

DEPARTMENT OF HEALTH

Board of Athletic Training

RULE TITLE: Fees
RULE NO.: 64B33-3.001

PURPOSE AND EFFECT: The proposed rule amendments are intended to address the initial licensure fee for those licensed in the second year of the biennium; to increase the delinquent license fee; and to set forth a fee for a duplicate license.

SUMMARY: The proposed rule amendments increase the delinquent license fee to \$75; implement a duplicate license fee in the amount of \$25; and clarify fees for those initially licensed in the second year of the biennium.

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: 455.587, 468.705, 468.709 FS.

LAW IMPLEMENTED: 455.587, 468.709 FS.

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

TIME AND DATE: 10:00 a.m., July 20, 2000

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Athletic Training/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B33-3.001 Fees.

The following fees are prescribed for athletic trainers:

- (1) The application fee shall be \$100.
- (2) The initial licensure fee for those initially licensed in the first year of the biennium shall be \$125. For those initially licensed in the second year of the biennium, the initial licensure fee shall be \$75.
- (3) The biennial renewal fee shall be \$125.
- (4) The inactive fee shall be \$50.
- (5) The delinquent fee shall be \$75 ~~\$25~~.
- (6) The reactivation fee shall be \$25.
- (7) The change of status fee shall be \$25.
- (8) The duplicate license fee shall be \$25.

Specific Authority 455.587, 468.705, 468.709 FS. Law Implemented 455.587, 468.709 FS. History--New 7-12-95, Amended 5-29-96, Formerly 61-25.001, 64B30-25.001, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Athletic Training

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 14, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 26, 2000

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

DEPARTMENT OF INSURANCE

Division of Insurance Fraud

RULE NO.: 4K-1.001
RULE TITLE: Anti-Fraud Reward Program

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., Florida Statutes, published in Vol. 26, No. 22, June 9, 2000, of the Florida Administrative Weekly:

The Date Notice of Proposed Rule Development Published in Florida Administrative Weekly: July 30, 2000 should be changed to read "July 30, 1999".

The remainder of the rule reads as previously published.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-5.066
RULE TITLE: Approval of Preservice Teacher Preparation Programs

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 16, April 21, 2000, issue of the Florida Administrative Weekly:

Paragraph (3)(b) was amended to read:

(3)(b) Curricular offerings in general education, professional education, and subject specialization designed to enable program participants, as a minimum, to demonstrate the competencies contained in the subject matter content standards specified by the Education Standards Commission in the document "Subject Matter Content Standards for Florida Teachers", which is hereby incorporated by reference and made a part of this rule, and the educator accomplished practices at the preprofessional level contained in Rule 6A-5.065, FAC. In those specialization areas for which the Education Standards Commission has not specified subject matter content standards, the subject area competencies in the "Competencies and Skills Required for Teacher Certification

in Florida, Sixth Edition,” pursuant to Rule 6A-4.0021, FAC., shall be used. Curricular offerings shall address the importance of democratic values and institutions, the contributions of various ethnic groups to society and stress character development which encourages appreciation of diversity in a pluralistic society. ~~Beginning with students entering their freshman year of college in or after the 2000-2001 academic year, the~~ The following curricular requirements are in effect for approved teacher education programs.

Subparagraph (3)(b)1. was amended to read:

1. Education major program ~~General education~~ requirements for students entering their freshman year of college in or after the 2001-2002 academic year shall include the following:

Subparagraph (3)(b)2. was amended to read:

2. Subject area specialization requirements for students entering their freshman year of college in or after the 2000-2001 academic year shall include the following:

Subparagraph (3)(b)3. was amended to read:

3. Professional education requirements for students entering their freshman year of college in or after the 2000-2001 academic year shall include the following:

Paragraph (3)(l) was amended to read:

(l) Sufficient faculty with educational background, and training, and recent prekindergarten through grade 12 experience appropriate for the roles to which they are assigned. Effective July 1, 2001, criteria for state-approval shall specify that teacher preparation faculty who have responsibility for professional preparation of students must have recent experience working in prekindergarten through grade 12 schools at no less than five (5) year intervals beginning with the 2001-2002 academic year. Such criteria shall be based upon recommendations developed by the Education Standards Commission, which shall be submitted to the Commissioner of Education by November 1, 2000. The criteria shall include the acceptable experience necessary for satisfying this requirement including the nature of the experience as well as a minimum amount of time to be engaged in the experience during each five (5) year period. School districts are expected to collaborate with colleges and universities to provide opportunities for teacher preparation faculty to engage in meaningful experiences.

Sub-Sub-Sub-Subparagraph (3)(b)3.a.(I)(A) was amended and newly proposed Sub-Sub-Sub-Subparagraph (3)(b)3.a.(I)(B) was deleted to read:

(I) Students in prekindergarten-primary education and elementary education teacher preparation programs shall successfully complete twelve (12) semester hours to include:

~~(A) a~~ At least six (6) semester hours in understanding the reading process, beginning reading instruction, assessment, problem identification ~~and~~, prescription, instruction, and teaching reading across the content areas for primary and intermediate grades.

~~(B) Foundations of reading and selection of appropriate literature for primary and intermediate grades.~~

Previously proposed Sub-subparagraph (3)(b)3.e. deleted:

~~e. Credit in sociological foundations of education.~~

Subparagraphs (3)(d)1. and 3. were amended to read:

1. Instructional strategies that address various learning styles, exceptionalities, achievement levels, and other specialized circumstances.

