of Section 106.34, F.S., and the contribution limits on personal and party funds set forth in Section 106.33, F.S., shall file an irrevocable statement to this effect on Form DS-DE 90 (~~Eff. 12/93~~), "Irrevocable

Statement To Voluntarily Abide by the Expenditure and Contribution Limits on Personal and Party Funds (Eff. 12/93),²² upon qualifying for office.

~~(4) Filing on Magnetic Diskettes. Amendments to electronic reports which were filed with the Division of Elections prior to January 1, 2005 and which were filed on magnetic diskette shall conform to Division specifications.~~

~~(4)(5)~~ All forms and filing specifications contained in this rule are incorporated by reference and are available from the Division of Elections, Room 316, R. A. Gray Building, Tallahassee, Florida 32399-0250, from the Division's website at <http://election.dos.state.fl.us>, or by calling (850) 245-6240.

Specific Authority 106.35(1),(5), 106.0706 FS. Law Implemented 106.04, 106.07, 106.29, 106.30-.36 FS. History--New 11-13-88, Formerly 1C-7.017, Amended 2-28-90, 9-5-93, 1-1-96, 3-5-96, 7-20-98, 7-31-02, 1-1-05,

NAME OF PERSON ORIGINATING PROPOSED RULE: Kristi Reid Bronson, Chief, Bureau of Election Records, Division of Elections

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dawn Roberts, Director, Division of Elections, Department of State

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 16, 2005

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

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE TITLE: RULE NO.:

Division of Cultural Affairs IT-1.001

PURPOSE AND EFFECT: The purpose of this amendment is to establish in rule the most recent eligibility and matching funds criteria.

SUMMARY: The proposed rule details the eligibility and matching funds criteria for the Division's Cultural Facilities Program and incorporates by reference the most recent application form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: There are no regulatory costs associated with the proposed rule.

Any person who wishes to provide information regarding the statement of 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: 255.043(4), 265.284(5)(d), 265.285(1)(c), 265.286(1),(4),(6), 265.2861(2)(b), 265.2865(6), 265.51, 265.605(1), 265.608, 265.609, 265.701(4), 265.702(8) FS.

LAW IMPLEMENTED: 215.97, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.51-.56, 265.601-.603, 265.605-.606, 265.608, 265.609, 265.701, 265.702, 286.011, 286.012, 286.25 FS.

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

TIME AND DATE: 9:30 a.m., March 14, 2005

PLACE: Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida

Should any person wish to appeal any decision made with respect to any matter considered at the above-required meeting, he/she may need to ensure verbatim recording of the proceeding in order to provide a record for judicial review.

Pursuant to the provisions of the American with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Dana DeMartino, ADA Coordinator for the Division of Cultural Affairs, (850)245-6477, Fax (850)245-6497, e-mail: ddmartino@dos.state.fl.us.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Downey, Director, Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

IT-1.001 Division of Cultural Affairs.

(1) through (16) No change.

(17) Cultural Facilities Program. The purpose of this program is to coordinate and guide the State of Florida's support and funding of renovation, construction, or acquisition of cultural facilities. It is not intended to fund project planning, such as feasibility studies and architectural drawings, or operational support.

(a) Administrative and Legal Eligibility. The applicant for a cultural facilities grant must:

1. Be a public entity governed by either a municipality, county, or qualified corporation as defined in Section 265.701(2), Florida Statutes.

2. Have ownership or undisturbed use of the land and building. In the cases where either the land or building is leased and not owned, fee simple, by the applicant, all underlying owners must also meet the above criteria (~~exception: land or building owned by the State of Florida and leased to an eligible applicant~~). For the purposes of this program, the applicant must be autonomous and independent of the property owner.

3. Retain ownership of all improvements made under the grant (~~exception: land or building owned by the State of Florida and leased to an eligible applicant~~).

4. Have satisfied the administrative requirements of previous grants received from the Division.

(b) Program Eligibility. All eligible applications shall consist of the following documents and information:

1. A completed and signed Cultural Facilities Program Application Form (#CA2EO20, eff. _____ ~~10/03~~), incorporated by reference and available from the Division, including the number of required application copies, submitted to the Division on or before the announced postmark deadline.

