

## Section II Proposed Rules

**DEPARTMENT OF STATE**

**Division of Licensing**

<p>RULE TITLES:</p> <p>Licensed Firearms Instructors; Schools or Training Facilities; License Application</p> <p>School Staff; Licensing Requirements; Standards</p> <p>School Curriculum; Examinations;</p> <p>Retention of Records</p>	<p>RULE NOS.:</p> <p>1C-3.134</p> <p>1C-3.138</p> <p>1C-3.140</p>
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**PURPOSE AND EFFECT:** To amend rules relating to schools or training facilities that offer classes required for recovery (repossession) agents to be licensed, so that classes may also be offered by correspondence or distance education. The effect is to allow recovery agents to acquire necessary training by correspondence or distance education.

**SUMMARY:** Training required for a person to be licensed as a recovery agent.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST.** Rule implementation costs are zero.

**SPECIFIC AUTHORITY:** 493.6103, 493.6406(3) FS.

**LAW IMPLEMENTED:** 493.6406(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:** 10:00 a.m., February 20, 2001

**PLACE:** Conference Room, 2520 North Monroe Street, Tallahassee, Florida 32303

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Michele Guy, Assistant General Counsel, Department of State, Division of Licensing, The Capitol, MS#4, Tallahassee, FL 32399, Telephone (850)488-3492, Fax (850)488-2789

**THE FULL TEXT OF THE PROPOSED RULES IS:**

1C-3.134 Licensed Firearms Instructors; Schools or Training Facilities; License Application.

(1) Licensed Firearms Instructors. All licensed Firearms Instructors must utilize the instruction requirements and materials contained in the Division's Firearms Instructors Training Manual.

(2) Schools or Training Facilities. All persons or business entities desiring to operate a security officer school or training facility, or recovery agent school or training facility, which recovery agency school may include correspondence or distance education schools, shall make application for licensure as required by sections 493.6304 and 493.6406, Florida Statutes, using Form LC2E123. The Division shall examine such application to determine if it complies with all

requirements of the law and these rules. Applicants who operate programs for tuition or a fee at other than public educational facilities must submit a letter from the Department of Education confirming that the Department of Education's requirements have been met. Upon a determination by the Division that the application is complete and all requirements have been met, the Division shall issue a written temporary approval authorizing commencement of operations. A school or training facility shall not operate until temporary written approval is granted. A representative of the Division shall inspect the school or training facility within 4 months of the commencement of operations. Within 60 days of such inspection, a license shall be granted or denied. Licensure shall be valid for a period of 2 years unless suspended or revoked by final order of the Division. ~~A license for a school or training facility is valid only for the training site, facility or branch office named on the license and is not transferable to any other location. If a licensed location is changed, a new complete application and appropriate fee must be submitted.~~ In addition to the application, the following shall be submitted before written temporary approval is granted:

(a) Non-refundable application and license fees for each training site or facility where classes are to be conducted. If the course is offered by correspondence or through distance education, the application shall reflect the address where records will be retained. See Rule 1C-3.116(3)(a)13. and 15. for fees. A statement providing the date that instruction will commence, the street address or physical location, city and county of the primary building in which the classes will be conducted, a physical description of the facilities, and a scale drawing of the floor plan as a blueprint;

(b) A statement of the ownership structure of the proposed school which charges a tuition or fee, including names and addresses of all directors, and corporate status or partnership alignment. Corporations must submit a copy of the current articles of incorporation issued by the Department, Division of Corporations;

(c) A statement confirming the adoption of the minimum curriculum as required by Rule 1C-3.140(1) and (2);

(d) A statement confirming that each instructor is qualified as required by Rule 1C-3.138;

(e) A statement confirming property damage and bodily injury liability insurance coverage for the proposed school or training facility, together with a certificate of insurance. Liability insurance coverage in an amount of not less than \$50,000 shall continue in force and effect so long as the school or facility is in operation;

(f) A description of the proposed system for the handling of students' records and transcripts, and a copy of the current school-student contract format if tuition or a fee is charged;

(g) If the curriculum will be taught at a physical location – A statement providing the date that instruction will commence, the street address or physical location, city and county of the

primary building in which the classes will be conducted, a physical description of the facilities, and a scale drawing of the floor plan as a blueprint. Minimum classroom floor space shall be of 25 square feet for each student enrolled. Additional areas required shall include:

1. a break area;
2. restrooms; and
3. an administrative office at the primary school or agency.