3. Appropriate use of technology in instruction and record-keeping.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-14.0302
RULE TITLE: Community College Concurrent-Use Rule Articulation Agreements

NOTICE OF CONTINUATION

Notice is hereby given that consideration of Rule 6A-14.0302, Community College Concurrent-Use Articulation Agreements, is continued to July 25, 2000, at 9:00 a.m. in Room LL-03, The Capitol, Tallahassee, Florida. The rule was originally published in Vol. 26, No. 14 of the April 7, 2000, Florida Administrative Weekly. Notice of Continuation to June 13, 2000 was published in Vol. 26, No. 21, of the May 26, 2000, Florida Administrative Weekly. In addition to the community colleges and state universities, the independent colleges in Florida are impacted by this proposed rule. The State Association of Independent Colleges & Universities of Florida (ICUF) requested additional time to discuss the rule prior to final action. This was acceptable to the State Board of Community Colleges and the rule is continued at their request. THE PERSON TO BE CONTACTED REGARDING THE CONTINUATION IS: Mr. Sydney H. McKenzie, III, General Counsel, State Board of Community Colleges, Division of Community Colleges, 325 W. Gaines St., Tallahassee, FL 32399-0400

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: 14-100
RULE NOS.: 14-100.001, 14-100.002
RULE CHAPTER TITLE: Toll Enforcement
RULE TITLES: Training and Qualification Standards for Toll Enforcement Officers, Prosecution of Unpaid Toll Violations

NOTICE OF CHANGE

SUMMARY OF CHANGES: In response to a review by the Joint Administrative Procedures Committee, the following changes are being made:

1. Rule 14-100.001 is revised as shown:

14-100.001 Training and Qualification Standards for Toll Enforcement Officers.

(1) Application and Scope. The purpose of this rule is to establish minimum training and qualification standards for toll enforcement officers. These standards shall be the minimum requirements necessary for eligibility to be a toll enforcement officer for the Department of Transportation (hereinafter Department). ~~Toll enforcement officers are authorized to issue uniform traffic citations for a failure to pay tolls on a toll facility owned or operated by a governmental entity, as defined in Section 334.03(12), Florida Statutes. This rule should not be construed to preclude a~~ The governmental entity operating a toll facility from may establishing more stringent requirements in addition to these requirements, for its toll enforcement officers.

(2) Compliance. Compliance with the rule standards shall be the responsibility of the respective governmental entity which operates the toll facility.

(3) Minimum Training. Toll enforcement officers shall successfully complete the following:

(a) A training course with the Department of Highway Safety and Motor Vehicles on the procedures for issuance of uniform traffic citations.

(b) A minimum of 40 hours of technical instruction on how to access, operate, and maintain the violation enforcement system. The components of the training shall include, at a minimum, equipment configuration and operation.

(4) Minimum Qualifications. The following minimum qualifications shall be applicable to toll enforcement officers:

(a) Toll enforcement officers shall, through their education and work experience ~~record~~, demonstrate to the satisfaction of the hiring governmental entity that ~~they the applicant~~ possesses the following ~~abilities~~:

1. The ability to collect and evaluate data related to a violation enforcement system; and

2. The ability to understand and apply applicable agency, evidentiary, and violation enforcement system rules, regulations, policies, and procedures.

(b) Toll enforcement officers shall have visual acuity correctable to 20/20.

(c) Toll enforcement officers must:

1. Be certified pursuant to Section 943.13, Florida Statutes, and Chapter 11B-27, ~~F.A.C. Florida Administrative Code~~; or

2. Meet the requirements of Sections 943.13(1)-(4), Florida Statutes; and

3. Have a good moral character, as described in under Section 943.13(7), Florida Statutes, and Rule 11B-27.0011(2),(4)(a),(b), and (c)1.-6., and (d), ~~F.A.C. Florida Administrative Code~~ (Amended 1-2-97), as determined by a background investigation meeting the requirements of Rule

11B-27.0022(1) and (2), ~~F.A.C. Florida Administrative Code~~ (Amended 1-2-97). The foregoing rules are incorporated herein by reference.

Specific Authority 334.044(2) FS. Law Implemented 316.1001, 316.640(1)~~(b)~~ FS. History--New 10-21-97, Amended.

2. Rule 14-100.002 is revised as shown:

NOTE: Although Rule 14-100.002 is a newly proposed rule and not currently in the Florida Administrative Code, delete/add coding is being used to show additions and deletions from the text as proposed in the Florida Administrative Weekly.

14-100.002 Prosecution of Unpaid Toll Violations.

(1) Application and Scope. The purpose of this rule is to ~~implement deter violations of~~ Section 316.1001, Florida Statutes, and ~~to~~ provide guidance to toll enforcement officers ~~the Department~~ for the issuance of a ~~Toll Violation Warning (TVW)~~ and Uniform Traffic Citations (UTC).

(a) It is in the public interest, fair to users who pay posted tolls, and necessary for toll collection and bond accountability, to enforce the payment of tolls and reduce the number of toll violations which occur when prescribed tolls are not paid by users of toll facilities. Failure to pay a prescribed toll is a violation of Section 316.1001, Florida Statutes. Violators of Section 316.1001, Florida Statutes, at Department owned or operated toll facilities are subject to issuance of a UTC by the Department. ~~However, the Department shall attempt to deter violations by issuing a TVW prior to the issuance of the first UTC.~~

~~(b) The Department shall attempt to deter violations of Section 316.1001, Florida Statutes, and collect tolls for all toll facilities which the Department owns or operates. However, the Department reserves the right to suspend enforcement at one or more facilities without impact on the remaining facilities for reasons which may include, but are not limited to, a new facility becoming a part of the system.~~

~~(b)(e)~~ A violations of Section 316.1001, Florida Statutes, is punishable as a noncriminal moving traffic infraction under Section 318.18, Florida Statutes.

~~(c)(d)~~ After exhausting all internal Department Sunpass™ database records, the license plate number of the motor vehicle alleged to have committed a toll violation shall be forwarded to the Florida Department of Law Enforcement or the Department of Highway Safety and Motor Vehicles to obtain the name and address of the registered owner for use in prosecution of toll violations. In the case of joint ownership of the motor vehicle, the ~~TVW or~~ UTC shall be issued to the individual whose name appears first on the ~~mailed to the first name appearing on the~~ motor vehicle registration.