2. No change.

3. Project Budgets including a summary and detail, a matching funds statement, ~~and~~ match summary chart, and donor profile. The donor profile shall include the number of donors and range of contributed amounts; the population size of the community; percentage of community support, such as from individuals, corporations, or government; and description of the donors such as individual or corporate entity.

4. through 6. No change.

7. An independent certified audit or review of the applicant's financial records according to the following provisions:

a. Not-for-Profit, tax-exempt Florida corporations with net unrestricted operating revenue of less than \$500,000 must submit copies of the applicant organization's independent, certified audit or review for the last completed fiscal year. The publication date of the audit or review shall not be later than the date of the application deadline for which the audit or review is submitted.

b. Not-for-Profit, tax-exempt Florida corporations with net unrestricted operating revenue of \$500,000 or more must submit copies of the applicant organization's independent, certified audit for the last completed fiscal year. The publication date of the audit shall not be later than the date of the application deadline for which the audit is submitted.

~~c.~~ Municipal or county governments shall submit either the audit for the last completed fiscal year, or an internally prepared financial statement of revenue and expenses.

8. through 9. No change.

(c) through 3. No change.

(d) Time Limits and Funding Cap. No change.

(e) Matching Funds.

1. For eligible organizations with net unrestricted operating revenue of less than \$500,000, eligible matching funds provided by the applicant organization or by a third party shall be on at least a one-to-one match of the amount requested.

2. For eligible organizations with net unrestricted operating revenue of \$500,000 or more, eligible ~~Eligible~~ matching funds provided by the applicant organization ~~grantee~~ or by a third party ~~ies~~ shall be on at least a two-to-one match of the amount requested, except for eligible Rural Economic Development Initiative (REDI) applicants. REDI qualified means those counties or communities designated pursuant to Sections 288.0656 and 288.06561, Florida Statutes.

~~3.~~ Eligible matching funds provided by eligible REDI applicants shall be at least a one-to-one match of the amount requested.

~~4.~~ At least 50% of the required match must be in cash. For the purposes of this program, cash shall include cash-on-hand, and cash expenditures made on the project within the five-year period prior to the application deadline.

~~5.~~ At least 50% of the cash match must be cash-on-hand and dedicated to the project.

~~6.~~ No more than 50% of the match may be irrevocable pledges or in-kind contributions. Irrevocable pledges and in-kind contributions must be documented in the application.

~~7.~~ Municipalities and counties must submit a copy of the approved resolution or minutes from the commission meeting, with the original application, which includes the dollar amount dedicated and available to the project if the grant is awarded and the date the funds will be available. Resolutions that have not been approved by the application deadline can not be used as match documentation. Local funding, as indicated by the resolution, must be made available within 90 days of state award notification.

(f) through (j) No change.

(k) Grant Award Agreement. The Grant Award Agreement (#CA2EO38, eff. _____ ~~10/03~~) incorporated by reference and available from the Division, is the document by which the organization enters into a contract with the State of Florida for the management of grant funds which shall include:

1. through 3. No change.

(l) through (m) No change.

(18) through (19) No change.

Specific Authority 255.043(4), 265.284(5)(d), 265.285(1)(c), 265.286(1),(4),(6), 265.2861(2)(b), 265.2865(6), 265.51, 265.605(1), 265.608, 265.609, 265.701(4), 265.702(8) FS. Law Implemented 215.97, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.51-.56, 265.601-265.603, 265.605-265.606, 265.608, 265.609, 265.701, 265.702, 286.011, 286.012, 286.25 FS. History--New 11-23-82, Formerly IT-1.01, Amended 10-1-96, 10-31-96, 2-2-97, 6-2-97, 7-17-97, 9-10-97, 1-4-98, 7-26-98, 8-2-98, 10-5-98, 10-25-98, 8-17-99, 8-1-02, 12-29-02, 10-14-03(17), 10-14-03(20), 11-16-03, 2-2-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Donald R. Blancett, Division of Cultural Affairs, Department of State

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Linda Downey, Director, Division of Cultural Affairs, Department of State

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 11, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 21, 2005

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Highway Beautification and Landscape Management
RULE CHAPTER NO.: 14-40
RULE TITLES: Highway Landscape Projects
RULE NO.: 14-40.003

PURPOSE AND EFFECT: This amendment corrects an error (“payment” to “pavement”) in subparagraph 14-40.003(3)(e) and adds new subparagraphs (f) and (g).