~~(h) Non-refundable application and license fees for each training site, facility or branch office where classes are to be conducted. See Rule 1C-3.130(1)(m) and (2) for fees.~~

(3) Exemptions.

(a) Public educational facilities which are a part of the State University System, or are operated by a community college board of trustees under statutory authority and rules of the State Board of Education, or by a district school board, and area vocational schools shall be exempt from all requirements of 1C-3.134, except the filing of Form LC2E123.

(b) Instructors who are full-time faculty members and who teach security officer or recovery agent classes shall be exempt from licensure if they teach exclusively for public educational facilities referred to in (a) above.

(4) Change of Address.

(a) If a school desires to change the physical location of the business, as it appears on the license, the department must be notified within 10 days of the change of address; each license requiring revision must be returned with such notification; and the fee prescribed in Rule 1C-3.116(3)(a)13, and 15, must be submitted for each license requiring revision. A school that moves its location at the time of renewal of its license shall pay only renewal fees.

(b) If the curriculum will be taught at a physical location – A statement shall be submitted which provides the date that instruction will commence, the street address or physical location, city and county of the primary building in which the classes will be conducted, a physical description of the facilities, and a scale drawing of the floor plan as a blueprint. Minimum classroom floor space shall be 25 square feet for each student enrolled. Additional areas required shall include:

1. a break area;
2. restrooms; and
3. an administrative office at the primary school or agency.

Specific Authority 493.6105(6), 493.6115(8), 493.6304(3), 493.6406(3) FS. Law Implemented 493.6105(6), (7), 493.6115(8), 493.6304(3), 493.6406(3) FS. History–New 10-1-91, Amended 2-18-93, 7-6-93, 7-31-96.

1C-3.138 School Staff; Licensing Requirements; Standards.

(1) through (3) No change.

(4) Students shall be remain under the supervision of a licensed instructor during all classes taught at a physical location and. Students shall be under the constant supervision of a licensed instructor during examinations regardless of the type of facility conducting the examination.

Specific Authority 493.6304(3), 493.6406(3) FS. Law Implemented 493.6304(3), 493.6406(3) FS. History–New 10-1-91, Amended 7-6-93, 7-31-96.

1C-3.140 School Curriculum; Examinations; Retention of Records.

(1) Security Officer Schools and Training Facilities.

(a) A security officer school or training facility shall teach, at a minimum, and the students shall attend classes in the subject areas as set forth in the Security Officer Curriculum Guide (Form LC1E186; eff. \_\_\_\_ ~~7/96~~), incorporated by reference. The security officer curriculum shall be taught in two courses, Course A consisting of 24 hours of instruction and Course B consisting of 16 hours of instruction.

(b) through (e) No change.

(2) Recovery Agent Schools and Training Facilities.

~~(a) Beginning October 1, 1994,~~ Class "E" and "EE" applicants not previously licensed must have completed 40 hours of training before they may be licensed. A recovery agent school or training facility, which may include correspondence or distance education schools, shall teach, at a minimum, ~~and the students shall attend classes in~~ the subject areas as set forth in the Recovery Agent/Intern Curriculum Guide (Form LC1E187; eff. \_\_\_\_ ~~7/96~~), incorporated by reference.