~~(2) Issuance of a TVW.~~

~~(a) In accordance with the Violation Enforcement Procedures Manual, (11/99), the first registered owner of a vehicle failing to pay a prescribed toll shall be issued a TVW;~~

Form SP050-A-001, Rev. 11/99. The *Violation Enforcement Procedures Manual*, (11/99), is incorporated herein by reference. Copies of the manual may be obtained, at no more than cost, from the Department of Transportation, Toll Violation Enforcement, Post Office Box 880069, Boca Raton, Florida 33488-0069.

(b) A TVW for failure to pay a prescribed toll shall be issued based upon either:

1. The photographic image of the motor vehicle; or
2. A written report by a Toll Enforcement Officer of the facts and circumstances of the observed violation;

(e) A Department Toll Enforcement Officer shall issue a TVW by first class mail to the address of the registered owner of the motor vehicle alleged to be involved in the violation.

(d) Unless the TVW is based upon a written report of a visually observed occurrence, the TVW shall contain the photographic image of the violating vehicle captured by the Department's Violation Enforcement System's (VES) camera at the toll lane, and shall include the date and location of the violation, and any other pertinent information.

~~(2)(3)~~ Issuance of a UTC.

(a) ~~The~~ In accordance with the *Violation Enforcement Procedures Manual*, (11/99), except when issued a TVW, as provided in Rule 14-100.002(2), the registered owner of a vehicle, where the vehicle was observed proceeding through a facility at which the driver failed failing to pay the required a prescribed toll, shall be subject to issuance of a UTC for a violation of Section 316.1001, Florida Statutes. The UTC shall be sent by certified U.S. mail to the address of the registered owner of the motor vehicle involved in the violation. The UTC shall be issued within 14 days of the alleged violation, in accordance with the *Florida Uniform Traffic Citation Procedures Manual* and Section 316.1001(1)(b), Florida Statutes. ~~The Florida Uniform Traffic Citation Procedures Manual is hereby incorporated by reference. Copies of the manual are available at no more than cost from the Department of Highway Safety and Motor Vehicles, Room A325, Crash Records, 2900 Apalachee Parkway, Tallahassee, Florida 32399.~~

(b) A photographic image of a vehicle using a toll facility in violation of Section 316.1001, Florida Statutes, captured by the VES camera at the toll lane, shall be grounds for issuance of a UTC to the registered owner of the motor vehicle alleged to be involved in the violation.

(c) An Observed Violation Form, Form SP050-A-004, Rev. 11/99, from a Toll Enforcement Officer, consisting of the written account of the Toll Enforcement Officer's observed facts and circumstances indicating that a prescribed toll was not paid shall be grounds for issuance of a UTC.

(d) The registered owner of the motor vehicle involved in the violation is responsible for payment of the amount provided for in Section 318.18, Florida Statutes, in addition to any amount that is ~~is~~ may be imposed as a result of pleading

guilty or which ~~is~~ may be otherwise imposed by the court, unless the owner establishes, to the court's satisfaction, that the motor vehicle was not in his or her care, custody, or control. Such fact must be established in accordance with Rule 14-100.002(4)(b)(5)(e).

~~(3)(4)~~ Validation of Digital Photographic Evidence.

(a) ~~The~~ In accordance with the *Violation Enforcement Procedures Manual*, (11/99), the Department's Toll Enforcement Officer(s), or his or her designee, shall review captured photographic images of vehicle license plates to ensure accuracy and data integrity. The Toll Enforcement Officer(s), or designee, shall also verify that the toll collection and VES were performing properly, were functional, and were in operation at the time of the alleged toll violation. The Toll Enforcement Officer(s), or designee, shall review the transaction data to ensure that those transactions immediately prior and subsequent to the alleged toll violation transaction were processed correctly. Such information shall be recorded on a Toll Transaction Report, Form SP050-A-005, Rev. 11/99, and shall be used in the processing of the UTC and in any judicial proceeding. The final decision of validation and the issuance of a UTC shall be made by the Toll Enforcement Officer (s).

~~(4)(5)~~ Response to a TVW or UTC.

(a) ~~The~~ TVW shall inform the registered owner that the vehicle registered in his or her name was observed failing to pay a required toll, and warn the registered owner that failure to pay prescribed tolls may result in the issuance of a Uniform Traffic Citation. ~~There is no required response by the registered owner to a TVW.~~

~~(a)(b)~~ The UTC shall inform the registered owner that the vehicle registered in his or her name was observed proceeding through a toll facility at which the driver failed failing to pay the a required toll, and provide the registered owner of the options to pay a fine, in the event of noncontest of the UTC, and instruction on how to contest the UTC.

~~(b)(e)~~ Upon receipt of a UTC, the registered owner of the motor vehicle involved in the violation is responsible for payment of the amount provided for in Section 318.18(7), Florida Statutes, in addition to any amount that is ~~is~~ may be imposed as a result of pleading guilty or which is ~~is~~ may be otherwise imposed by the court, unless the owner can establish the motor vehicle was, at the time of violation, in the care, custody, or control of another person. In order to establish such facts, the registered owner of the motor vehicle is required to appear before the court and complete a sworn affidavit.

1. The Department will make the affidavit, Form SP050-A-003, Rev. 11/99, available to the court. Should the court choose not to use the affidavit, Form SP050-A-003, Rev. 11/99, the court will provide an appropriate affidavit form.