SUMMARY: Subparagraph 14-40.003(3)(e), F.A.C., is amended to make an editorial correction and new subparagraphs (f) and (g) are added. Subparagraph 14-40.003(3)(g), F.A.C., consists of the last two sentences of subparagraph (e), which are deleted in (e) and added in the new (g).

SPECIFIC AUTHORITY: 334.044(2), 337.2505 FS.

LAW IMPLEMENTED: 334.044(25), 335.167, 337.2505, 337.405, 339.24, 339.2405, 479.106 FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

PART I GENERAL PROVISIONS

14-40.003 Highway Landscape Projects.

(1) through (2)(g) No change.

(3) Approval Criteria.

(a) through (d) No change.

(e) An abutting private property owner is not required to comply with subsection (3)(d) of this Rule and may apply for a permit to alter or install landscape materials on the Department’s non limited access right of way directly abutting the owner’s property between the right of way line and the nearest edge of ~~pavement payment~~ through submission of a Permit for Landscaping on State Road Right of Way, Form 650-060-03, Rev. 02/02, which is incorporated herein by reference and is available at any Department District Maintenance Office. Abutting private property owners must submit for approval a landscape plan, maintenance plan, and work zone traffic control plan. ~~Approval will only be granted when it is determined that all plans meet the requirements of this Rule. No permit will be issued to an abutting private property owner to provide visibility of such property through the cutting, trimming, or removal of trees, shrubs, or herbaceous plants.~~

(f) Non-governmental entities or abutting private property owners seeking approval to install landscaping on the Turnpike right of way shall submit a completed Form 650-060-03 to the District Landscape Manager, Florida’s Turnpike Operations Center, P. O. Box 9828, Fort Lauderdale, Florida 33310, telephone (954)975-4855. The application must be accompanied by a landscape plan, maintenance plan, and work zone traffic control plan.

(g) Approval will only be granted when it is determined that all plans meet the requirements of this Rule. No permit will be issued to an abutting private property owner to provide visibility of such property through the cutting, trimming, or removal of trees, shrubs, or herbaceous plants.

(4) through (6)(b) No change.

Specific Authority 334.044(2), 337.2505 FS. Law Implemented 334.044(25), 335.167, 337.2505, 337.405, 339.24, 339.2405, 479.106 FS. History–New 9-22-92, Amended 1-19-99, 4-2-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jeff Caster, State Transportation Landscape Architect, Environmental Management Office

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: José Abreu, P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 16, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 23, 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.”

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLES: Payment and Minimum Contributions

RULE NO.: 19B-16.004

PURPOSE AND EFFECT: To revise the financial requirements for the establishment of an account in the Florida College Investment Plan.

SUMMARY: This rule change is being made to revise the financial requirements for establishing an account in the Florida College Investment Plan.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None prepared.

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

SPECIFIC AUTHORITY: 1009.971(1),(4),(6) FS.
LAW IMPLEMENTED: 1009.981 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., March 21, 2005
PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.004 Payment and Minimum Contributions.

(1) through (3) No change.

(4) To establish an account, a benefactor must submit, together with the completed application, one of the following:

(a) A deposit of not less than two-hundred fifty dollars (\$250.00) ~~twenty-five dollars (\$25.00)~~; or

(b) An authorization for a payroll deduction or automatic contribution plan in an amount not less than twenty-five dollars (\$25.00) per month ~~fifteen dollars (\$15.00)~~.

~~(5) After an account is established, all subsequent contributions to the account shall be:~~

~~(a) In an amount of not less than twenty-five dollars (\$25.00); or~~

~~(b) Made through an authorization for a payroll deduction or automatic contribution plan in an amount not less than fifteen dollars (\$15.00).~~

~~(5)(6)~~ A benefactor may make a contribution to the account at any time.