(b) Upon completion of the required curriculum, a final examination shall be administered by a licensed Class "RI" Recovery Agent Instructor or an instructor employed by a public educational facility as defined in 1C-3.134(3)(a) schools and training facilities shall administer a final examination of not less than 1 hour in duration. The examination, which shall be ~~has been~~ approved by the Division as meeting the content criteria of ~~section (a) and~~ the Recovery Agent/Intern Curriculum Guide, shall not be less than 1 hour in duration.

(c) No more than 50 percent of the questions in each subject areas may be true or false questions, and 75 or more questions answered correctly is a passing score. The school or training facility shall issue a certificate of completion to each student who successfully completes the training standards established herein. Each certificate shall bear the name and license number of the school from ~~at~~ which training was received.

(3) Retention of records.

(a) Each school or facility which provides instruction at a physical location shall maintain for 2 years, and make available for inspection upon request of the department, the following records:

~~1.(a)~~ A schedule which shall include the date, time, location and instructor of each class session;

~~2.(b)~~ A separate file for each course which establishes that minimum course standards were met to include, at a minimum, the course materials and reference sources used for each class presentation and the original of each final exam bearing the grade received and the signature of the student;

3. A copy of the signed student contract;

4.(e) A log for each class session containing the signature of each student in attendance:

5.(d) A copy of any certificate, diploma or other record presented to each student which establishes the successful completion of the course of study and final examination.

6.(e) A separate file on each licensed ~~approved~~ instructor containing, as a minimum, a copy of the qualifications and license of each.

(b) Each correspondence or distance education school shall maintain for 2 years, and make available for inspection upon request of the department, the following records:

1. A schedule which shall include the name of the student, and the date(s) the course materials were provided to the student.

2. A separate file for each course which establishes that minimum course standards standards were met to include, at a minimum, the course materials and reference sources used and the original of each final exam bearing the grade received and the signature of the student;

3. A copy of the signed student contract.

4. A copy of any certificate, diploma or other record presented to each student which establishes the successful completion of the course of study and final examination.

5. A separate file on each licensed instructor containing, as a minimum a copy of the qualification and license of each.

Specific Authority 493.6303(4), 493.6304(3), 493.6403(2), 493.6406(3) FS. Law Implemented 493.6303(4), 493.6304(3), 493.6403(2), 493.6406(3) FS. History—New 10-1-91, Amended 2-18-93, 7-6-93, 10-6-93, 12-5-94, 7-31-96, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michele Guy, Assistant General Counsel, Department of State, Division of Licensing

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: John M. Russi, Director, Division of Licensing

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 27, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 8, 2000

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Banking**

RULE TITLE: Minimum Audit Procedures – International Bank Agencies RULE NO.: 3C-140.018

PURPOSE AND EFFECT: The rule will be revised to update the audit requirements for Florida-licensed international bank agencies and to make those audit requirements similar to those imposed on Florida-chartered commercial banks, savings associations and trust companies. In so doing, any inequities between segments of the financial services industry will be eliminated, and the costs of audits for differing segments of the industry should equalize.

SUMMARY: The proposed amendment specifies: the frequency of audits; persons qualified to perform audits; requirements for independence of auditors; requirements for the contents of audits; the permissibility of continuous audits; documentation to be submitted to the Department; and the requirements for the Department’s review of audits.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Pursuant to Section 663.13, Florida Statutes, no statement of estimated regulatory cost is required and none 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: 655.012(3), 655.045(3), 663.09, 663.13 FS.

LAW IMPLEMENTED: 655.045(3), 663.09 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., February 12, 2001

PLACE: Division of Banking Conference Room, 6th Floor, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda R. Townsend, Chief, Bureau of Financial Institutions, District II, Division of Banking, Room 636, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9111

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 3C-140.018 follows. See Florida Administrative Code for present text.)

3C-140.018 Minimum Audit Procedures – International Bank Agencies.