2. Should the court accept the affidavit, the UTC will be dismissed against the owner and the Department shall issue a UTC to the individual named in the affidavit as having been-~~in~~

~~accordance with the court's policies and procedures, as appropriate, the UTC may be amended for issuance to the individual who was in the care, custody, or control of the vehicle.~~

(6) Forms. The following forms are incorporated by reference and made a part of this rule:

Form Number	Date	Title
SP050-A-001	11/99	Toll Violation Warning
SP050-A-002	11/99	Uniform Traffic Citation
SP050-A-003	11/99	Affidavit
SP050-A-004	11/99	Toll Enforcement Officer Observed Violation Form
SP050-A-005	11/99	Toll Transaction Report

Copies of these forms may be obtained from the Florida Department of Transportation, Toll Violation Enforcement, Post Office Box 880069, Boca Raton, Florida 33488-0069.

Specific Authority 334.044(2) FS. Law Implemented 316.1001, 334.044(28), 338.155, 338.165, 338.231 FS. History—New _____.

3. Form Revisions in Response to Joint Administrative Procedures Committee Review. In addition to the changes to the proposed rule amendments, changes are being made to Form SP050-A-002, Uniform Traffic Citation. The second paragraph in the left-hand column is amended to read: "In accordance with Sections 316.1001, 318.14, and 318.15, Florida Statutes, failure to respond to this notice may result in:"

Notice was published in *Florida Administrative Weekly*, Vol. 26, No. 4, January 28, 2000.

DEPARTMENT OF CORRECTIONS

RULE NOS.:	RULE TITLES:
33-208.501	Staff Housing – Definitions
33-208.504	Criteria for Assignment to Staff Housing
33-208.507	Responsibilities for Staff Housing Occupants
33-208.509	Staff Housing – Repairs and Replacements
33-208.510	Termination of Staff Housing Assignment

SECOND NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 16, April 21, 2000, issue of the Florida Administrative Weekly:

33-208.501 Staff Housing – Definitions.

For the purposes of this chapter:

(1) through (4) No change.

(5) "Staff housing" means all places where Department employees reside on institution grounds including state-owned houses, apartments, mobile homes, mobile home spaces and rooms in officer quarters. A mobile home privately owned by an employee is not considered staff housing.

(6) "Occupant" means a Department employee or authorized person who occupies assigned staff housing.

(7) No change.

33-208.504 Criteria for Assignment to Staff Housing.

The warden shall assign staff housing based upon the best interests of the institution and the following:

(1)(a) To the extent that houses, apartments and mobile homes are available, certain priority key staff of a major institution shall be required to live at the institution of their assignment so that emergencies can be resolved with a minimum of delay. An institution with insufficient housing for its priority key staff may be allocated such housing at a nearby institution by the Regional Director. The following priority key staff are listed in the order of priority by which the assignment of at least one employee in each category shall be considered by the warden. Only the Secretary may alter these priorities based upon proof of an employee's significant personal hardship or in the best interests of the Department.

1. through 7. No change.

(b) No change.

(2)(a) Employees who personally own mobile homes and who are priority key staff or security staff, as specified in subsection (1) above, shall be given the same priority consideration for a mobile home space upon request.

(b) through (c) No change.

(3)(a) Employees who require only a bedroom and who are priority key staff or security staff, as specified in subsection (1) above, shall be given the same priority consideration for a room in the officer quarters upon request.

(b) through (5) No change.

33-208.507 Responsibilities of Staff Housing Occupants.

(1) through (2)(a).

(b) Occupants shall be responsible for the care and appearance of the staff housing and grounds assigned. Yards, carports and other areas shall be kept free of clutter, trash, or junk, including abandoned or junked vehicles.

(c) through (f) No change.

(g) Occupants shall exercise good judgement regarding personal conduct in staff housing by themselves, family members and guests so as to avoid criticism and unfavorable public reaction or publicity. Conduct which could reflect negatively on the State of Florida, the Department of Corrections or the institution may result in disciplinary action will not be tolerated.

(h) No change.

(i) Occupants shall make an ~~immediate~~ written report to the assistant warden for operations of any damage to staff housing or state-owned equipment or furnishings no later than the next business day.

(j) through (o) No change.

(p) Owners of mobile or modular homes must pay all permitting fees required to install the unit in the staff housing area and any improvements to the structure that are necessary to meet the building code.

(q) An occupant will not be permitted to sublet any state owned housing.

(3)(a) No change.

(b) Only household pets may be kept by occupants of staff housing other than officer quarters. Hunting dogs are considered household pets while owned by occupants in staff housing. Such pets, including those owned by family members and guests, are the occupant's full responsibility and are subject to the following restrictions:

1. through 5. No change.

33-208.509 Staff Housing – Repairs and Replacements.

(1)(a) ~~The Department Institutions is~~ are responsible for repairs to staff housing and state-owned equipment and furnishings required due to normal wear and tear; however, occupants shall pay for repairs required due to negligence by themselves, family members or guests.

(b) through (2) No change.

33-208.510 Termination of Staff Housing Assignment.

(1)(a) No change.

(b) Written notice of expiration under subparagraphs (1)(a)1. or 2. above, including the effective date, shall be issued to an occupant by the warden with an effective date which shall not exceed fourteen (14) days from the date of written notice.

(c) through (2)(a) No change.

(b) Written notice of revocation, including the effective date, shall be issued to an occupant by the warden. Prior to issuance, both the revocation action and the wording of the written notice must be reviewed by the Regional Director in consultation with the Office of the General Counsel Bureau of Legal Services to determine legal sufficiency.

(3) No change.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Beaches and Shores

DOCKET NO. 99-22R

RULE CHAPTER NO.: 62B-33	RULE CHAPTER TITLE: Rules and Procedures for Coastal Construction and Excavation (Permits for Construction Seaward of the Coastal Construction Control Line and Fifty-Foot Setback)
-----------------------------	--

RULE NOS.:

62B-33.002
62B-33.003
62B-33.004

62B-33.005

62B-33.0051

62B-33.007

62B-33.008

62B-33.0085

62B-33.013

RULE TITLES:

Definitions
General Prohibitions
Exemptions from Permit Requirements
Department Policy Statement on Permits
Coastal Armoring and Related Structures
Structural and Other Requirements Necessary for Permit Approval
Permit Application Requirements and Procedures
Permit Fees
Permit Modifications, Time Extension, and Renewals

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 13, March 31, 2000, of the Florida Administrative Weekly:

62B-33.002 Definitions.