Specific Authority 1009.971(1),(4),(6) FS. Law Implemented 1009.981 FS. History—New 5-30-02, Amended 11-27-02, 12-28-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 9, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 18, 2005

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLES: Termination and Withdrawal; Distributions
RULE NO.: 19B-16.010

PURPOSE AND EFFECT: To provide for the transition to and application of the revised financial requirements for the establishment and maintenance of an account in the Florida

College Investment Plan for accounts established prior to April 1, 2005 and to establish when accounts in the Florida College Investment Plan that were established prior to April 1, 2005, will be subject to termination for failure to comply with the revised requirements for the establishment and maintenance of accounts in the Florida College Investment Plan.

SUMMARY: This rule change is being made to provide for the transition to and application of the revised financial requirements for the establishment and maintenance of an account in the Florida College Investment Plan for accounts established prior to April 1, 2005 and to establish when accounts in the Florida College Investment Plan that were established prior to April 1, 2005, will be subject to termination for failure to comply with the revised requirements for the establishment and maintenance of accounts in the Florida College Investment Plan.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 1009.971(1),(4),(6) FS.

LAW IMPLEMENTED: 1009.981(3) 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., March 21, 2005

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.010 Termination and Withdrawal; Distributions.

(1) through (3) No change.

(4) Notwithstanding the provisions of subsection (3), accounts established prior to April 1, 2005, will not be terminated for failing to comply with the requirements of subsection 19B-16.004(4), F.A.C., until the first day of any calendar month that is more than twenty-seven months following the date on which the Board received the benefactor's application and initial contribution to the Program, unless the Board receives a special petition seeking waiver of this rule pursuant to Rule 19B-12.001 and subsection 19B-12.003(2), F.A.C.

~~(5)(4)~~ Upon involuntary termination of a participation agreement, the benefactor will be entitled to a refund of the account balance.

~~(6)(5)~~ A benefactor may request a distribution by submitting a written request to the Board. Distributions may be made from an account by any method allowed pursuant to Section 529 of the Internal Revenue Code.

Specific Authority 1009.971(1),(4),(6) FS. Law Implemented 1009.981(3) FS. History—New 5-30-02, Amended 11-27-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 9, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 18, 2005

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLES: Fee Schedule
RULE NO.: 19B-16.012

PURPOSE AND EFFECT: To revise the circumstances when the termination fee applies to accounts in the Florida College Investment Plan.

SUMMARY: This rule change is being made to revise the circumstances when the termination fee applies to accounts in the Florida College Investment Plan.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 1009.971(1),(4),(6) FS.

LAW IMPLEMENTED: 1009.971(4)(n), 1009.981 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., March 21, 2005

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.012 Fee Schedule.

The following fee schedule will apply to all participation agreements, benefactors and designated beneficiaries:

(1) through (3) No change.

(4) Termination Fee – Benefactors will automatically be assessed a fifty dollar (\$50.00) fee for the termination of any account pursuant to paragraphs 19B-16.010(1)(a) or (b) ~~or (2)(a) or (c), or subsection (3)~~, F.A.C. The termination fee will not be collected when an account is terminated due to the death or disability of the designated beneficiary or the receipt by the designated beneficiary of a scholarship, provided the Board receives documentation of those circumstances.

Specific Authority 1009.971(1),(4),(6) FS. Law Implemented 1009.971(4)(n), 1009.981 FS. History—New 11-27-02, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 9, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 18, 2005

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Ownership and Use of “Florida
RULE CHAPTER NO.: 20-109

Citrus Growers” Certification Mark
RULE TITLE: Standards for Citrus Fruit and Citrus
RULE NO.: 20-109.005

Products Bearing the Mark
PURPOSE AND EFFECT: Modifying standards for use of the

“Florida Citrus Growers” symbol to allow products exceeding maximum ratio Grade A limitations to qualify.

SUMMARY: Modifying standards for use of the “Florida Citrus Growers” certification mark.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of 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: 601.10(1), 601.11, 601.15(10)(a) FS.

LAW IMPLEMENTED: 601.101, 601.9918, 601.15(2) FS.

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

TIME AND DATE: 10:30 a.m., April 20, 2005

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, License and Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULE IS:

20-109.005 Standards for Citrus Fruit and Citrus Products Bearing the Mark.

(1) through (4) No change.

(5) ~~Beginning January 21, 2005, For the period January 1, 2004 through December 31, 2004~~ maximum Grade A standards for brix/acid ratio shall not apply, however the ratio allowed shall not exceed USDA maximum Grade B standards for orange juice.