(1) Scope, Records in English. Each state licensed international bank agency shall keep a set of accounts and records in English, reflecting all transactions on a daily basis. The international banking corporation of each state licensed bank agency shall perform, or shall cause to be performed, an audit of the agency within each calendar year and within 15 months of the previous audit, in compliance with the following minimum audit requirements. If the audit is performed on a departmental or continuous basis, it should be initiated during the calendar year and within 15 months of the previous audit.

(2) Persons Qualified to Perform Audits. Persons who perform audits for the international bank agencies must be independent of any manager or employee in charge of operating the international agency and must qualify pursuant to one of the following classes:

(a) The audit department of the international bank agency or the audit department of an affiliated group or related bank holding company, or the audit department of a correspondent bank, provided that the audit department and the audit department supervisor are under management of the international banking corporation.

(b) Certified Public Accountants licensed to practice in the State of Florida and independent of the international bank agency and of its affiliates.

(3) A party is considered independent if:

(a) The party reports directly to the international bank agency's board of directors or other entity charged with supervision of the international bank agency;

(b) The party's duties at the international bank agency are confined entirely to auditing the international bank agency;

(c) The party has no proprietary interest, directly or indirectly, in any partnership, firm, or other person that controls or directs the international bank agency;

(d) The party has no outstanding loans or other obligations that have been criticized by any other auditor or any regulatory agency;

(e) All relationships the party has with any member of the board of directors or other entity charged with supervision of the agency have been disclosed to the board of directors or other entity charged with supervision of the agency and all questions concerning the party's independence have been resolved before the internal audit begins; and

(f) For certified public accountants, independence shall be governed by the rules of the State Board of Accountancy.

(4) To satisfy the requirements of this section, each internal audit shall:

(a) Assess the effectiveness of the international bank agency's internal control policies and procedures, including the electronic data processing function; and

(b) Be conducted in accordance with generally accepted auditing principles as set forth in the 1996 GAAS Guide and shall include an assessment of each of the following areas:

1. Asset accounts;
2. Liability accounts;
3. Regulatory Capital;
4. Income and expense accounts; and
5. Contingent liabilities and off-balance sheet activities.

(5) In lieu of a comprehensive internal audit, an international bank agency may satisfy this audit requirement by having a continuous audit performed by a party qualified pursuant to subsection (2) above.

(6) Within 90 days after the completion of the internal audit, and within 45 days of acceptance by the board of directors or other entity charged with supervision of the international bank agency, the board of directors other entity charged with supervision of the international bank agency shall submit the following to the Department:

(a) A copy of the completed internal audit report, including the date or dates on which the audit was conducted;

(b) A statement indicating that all of the areas outlined in this rule were reviewed, or specific reasons why certain areas were not reviewed;

(c) A statement of condition and a statement of income and expense for the financial institution (and the holding company if appropriate) as of the audit date;

(d) A statement describing the findings and recommendations of the audit;

(e) A copy of the international bank agency's response to the auditors' findings and recommendations; and

(f) A letter from the international banking corporation's board of directors or other entity charged with supervision of the international bank agency stating that the audit report, the auditors' recommendations and the international bank agency's response to the auditors' recommendations have been reviewed and accepted, or in the alternative why they have been rejected.

All audit documentation specified herein shall be forwarded to: Division of Banking, Suite 636, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(7) The Department shall review each audit and, if it finds that the internal audit does not comprehensively address all relevant areas of concern or accurately reflect the condition of the financial institution, the Department shall require an audit pursuant to paragraph 655.045(3)(a), Florida Statutes.

Specific Authority 655.012(3), 655.045(3), 663.09, 663.13 FS. Law Implemented 120.53(1)(b), 655.045(3), 663.09 FS. History--New 3-29-83, Formerly 3C-15.12, Amended 8-19-86, 5-22-90, 10-29-91, 2-17-92, Formerly 3C-15.012, Amended \_\_\_\_\_. Cf. Rule 3C-1.022, F.A.C., which governs Reports Required for Certain Currency Transactions.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
David Devick, Financial Control Analyst, Division of Banking  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Linda Townsend, Chief, Bureau of Financial Institutions, Division of Banking  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 31, 2000  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2000

**DEPARTMENT OF EDUCATION**

**Board of Regents**

RULE TITLE: Powers and Duties of University Presidents  
RULE NO.: 6C-4.001  
PURPOSE AND EFFECT: The rule prescribed the duties of the University Presidents.