(8) "Beach quality sand" is sand, which is similar to the native beach sand in both coloration and grain size, and is free of construction debris, rocks, clay or other foreign matter.

Specific Authority 161.053-~~370.021~~ FS. Law Implemented 161.052, 161.053, 161.0535, 161.054, 161.061, 161.071, 161.081, 161.085-~~370.12~~ FS. History-New 11-18-80, Amended 3-17-85, 11-10-85, Formerly 16B-33.02, Amended 5-12-92, Formerly 16B-33.002, Amended 9-12-96, 1-26-98, _____.

62B-33.003 General Prohibitions.

Specific Authority 370.021(1) FS. Law Implemented 161.053(2), 161.052 FS. History-New 11-18-80, Formerly 16B-33.03, 16B-33.003, Repealed _____.

62B-33.004 Exemptions from Permit Requirements.

(1) Any structures under construction prior to the establishment of a coastal construction control line in a particular county are exempt from the provisions of section 161.053, Florida Statutes, and this Chapter, except as noted in section 161.053(9) and (12), Florida Statutes.

(b) A pile-supported structure shall be deemed "under construction" when placement ~~the process of placing~~ the permanent pile members for the foundation has begun. Driving of test piles and temporary placement of piles in preparation for driving shall not qualify a structure as "under construction." For concrete footer, base, slab or grade beam supported structures, a structure will be deemed "under construction" when placement ~~the process of placing~~ concrete for the foundation has begun. For roads, parking lots, driveways, walkways or similar paved structures, the structure will be considered "under construction" when placement of the base course, if used, or surface has been started.

(c) Whenever it is unclear under either paragraph (a) or (b) above, that if a structure is "under construction", the applicant shall provide to the Department the following documents demonstrating that the structure is under construction, such as:

1. No change.
2. A full set of construction plans for the structure approved by the local government in conjunction with the building permit, and or
3. Other dDocumentation, including local building inspectors' construction reports, construction contracts, or other information, substantiating that a bona fide construction process, which appears will be continuous in nature, has started.

(3)(c) ~~Pursuant to section 161.053(12)(c), Florida Statutes, M~~minor activities which do not cause an adverse impact on the coastal system and do not cause a disturbance to any significant or primary dune are exempt from the permitting requirements of this Chapter. Such activities shall be conducted so as not to disturb marked marine turtle nests or known nest locations or damage existing native salt-tolerant vegetation. The activities which are exempt pursuant to this subparagraph section include, but are not limited to, the following:

1. ~~Maintenance of existing beach/dune vegetation;~~
2. ~~The removal of piers or other derelict structures from the unvegetated beach or seaward of mean high water;~~
3. ~~Temporary emergency vehicular access, provided any impacted area is immediately restored;~~
4. ~~The removal of any existing structures or debris from the upland, provided there is no excavation or disturbance to the existing topography or beach/dune vegetation;~~
5. ~~Construction of any new roof overhang extending no more than 4 feet beyond the confines of the existing foundation during modification, renovation, or reconstruction of a habitable structure within the confines of the existing foundation of that structure which does not include any additions to or modification of the existing foundation of that structure;~~
6. ~~Minor and temporary excavation for the purpose of repairs to existing subgrade residential service utilities (e.g., water and sewer lines, septic tanks and drainfields, electrical and telephone cables, and gas lines), provided that there is minimal disturbance and that grade is restored with fill compatible in both coloration and grain size to the onsite material and any damaged or destroyed vegetation is restored using similar vegetation;~~
7. through 13. renumbered 1. through 7. No change.
- 8.14. Minor structures, including but not limited to driveways, water wells, and irrigation wells which are either located within the landward shadow of existing habitable major structures, landward of the second general line of development of major structures, or landward of a major public evacuation routes roadway.

~~15. Temporary excavation for subgrade utilities including water, sewer, electrical, and gas lines located in existing developments.~~

16. through 18. renumbered 9. through 11. No change.

(d) ~~Pursuant to section 161.053(12)(c)9., Florida Statutes, other minor structures and activities determined by the Department not to have an adverse impact on the coastal system. In order to determine if a proposed activity will have an adverse activity on the coastal system, the Department may, as part of the exemption determination, conduct an on-site inspection.~~ If the Department determines the proposed activity is exempt from the provisions of section 161.053(12)(c)9., Florida Statutes, and this Chapter, the Department shall issue a notice of exemption ~~on DEP form number 73-122 (revised 9/99).~~ using the DEP exemption form. The exemption form, which is entitled "Exemption Determination Pursuant to Section 161.053, or 161.052, Florida Statutes". DEP form number 73-120, is hereby incorporated by reference. The exemption notice shall be posted on site for the duration of the activity. If the proposed activity is determined not to be exempt, a permit pursuant to section 161.053, Florida Statutes, and this Chapter is required.

Specific Authority 161.052, 161.053, ~~370.024~~ FS. Law Implemented 161.053, 161.052 FS. History—New 11-18-80, Amended 3-17-85, 11-10-85, Formerly 16B-33.04, Amended 5-12-92, 11-11-92, Formerly 16B-33.004, Amended 1-26-98, _____.

62B-33.005 Department Policy Statement on Permits.

Specific Authority 161.053, ~~370.024~~ FS. Law Implemented 161.053, 161.052, ~~370.12~~ FS. History—New 11-18-80, Amended 3-17-85, 11-10-85, Formerly 16B-33.05, 16B-33.005, Amended 9-12-96, 1-26-98, _____.