Specific Authority 601.10(1), 601.11, 601.15(10)(a) FS. Law Implemented 601.101, 601.9918, 601.15(2) FS. History--New 2-16-98, Amended 12-24-98, 2-19-03, 3-23-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ken Keck, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ken Keck, General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 19, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 4, 2005

DEPARTMENT OF CORRECTIONS

RULE TITLE: Rules of Prohibited Conduct and Penalties for Infractions

RULE NO.: 33-601.314

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide a specific disciplinary charge for inmates who establish a personal or business relationship with a staff member.

SUMMARY: The proposed rule provides a specific disciplinary charge for inmates who establish a personal or business relationship with a staff member, with a maximum penalty of 60 days of disciplinary confinement and a loss of 180 days of gain time.

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: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.14, 944.279, 944.28 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: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.314 Rules of Prohibited Conduct and Penalties for Infractions.

The following table shows established maximum penalties for the indicated offenses. As used in the table, "DC" means the maximum number of days of disciplinary confinement that may be imposed and "GT" means the maximum number of days of gain time that may be taken. Any portion of either penalty may be applied.

Maximum
Disciplinary
Actions

SECTION 1 through SECTION 8 – No change.
SECTION 9 – MISCELLANEOUS INFRACTIONS
9-1 through 9-34 No change.

9-35 Establishes or attempts to establish a personal or business relationship with any staff member 60 DC + 180 GT

SECTION 10 through SECTION 11 – No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.14, 944.279, 944.28 FS. History--New 3-12-84, Amended 1-10-85, Formerly 33-22.12, Amended 12-30-86, 9-7-89, 11-22-90, 6-2-94, 10-1-95, 3-24-97, 7-9-98, 8-13-98, Formerly 33-22.012, Amended 9-30-99, 6-7-00, 4-18-02, 10-10-04, 1-9-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: George Sapp

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 19, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 28, 2005

DEPARTMENT OF CORRECTIONS

RULE TITLE: Sex Offender Visiting Restrictions

RULE NO.: 33-601.720

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the circumstances under which sex offenders will not be allowed to visit with minors in accordance with Section 944.09(1)(n), F.S. The proposed rule directly states that both the conviction and specific offense criteria must be met before the visiting prohibition will apply.

SUMMARY: The proposed rule states that both the conviction and specific offense criteria must be met before the visiting prohibition will apply in accordance with Section 944.09(1)(n), F.S.

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: 20.315, 944.09, 944.23 FS.
LAW IMPLEMENTED: 944.09, 944.23 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: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.720 Sex Offender Visiting Restrictions.

(1) An inmate shall not be authorized to visit with any person seventeen years of age or younger if both paragraphs (a) and (b) below apply:

(a) If the inmate has a current or prior conviction under:

1. Chapter 794, F.S. – sexual battery,
2. Chapter 800, F.S. – lewdness; indecent exposure,
3. Chapter 827, F.S. – abuse of children,
4. Chapter 847, F.S. – obscene literature; profanity, and

(b) The offense reveals that the inmate committed or attempted to commit aggravated child abuse or attempted to commit a sex act on or in the presence of, or against a person fifteen years old or younger.

(c) through (6) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New 11-18-01, Formerly 33-601.707, Amended 5-29-03, 9-29-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
George Sapp

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 12, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 28, 2005

DEPARTMENT OF CORRECTIONS

RULE TITLE: Use of Force
RULE NO.: 33-602.210

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to add a provision to the use of force file checklist, Form DC1-813, to require inclusion a copy of the completed chemical agent accountability log for each canister used.

SUMMARY: The proposed rule adds a provision to the use of force file checklist, Form DC1-813, requiring inclusion of 1 copy of the completed chemical agent accountability log for each canister used, reflecting the beginning and ending weights of the canister.

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: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.35 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: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.210 Use of Force.

(1) through (19) No change.

(20) The following forms are hereby incorporated by reference. Copies of these forms are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) DC1-813, Use of Force File Checklist, effective February 25, 2004.

(b) through (n) No change.