SUMMARY: The rule is recommended for repeal on the basis of insufficient rule authority for the Board of Regents to keep this rule in effect.

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

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

SPECIFIC AUTHORITY: 240.209(1),(3) FS.

LAW IMPLEMENTED: 240.209(1),(3) FS.

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

TIME AND DATE: 9:00 a.m., February 14, 2001

PLACE: Live Oak Pavilion, Florida Atlantic University, Boca Raton, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary-Anne Bestebreurtje, Corporate Secretary, Florida Board of Regents, 1454 Florida Education Center, 325 West Gaines Street, Tallahassee, Florida 32399-1950

THE FULL TEXT OF THE PROPOSED RULE IS:

6C-4.001 Powers and Duties of University Presidents.

Specific Authority 240.209(1),(3)(r) FS. Law Implemented 20.055, 240.209(1),(4) FS. History-Derived from 6C-2.11, 11-18-70, Amended 6-5-72, 12-8-72, 6-5-73, 11-5-73, Amended and Renumbered 12-17-74, Amended 1-13-76, 3-21-77, 3-31-77, 5-27-81, 8-11-85, Formerly 6C-4.01, Amended 7-11-89, 10-10-95, 9-30-98, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Patricia C. Haynie, Vice Chancellor

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Adam W. Herbert, Chancellor, State University System

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 10, 2001

**DEPARTMENT OF EDUCATION**

**Board of Regents**

RULE TITLE: Student Government Associations RULE NO.: 6C-6.0103

PURPOSE AND EFFECT: The rule prescribed the duties and responsibilities for university student government associations.

SUMMARY: The rule is recommended for repeal as the Board of Regents lacks rulemaking authority for this rule.

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

Any person who wishes to provide information regarding the statement of estimated 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: 240.209(1),(3) FS.

LAW IMPLEMENTED: 240.209(1),(3) FS.

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

TIME AND DATE: 9:00 a.m., February 14, 2001

PLACE: Live Oak Pavilion, Florida Atlantic University, Boca Raton, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary-Anne Bestebreurtje, Corporate Secretary, Florida Board of Regents, 1454 Florida Education Center, 325 West Gaines Street, Tallahassee, Florida 32399-1950

THE FULL TEXT OF THE PROPOSED RULE IS:

6C-6.0103 Student Government Associations.

Specific Authority 240.209(1),(3)(q) FS. Law Implemented 240.209(1), 240.235(1)(a)2. FS. History-New 5-29-94, Amended 10-2-94, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Patricia C. Haynie, Vice Chancellor

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Adam W. Herbert, Chancellor, State University System

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 10, 2001

**DEPARTMENT OF EDUCATION**

**Board of Regents**

RULE TITLE: Student Conduct and Discipline RULE NO.: 6C-6.0105

PURPOSE AND EFFECT: As required by Section 120.181(1)(g), F.S., a university committee reviewed this rule on student conduct and discipline and recommended the proposed amendments.

SUMMARY: The rule has been significantly amended to include greater specificity in university student disciplinary proceedings and to assure students their due process.

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

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

SPECIFIC AUTHORITY: 120.81(1)(g), 240.209(1) FS.

LAW IMPLEMENTED: 120.81(1)(g), 240.209(1) FS.