62B-33.0051 Coastal Armoring and Related Structures.

Specific Authority 161.053, 161.085, ~~370.024~~ FS. Law Implemented 161.052, 161.053, 161.085, ~~370.12~~ FS. History—New 9-12-96, Amended 1-26-98, _____.

62B-33.007 Structural and Other Requirements Necessary for Permit Approval.

(3)(c) All habitable major structures shall be elevated on, and securely anchored to, an adequate pile foundation in such a manner as to locate the building support structure above the design breaking wave crests or wave approach as superimposed on the storm surge with dynamic wave setup of a one-hundred-year storm. The storm surge with dynamic wave setup of a one-hundred-year storm shall be the elevation determined by the Department in studies published as a part of the coastal construction control establishment process. The Office Bureau will evaluate the applicant's proposed structural elevation based upon available scientific and coastal engineering data and will advise the applicant of the specific elevation requirement for the site.

The Department shall authorize the construction of ~~may grant a waiver of the elevation of foundation requirements for~~ additions, repairs or modifications to existing nonconforming habitable major structures; that do not meet the elevation or

~~foundation standards of this paragraph, provided it determines, based on engineering data, site elevations, impacts to the beach and dune system, and design life of the structure, that the addition, repair or modification does not advance the seaward limits of habitable construction at the site, and does not constitute rebuilding of the existing structure, or does not otherwise comply with the requirements of this Chapter. Staff evaluation in such cases will be based on engineering data, site elevations, any impact on the beach and dune system, and design life of the structure.~~

~~(f) Unless waived pursuant to the provisions of section 62B-33.007(3)(g) below, no substantial walls or partitions shall not be constructed below the level of the first finished floor of habitable major structures and seaward of the coastal construction control line or 50-foot setback except for. This does not preclude, subject to Department permit and applicable federal, county, and municipal regulations, the construction of:~~

1. through 6. No change.
7. Small mechanical and electrical equipment rooms; or
8. No change.

~~(g) Upon request by the applicant, the Department shall grant a waiver of the requirements specified in section 62B-33.007(3)(f), Florida Administrative Code, are not applicable if the Department determines that the substantial wall or partition structural component of the habitable major structure is landward of the predicted erosion limits of a one-hundred-year storm, that the one-hundred-year storm still water depth at the substantial wall or partition base of the structural component is less than 1.5 feet, and that the applicant can fully comply with all other structural requirements of this Chapter.~~

Specific Authority 161.053, ~~370.021(4)~~ FS. Law Implemented 161.053, 161.052(2) FS. History—New 11-18-80, Amended 3-17-85, 11-10-85, Formerly 16B-33.07, Amended 5-12-92, Formerly 16B-33.007, Amended 9-12-96, 1-26-98.

62B-33.008 Permit Application Requirements and Procedures.

(1) Any person desiring to obtain a permit for construction seaward of the coastal construction control line or fifty-foot setback from the Department, except those persons applying pursuant to section 62B-33.014, Florida Administrative Code, shall submit two copies of a completed application form, only one of which is to include the required attachments, to the Office Bureau at the address below. The permit application form, which is entitled "Application for a Permit for Construction Seaward of the Coastal Construction Control Line or Fifty-Foot Setback", DEP Form 73-100 (Revised ~~6/00~~ 12/97), is hereby incorporated by reference. Copies of the form may be obtained from the Department of Environmental Protection, Office of Beaches and Coastal Systems, 3900 Commonwealth Boulevard, Mail Station #300, Tallahassee,

Florida 32399-3000; or by telephone at (850)488-3180, extension 1080. The application shall contain the following specific information:

(a) through (i) No change.

(j) Two copies of detailed final construction plans and specifications for all proposed structures or excavation including all planned appurtenant structures, permanent exterior lighting, and utilities. For major structures and rigid coastal structures these documents shall be signed and sealed by the design engineer or architect (as appropriate), who must be registered in the State of Florida, and shall bear the certification specified in sections 62B-33.0051(2)(4)(c), 62B-33.007(3)(b) and (n), Florida Administrative Code, and the site plan shall include all information required in section 62B-33.008(1)(g), and 62B-33.008(1)(i), Florida Administrative Code.

(6) If the Department has received a permit application but has not taken final agency action on it and prior subsequent to such action a major change in coastal conditions occurs which would, in the determination of the Department, render the information already reviewed assessed as invalid insufficient to determine whether the permit should be issued for the purposes of granting a permit. In this event the Department shall either deny the application or notify the applicant that they must submit additional updated information for Departmental review and provide a written waiver of the requirements of section 120.60, Florida Statutes, tolling the 90 day clock, prior to the Department taking final agency action, or the Department shall deny the application. Such notice of intent on the part of the Department shall toll the processing of the application pursuant to Chapter 120, Florida Statutes.

(9) Any substantial modification to a complete application shall require an additional processing fee determined pursuant to paragraph 62B-33.0085(4)(~~o~~), Florida Administrative Code, and shall restart the time requirements of section 120.60, Florida Statutes. For purposes of this section, the term "substantial modification" shall mean a modification, which is reasonably expected to lead to increased adverse impacts which require a detailed review.

(10) As an alternative to the above procedure, the Department may issue field permits for certain minor structures and activities using the field permit form if the Department determines the activity has is of a minor nature and does not unmitigatable adverse impacts. The field permit form, which is entitled "Field Permit or Exemption Determination Pursuant to Section 161.053, or 161.052, Florida Statutes", DEP Form 73-122, is hereby incorporated by reference.

Specific Authority 161.053, ~~370.021(4)~~ FS. Law Implemented 161.053, 161.052 FS. History—New 11-18-80, Amended 7-7-81, 3-17-85, 11-10-85, Formerly 16B-33.08, Amended 8-7-86. Formerly 16B-33.008, Amended 1-26-98.