Specific Authority 944.09, FS. Law Implemented 20.315, 944.09, 944.35 FS. History–New 4-8-81, Amended 10-10-83, 9-28-85, Formerly 33-3.066, Amended 3-26-86, 11-21-86, 4-21-93, 7-26-93, 11-2-94, 2-12-97, 11-8-98, Formerly 33-3.0066, Amended 10-6-99, 2-7-00, 7-25-02, 8-25-03, 2-25-04, 11-7-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
George Sapp

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 12, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 28, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE TITLE: Approval of CLARB Senior Examination
RULE NO.: 61G10-11.006

PURPOSE AND EFFECT: The Board proposes to repeal this rule in accordance with Department instructions. The Senior examination is no longer offered.

SUMMARY: Repealing the approval of the CLARB Senior 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 regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 481.306 FS.

LAW IMPLEMENTED: 481.311 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G10-11.006 Approval of CLARB Senior Examination.

Specific Authority 481.306 FS. Law Implemented 481.311(3) FS. History—New 4-24-81, Amended 8-24-81, Formerly 21K-11.06, 21K-11.006, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE: Juanita Chastain, Executive Director, Board of Landscape Architecture

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Landscape Architecture
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 28, 2005

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance Boards

RULE TITLE: Office Surgery Inspection Fee
PURPOSE AND EFFECT: The Department proposes to update the rule text to conform with the other rules in this chapter.

RULE NO.: 64B-4.002

SUMMARY: References to the Board of Osteopathic Medicine and to its rule are added to the text.

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: 456.004 FS.

LAW IMPLEMENTED: 458.309(3), 459.005(2) 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, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-4.002 Office Surgery Inspection Fee.

An inspection fee of \$1500 shall be paid annually for each practice location for which, pursuant to Rule 64B8-9.0091, or Rule 64B15-14.0076, F.A.C., a physician is required to register with the Board of Medicine, or the Board of Osteopathic Medicine and be inspected by the Department of Health. Each practice location will be assessed the above referenced fee at the time of inspection regardless of the number of physicians who share this office location.

Specific Authority 456.004(6) FS. Law Implemented 458.309(3), 459.005(2) FS. History—New 2-8-01, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Pamela King

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Amy Jones

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 24, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 2004

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLES: Additional Requirements
RULE NO.: 64B5-14.004

PURPOSE AND EFFECT: The Board proposes the amendment to update continuing education requirements to address training needed for preparation of medical emergencies occurring during the administration of anesthesia.

SUMMARY: The proposed amendment requires anesthesia permit holders to include two (2) hours of continuing education hours dealing with the management of medical emergencies.

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: 466.004(4), 466.017(3) FS.
LAW IMPLEMENTED: 466.017(3) FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-14.004 Additional Requirements.

(1) through (5) No change.

(6) Each anesthesia permit holder must complete at least four (4) hours of continuing education relating to anesthesia each biennium the permit is held, to include two (2) hours dealing with the management of medical emergencies. These hours would be included in the 30 hours of continuing education required by Section 466.0135(1), F.S.

Specific Authority 466.004(4), 466.017(3) FS. Law Implemented 466.017(3) FS. History—New 1-31-80, Amended 2-13-86, Formerly 21G-14.04, Amended 12-31-86, 12-28-92, Formerly 21G-14.004, Amended 12-20-93, Formerly 61F5-14.004, Amended 8-8-96, Formerly 59Q-14.004, Amended 11-4-03, 6-23-04,_____.

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: November 18, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 21, 2005

DEPARTMENT OF HEALTH

Board of Occupational Therapy Practice

RULE TITLE: Mediation
RULE NO.: 64B11-4.006

PURPOSE AND EFFECT: The Board proposes to provide the opportunity to mediate certain minor offenses that can be remedied by the licensee.

SUMMARY: The rule provides for mediation of three minor offenses.

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: 456.078, 468.204 FS.

LAW IMPLEMENTED: 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 RULE IS: Kaye Howerton, Executive Director, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-4.006 Mediation.

For purposes of subsection 456.078, F.S., the Board finds the following ~~no~~ offenses appropriate for mediation:-

(1) Failure to timely respond to a continuing education audit as required by Rule 64B11-5.001, F.A.C.:

(2) Failure to timely notify the Board of a change of address as required by Rule 64B11-4.007, F.A.C.:

(3) Unintentional violation of Section 456.072(1)(h), F.S., by submitting a worthless check to the Department or Board.