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

TIME AND DATE: 9:00 a.m., February 14, 2001

PLACE: Live Oak Pavilion, Florida Atlantic University, Boca Raton, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary-Anne Bestebreurtje, Corporate Secretary, Florida Board of Regents, 1454 Florida Education Center, 325 West Gaines Street, Tallahassee, Florida 32399-1950

THE FULL TEXT OF THE PROPOSED RULE IS:

6C-6.0105 Student Conduct and Discipline.

(1) In furtherance of the educational mission of the universities, each university president shall establish university rules ~~that ensure fairness and which shall insure~~ due process in student disciplinary proceedings ~~to students and that~~ guarantee the academic integrity of the ~~university institution~~. ~~This rule applies to all student disciplinary proceedings conducted by a university under ss. 240.132, 240.1325, 240.133, 240.261, or 240.262, F.S.~~

(2) Each university shall establish a Student Disciplinary Judicial System, including a code of conduct, which shall include, at a minimum:

(a) A written description of the rights and responsibilities of students, standards of conduct expected by the university, a list of specific violations, appropriate penalties or sanctions, and procedures for filing complaints and conducting student disciplinary proceedings, which must be consistently administered by the university; An amendment to the list of specific violations in the university's code of conduct may not be applied retroactively to conduct that occurred before the effective date of the amendment;

(b) Definitions of terms used in the university's code of conduct, such as "student" and "university community," and a description of the specific locations to which the code of conduct generally applies, except in circumstances of certain off-campus conduct as described in the code of conduct;

~~(c)(a) Student membership on U~~university hearing committees, panels, or courts, of which students, appointed by the appropriate university process, comprise at least one-half of the membership;

~~(b) A written description of the penalties and sanctions which may be imposed on students for violation of the conduct code;~~

~~(d)(e)~~ A written description of the general procedures to be followed in the initial student disciplinary proceeding hearing which shall include a description of each step of the disciplinary process, the services resources available to the student for preparing his or her his/her defense, and the availability of impartial advisers for a the student charged with a violation;

~~(e)(d)~~ A written procedure for the disposition of emergency cases ~~that which~~ involve the health, safety, ~~health~~ or ~~general~~ welfare of the student or the university community;

~~(f)(e)~~ Acknowledgement that the burden of proof in student disciplinary proceedings is disciplinary matters shall be on the complainant;

~~(g)(f)~~ Provision for the requirements as to the burden of proof required in student disciplinary proceedings, which shall, at a minimum, be a preponderance of the evidence;

~~(h)(g)~~ Provision of a time limit for charging a student with a violation of the university's code of conduct, which may not exceed 1 year from the date the violation was committed or discovered, whichever is later filing charges. University administrators may exercise professional discretion when applying the time provision to account for circumstances that warrant a waiver of the one-year time limit from the date of discovery. Such circumstances include but are not limited to: stalking, sexual battery, relationship violence, in which the delay may be related to issues of victimization; and

~~(i)(h)~~ Provision for an accurate and complete a record of each student disciplinary proceeding and the preservation ~~thereof the hearing.~~

(3) Each university shall publish the following information on its Internet website and in its student handbook as described in s. 240.2097, F.S.: a description of its Student Judicial System which shall be available and disseminated broadly to its students.

(a) University policies implementing ss. 240.132, 240.1325, 240.133, 240.261, and 240.262, F.S., which govern the conduct and discipline of students, including the university's code of conduct and the procedures for filing complaints and conducting student disciplinary proceedings; and

(b) A description of each step of the disciplinary process, the resources available to a student for preparing his or her defense, and the availability of impartial advisers for a student charged with a violation.

(4) Each university shall comply with s. 228.093, F.S., 20 U.S.C. s. 1232g, the Family Educational Rights and Privacy Act of 1974, as amended, and other requirements of state and federal law relating to the confidentiality of the records and reports of students The universities shall adhere to provisions of state and federal law requiring the confidentiality of records.

(5) The due process requirements contained in subsection paragraph (6), below, are shall be applicable in all cases involving student discipline, including matters concerning academic dishonesty.