62B-33.0085 Permit Fees.

Specific Authority 161.053, 161.0535, ~~370.021(4)~~ FS. Law Implemented 161.053, 161.0535 FS. History--New 8-7-86, Formerly 16B-33.0085, Amended 6-16-97, 4-30-98, _____.

62B-33.013 Permit Modifications, Time Extensions, and Renewals.

(3) The permittee or authorized agent may request an extension of the permit expiration date by filing a written request with the ~~Office Bureau~~ prior to the permit expiration date. If a request for a time extension is completed pursuant to paragraph (a) below and received prior to the permit expiration date, the permit will be valid until the Department acts upon the extension request. If a timely but incomplete request for a time extension is received, construction must cease upon the expiration date of the permit and may not restart until the request is complete or until the Department acts upon the request. Time extensions for major structures may be issued for periods of up to three years. Time extensions for minor structures are not available.

Specific Authority 161.053, ~~370.021(4)~~ FS. Law Implemented 161.053, 161.052 FS. History--New 11-18-80, Amended 3-17-85, Formerly 16B-33.13, 16B-33.013, Amended 1-26-98, _____.

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: RULE TITLE:
64B14-4.001 Approved Examinations
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 26, No. 15, April 14, 2000, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: RULE TITLE:
64B14-7.003 Disciplinary Guidelines
NOTICE OF CHANGE

The Board of Orthotists and Prosthetists gives Notice of Change to the above-referenced rule in response to comments received from the Joint Administrative Procedures Committee and a technical change to include a reference to the statutory authority for rule 64B14-7.003(2)(j). The rule was originally published in Vol. 26, No. 15, April 14, 2000, issue of the Florida Administrative Weekly. When changed, Rule 64B14-7.003(2)(j) and (3) shall read as follows:

(2)(j) Failure to notify the Board of the licensee's current mailing address and place of practice (455.717(1), F.S.)

First Offense	Reprimand	Reprimand and \$100 fine
Second Offense	Reprimand and \$100 fine	3 months probation with conditions and \$250 fine
Third Offense	3 months probation with conditions and \$250 fine	6 months probation with conditions and \$500 fine

(3) The Board shall take into consideration the following factors in determining the appropriate disciplinary action to be imposed and in going outside of the disciplinary guidelines:

- (a) the danger to the public;
- (b) the actual damage, physical or otherwise, to specific patients;
- (c) the length of time since the date of the last violation(s);
- (d) the length of time the licensee has practiced his or her profession;
- (e) prior discipline imposed on the licensee;
- (f) the deterrent effect of the penalty imposed;
- (g) the effect of the penalty upon the licensee;
- (h) efforts by the licensee toward rehabilitation;
- (i) attempts by the licensee to correct or stop violations;
- (j) other conditions as appropriate.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe R. Baker, Jr., Executive Director, Board of Orthotists and Prosthetists/MQA, 4052 Bald Cypress Way, BIN #C07, Tallahassee, Florida 32399-2257

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: RULE TITLE:
64B15-6.002 Application for Certification
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 26, No. 6, February 11, 2000, Florida Administrative Weekly has been withdrawn.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Southwest Florida Shells
RULE TITLE: RULE NO.:
Live Shellfish, Regulation 68B-26.003

NOTICE OF CHANGES TO PROPOSED RULES

The Fish and Wildlife Conservation Commission announces changes to proposed amendment of Rule 68B-26.003, FAC., as published in the April 21, 2000 issue of the Florida Administrative Weekly, Vol. 26, No. 16, pages 1883-1884. The changes are in response to public comment, testimony, and Commission discussion contained in the record of the public hearing held by the Commission on May 25, 2000, in Tallahassee, Florida. The proposed rule amendment was changed to read as follows:

68B-26.003 Live Shellfish, Regulation.

(1) Lee County Live Shellfish Restrictions

(a) Except as provided in paragraph (b) for ~~the City of Sanibel~~ and Ft. Myers Beach, and in subsection (3), no person shall:

1. Harvest more than two live shellfish of any single species, per day, within Lee County.

2. Possess, in that area of Lee County between the mean high water line and the county limits in the Gulf of Mexico, more than two live shellfish of any single species at any time.

(b) Except as provided in subsection (3), no person shall:

~~1-~~ harvest any live shellfish within the following named communities, or City of Sanibel.

~~2-~~ possess, in that area of ~~the City of Sanibel~~ between the mean high water line and the city or town limits, any live shellfish at any time;

1. The City of Sanibel.

2. The Town of Ft. Myers Beach.

(2) Manatee County Live Shellfish Restrictions – Except as provided in subsection (3), beginning July 1, 1996, no person shall:

(a) Harvest more than 2 live shellfish of any single species, per day, within Manatee County.

(b) Possess, in that area of Manatee County between the mean high water line and the seaward extent of state waters within the county, more than two live shellfish of any single species at any time.

(3) Pursuant to Section 370.10(2), Florida Statutes, the Fish and Wildlife Conservation Commission may issue permits to harvest or possess more live shellfish of any single species within Lee County or Manatee County than provided for in subsections (1) and (2) of this rule, for experimental, scientific, or exhibitional purposes.

(4) It is lawful to harvest any shell within Lee County or within Manatee County, so long as such shell does not contain any live shellfish at the time of harvest and so long as a live shellfish is not killed, mutilated, or removed from its shell prior to such harvest.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 10-15-87, Amended 9-1-93, 1-1-95, 4-1-96, Formerly 46-26.003, Amended.