Specific Authority 456.078, 468.204 FS. Law Implemented 456.078 FS. History—New 12-20-98, Amended 6-11-02,_____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 7, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 3, 2004

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Labels and Labeling of Medicinal Drugs –
RULE NO.: Community Pharmacy Permit
64B16-28.402

PURPOSE AND EFFECT: This rule is being repealed as it has been updated and combined with other like rules in Rule 64B16-28.108, F.A.C.

SUMMARY: This rule set forth the requirements for labels and labeling of drugs for community-based pharmacies.

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: 465.005, 465.022 FS.

LAW IMPLEMENTED: 465.022(1), 465.0255 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW. (IF NOT REQUESTED IN WRITING, A HEARING WILL NOT BE HELD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Danna Droz, Executive Director, Florida Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-28.402 Labels and Labeling of Medicinal Drugs – Community Pharmacy Permit.

Specific Authority 465.005, 465.022 FS. Law Implemented 465.022(1), 465.0255 FS. History–New 7-3-91, Formerly 21S-28.402, Amended 12-27-93, Formerly 61F10-28.402, 59X-28.402, Amended 9-17-97, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 4, 2004

Section III
Notices of Changes, Corrections and Withdrawals

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 MANAGEMENT SERVICES

State Technology Office

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
60DD-8	Statewide Law Enforcement Radio System
RULE NOS.:	RULE TITLES:
60DD-8.001	Purpose; Definitions
60DD-8.002	Third Party Subscriber Classifications; Application Process
60DD-8.003	Frequencies and Licenses
60DD-8.004	Talk Group Limits
60DD-8.005	Security; Encryption Requirements; Radio Programming and System Key Management
60DD-8.006	Service and Maintenance Priorities

NOTICE OF CHANGE

Notice is hereby given in accordance with subparagraph 120.54(3)(d)1., F.S., that the following changes have been made to the proposed rules published in the Vol. 30, No. 51 (December 17, 2004) of the Florida Administrative Weekly:

60DD-8.001 Purpose; Definitions.

(1) The purpose of this rule chapter is to establish procedures to allow Third Party Subscribers Eligible Users, as defined herein, to use the Statewide Law Enforcement Radio System (or “SLERS”). Such use benefits the state and facilitates the efficient use of radio spectrum.

(2) The following terms are defined:

(a) Contractor – Entity under contract with State Technology Office to provide ~~construct~~ the Statewide Law Enforcement Radio System.

~~(b) Eligible Users – All entities eligible to hold authorizations in the Federal Communication Commission Public Safety Pool as defined by 47 C.F.R. § 90.20 or to share use of the Statewide Law Enforcement Radio System pursuant to 47 C.F.R. § 90.179.~~

~~(b)(e)~~ Encryption – Cryptographic transformation of data (called “plaintext”) into a form (called “cipher-text”) that conceals the data’s original meaning to prevent it from being known or used.

~~(c)(d)~~ First Responder – Entities, including law enforcement, fire service and emergency medical agencies, trained or responsible for rendering initial care or treating or transporting ill or injured persons.

~~(d)(e)~~ Interoperability – An essential communication link within public safety and public service wireless communications systems which permits users units from ~~two or more~~ different entities to interact with one another and to exchange information in order to more effectively carry out their assigned missions according to a prescribed method in order to achieve predictable results.

~~(e)(f)~~ Interoperability Users – Third Party Subscribers Eligible Users who are not State Law Enforcement users ~~but~~ who need to ~~must necessarily~~ communicate via radio with State Law Enforcement over the SLERS radio network ~~in the course of the Eligible User’s duties.~~

~~(f)~~ JTF Agency Users – State law enforcement agencies (including ex-officio members) which are or may become members of the Joint Task Force pursuant to Joint Task Force Board approval of applicants’ implementation plans and applicants’ acceptance of Board Policies and Standard Operating Procedures.

(g) Local Law Enforcement – Law enforcement agencies of counties and municipalities.

~~(h) Low radio traffic – The condition whereby a radio tower site is serving fewer transmissions than it is capable of satisfactorily serving based upon its design capacity.~~