(6) Due process as applied by the universities must shall include, as a minimum, the following:

(a) The student shall be provided with written notice of the charges against him or her him/her in sufficient detail and in sufficient time to prepare for a hearing before an appropriate committee, panel, or court, as established by each university, or before the appropriate university official or officials. The written notice of the charges shall be accompanied by the forms and information described in paragraph (6)(c), below.;

(b) Each ~~university institution~~ shall establish a minimum number of days ~~before in advance of the student disciplinary proceeding within which the university must present to the student hearing to present~~ the written notice of charges, but in no case will this notice be less than 3 regular business three days (excluding legal holidays), except in cases of emergency as specified below ~~or unless waived by the student.~~;

(c) The student shall be entitled to a prompt disciplinary proceeding hearing before an appropriate committee, panel, or court, as established by each university, with allowances for delays due to the unavailability of student members serving on such committee, panel or court. ~~Alternatively, or the student has shall have~~ the option to waive the notice requirements in paragraph (b) and request adjudication of the matter by an appropriate university official or officials, as designated by the university. The student's right to a student disciplinary proceeding conducted by a committee, panel, or court composed at least one-half of students may only be waived by the student in writing on forms provided by the university which include an explanation of the effect of the waiver.;

(d) The student may have an adviser of the student's choice present at the student disciplinary proceeding. ~~inspect the evidence which will be presented against him/her;~~

(e) The student and his or her adviser, if any, have the right to inspect all of the information that will be presented against the student at least 3 regular business days (excluding legal holidays) before the student disciplinary proceeding. ~~may present evidence on his/her own behalf;~~

(f) The student may present information on his or her own behalf. ~~hear and question adverse witnesses;~~

(g) The student may hear and question adverse witnesses. ~~shall not be forced to present testimony which would be self-incriminating; however, the university is not required to postpone disciplinary proceedings pending the outcome of any criminal prosecution;~~

(h) The student may not be forced to present testimony that is self-incriminating; however, the university is not required to postpone student disciplinary proceedings pending the outcome of a criminal prosecution, and a penalty or sanction imposed under the university's code of conduct is in addition to any penalty imposed by the courts for the criminal offense. have an adviser of the student's choice present at the hearing;

(i) The decision of responsible or not responsible ~~guilt or innocence~~ on the charges of violating the university's code of conduct must shall be based solely on the information evidence presented at the student disciplinary proceeding hearing;

(j) The decisions of any university committee, panel, or court, or of any university official or officials, must shall be presented to the student in writing and within a reasonable period of time after following the conclusion of the student disciplinary proceeding, as specifically prescribed by the university's rules. ~~hearing;~~

(k) If a university's policies provide that the decision of a university committee, panel, or court in a student disciplinary proceeding constitutes a recommendation to a university official for official action, then the following apply:

1. With respect to a finding of responsible or not responsible on the charges of violating the university's code of conduct, the university official reviewing the recommendation of the university committee, panel, or court may only:

a. Accept the recommendation; or

b. Remand the case for rehearing.

2. With respect to penalties or sanctions, the university official may modify the penalty or sanction recommended by the university committee, panel, or court if the penalty or sanction is inappropriate to the violation.

3. Any differences between the recommendation of the university committee, panel, or court and the university official's final decision, and the reasons therefor, must be based on information from the student disciplinary hearing and presented to the student in writing.

~~(l)(\*)~~ The student may appeal the decision of any university committee, panel, or court, or of any university official or officials, within a period specified by the university, to the president or the president's designee. No person may hear or decide an appeal if he or she participated in the decision to charge the student with the violation or if he or she conducted or participated in the student disciplinary proceeding being reviewed on appeal. ~~and~~

~~(m)(\*)~~ The student's status will remain unchanged pending the university's final decision in the student disciplinary proceeding matter, except in cases where the president or president's designee determines that the health, safety, health or general welfare of the student or the university community is involved. A student's enrollment status may be changed only in cases where the president or president's designee determines that an emergency exists, which affects the health, safety, health or general welfare of the student or the university community. If a student's enrollment status is changed under this paragraph, but the student is subsequently found not responsible for the violation, the university must:

1. Correct any record of the change in enrollment status in the student's permanent records and reports in a manner compliant with state and federal laws; and

2. Refund to the student, a pro rata portion of any fees and charges for tuition, other university specific fees and charges as appropriate due to the temporary change in enrollment status and in a manner consistent with university policies and procedures.