FISH AND WILDLIFE CONSERVATION COMMISSION

Manatees

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
68C-22	Manatees
RULE NO.:	RULE TITLE:
68C-22.005	Lee County Zones

NOTICE OF CHANGE

Notice is hereby given that changes have been made to proposed amendments to Rule 68C-22.005, in accordance with § 120.54(3)(d)1., Florida Statutes. The proposal was originally published in the Florida Administrative Weekly, Vol. 26, No. 7, on February 18, 2000. An administrative challenge to the proposed amendments was filed on March 9, 2000, and is pending before the state Division of Administrative Hearings. A public hearing was held in Pensacola on May 24, 2000.

How it would be determined when the depth-dependent zone is in effect has been changed. The area that would be included in the depth-dependent zone has not been changed. The final amendment language for the paragraph that has been changed is shown below, followed by the map showing the affected area. For additional information, or for a copy of the final amendments in their entirety, please contact Scott Calleson, Environmental Specialist III, Florida Fish and Wildlife Conservation Commission, Bureau of Protected Species Management (OES-BPS), 620 South Meridian Street, Tallahassee, Florida 32399, (850)922-4330.

68C-22.005 Lee County Zones.

(1) Not affected by proposed amendments.

(2) The following year-round and seasonal zones are established, which shall include all associated and navigable tributaries, lakes, creeks, coves, bays, backwaters, canals, and boat basins unless otherwise designated or excluded. Access to the NO ENTRY zones designated in paragraph (2)(a) will be provided in accordance with procedures set forth in subsection (4), hereunder, and applicable provisions of Rule 68C-22.003.

- (a) through (c) Not affected by proposed amendments.
- (d) No change from original proposal.
- (e) Not affected by proposed amendments.
- (f) No change from original proposal.
- (g) Not affected by proposed amendments.
- (h) No change from original proposal.

(i) DEPTH-DEPENDENT SLOW SPEED or 25 MPH – All waters of Mullock Creek, excluding side creeks and embayments, between Red Channel Marker “18” (approximate latitude 26° 27' 46" North, approximate longitude 81° 52' 00" West) and Green Channel Marker “47” (approximate latitude 26° 28' 11" North, approximate longitude 81° 51' 34" West). Slow Speed is required in this area whenever the controlling water depth is greater than two feet. Speeds of up to 25 MPH are allowed whenever the controlling water depth is two feet or less. For the purposes of this zone, the controlling water depth shall be defined as the water depth at the shallowest point of the creek between channel markers “18” and “47” as measured along the route that runs over the deepest water available.

(3) through (5) Not affected by proposed amendments.

INSERT MAP - 1 OF 1/68C22

**Section IV
Emergency Rules**

NONE

**Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Department of Community Affairs has issued a Final Order Granting Petition for Waiver in response to the Petition for Waiver filed with the Department on May 2, 2000 from the City of Satellite Beach and Brevard County. Notice of this petition appeared in the May 19, 2000 edition of the Florida Administrative Weekly. It is ordered that the Petition for Waiver by the City of Satellite Beach and Brevard County be, and by this Final Order is, hereby granted with respect to FCT Project number 99-044-P9A.

A copy of the Final Order, which has been assigned the number DCA00-WAI-186, may be obtained by writing: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that on May 25, 2000, the Florida Public Service Commission received a Petition from BellSouth Public Communications, Inc. (Docket No. 000638-TC), seeking waiver of Rule 25-24.515(13), Florida Administrative Code. The rule requires that all pay telephone stations allow incoming calls to be received. The location of the pay telephone station is as follows: Boca Springs Association, 10349 Sunstream Lane, Boca Raton, Florida 33428. Comments on this Petition should be filed with the Commission's Division of Records and Reporting, Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0863, within 14 days of publication of this notice.

A copy of the Petition may be obtained from the Commission's Division of Records and Reporting, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, FL 32399-0850, or by calling (850)413-6770.

For additional information, contact Patricia Christensen, Division of Legal Services, at 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0862, or telephone (850)413-6220.

NOTICE IS HEREBY GIVEN that on June 1, 2000, the Florida Public Service Commission received a Petition from Florida Power & Light Company (FPL), Docket No. 000676-EI, seeking a partial waiver from Rule 25-6.105(5)(g), Florida Administrative Code. The waiver is sought in connection with FPL's Petition for Approval of Revisions to its General Rules and Regulations for Electric Service, filed June 1, 2000 in the same docket, which proposes the addition of a new section 7.91 to its General Rules and Regulations. Rule 25-6.105(5)(g), Florida Administrative Code, requires the utility to notify the customer at least five working days before discontinuing service that service will cease unless the deficiency is corrected in compliance with the utility's regulations, resolved through mutual agreement, or successfully disputed by the customer. Comments on this Petition should be filed with the Commission's Division of Records and Reporting, Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0863, within 14 days of publication of this notice.

A copy of the Petition may be obtained from the Division of Records and Reporting.

For additional information, please contact Katrina Walker, Division of Legal Services, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0862, or telephone (850)413-6183.

**Section VI
Notices of Meetings, Workshops and Public
Hearings**

DEPARTMENT OF STATE

The Board of Trustees of **Northeast Florida Preservation, Inc.**, the citizens' support organization of the St. Augustine Regional Preservation Office, Division of Historical Resources announces a meeting to which all interested parties are invited.

DATE AND TIME: June 30, 2000, 1:30 p.m.

PLACE: Riverside Baptist Church, 2650 Park Street, Jacksonville, Florida

PURPOSE: Quarterly meeting.

The **Department of State, Division of Cultural Affairs**, Florida Arts Council announces public Committee meetings to which all persons are invited:

COMMITTEE: Technology Ad Hoc Committee

DATES AND TIMES: Tuesday, July 25, 2000, 1:00 p.m. – 5:00 p.m.; Wednesday, July 26, 2000, 8:30 a.m. – 12:00 p.m.

PLACE: Senate Office Building, Lower Level, Room 42S, 402 South Monroe Street, Tallahassee, Florida