(7) At the conclusion of the appeals process, the decision of the president or the president's designee shall be final.

(8) Each university shall include in its list of violations of the university's code of conduct, a description of offenses those types of violations student misconduct occurring off-campus for which the student may be subject to discipline.

The action of the university with respect to any such off-campus conduct shall be taken independently of any off-campus authority. The disciplinary authority of the university for off-campus conduct will not be exercised to merely duplicate the penalties imposed under applicable federal, state, and local laws and ordinances. The university may only take disciplinary action against a student for violations committed off campus if at least one of the following applies:

(a) The off-campus conduct is specifically provided by law or the university's conduct of code as subject to university discipline.

(b) The off-campus conduct demonstrates that the continued presence of the student on campus presents a danger to the health, safety, or welfare of the university community; is disruptive to the orderly conduct processes and functions of the university; or is intimidating or threatening to the university community or an individual within the university community.

(c) The off-campus conduct is of such a serious nature that it adversely affects the student's suitability to remain a part of the university community.

(9) If a student charged with an off-campus violation of the university's code of conduct disputes whether the off-campus conduct is subject to discipline under the university's code of conduct, the university committee, panel, or court, or the university official or officials, shall consider the dispute and review the decision to charge the student with a violation.

(10) Each university's code of conduct shall include a description of the rights of alleged victims in the student disciplinary system. The university shall provide notice to the victim of his or her rights at least 3 regular business days (excluding legal holidays) before the student judicial proceeding is conducted. Each university is encouraged to provide support and assistance programs for victims, as appropriate.

~~(11)(9)~~ Each university shall establish a committee for the periodic evaluation of ~~its~~ the student disciplinary ~~judicial~~ system. At least one-half of the committee members shall be students appointed by the student body president. The committee shall include student members appointed by the student government president.

(12) At least once every 5 years, the committee created by s. 120.81(1)(g), F.S., shall periodically review and evaluate this rule to determine that it ensures fairness and due process in disciplinary proceedings involving students in the State University System and systemwide accountability for the proper functioning of the student judicial system at each of the universities.

Specific Authority 120.81(1)(g), 240.209(1),~~(3)(m)~~ FS. Law Implemented 120.81(1)(g), 240.209(1),~~(3)(m)~~, 120.57(5) FS. History—New 2-18-85, Formerly 6C-6.105, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: R.E. LeMon, Associate Vice Chancellor, Academic and Student Affairs

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Adam W. Herbert, Chancellor, State University System

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 10, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2000

**DEPARTMENT OF EDUCATION**

**Board of Regents**

RULE TITLE: Institutional Responsibility for Student Life and Student Organizations  
 RULE NO.: 6C-6.011

PURPOSE AND EFFECT: The rule prescribed that universities should adopt rules governing student life and student organizations.

SUMMARY: The rule is recommended for repeal by the Board of Regents, as the universities have the requisite authority to adopt rules on this issue.

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

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

SPECIFIC AUTHORITY: 240.209(1),(3) FS.

LAW IMPLEMENTED: 240.209(1),(3) FS.

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

TIME AND DATE: 9:00 a.m., February 14, 2001

PLACE: Live Oak Pavilion, Florida Atlantic University, Boca Raton, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary-Anne Bestebreurtje, Corporate Secretary, Florida Board of Regents, 1454 Florida Education Center, 325 West Gaines Street, Tallahassee, Florida 32399-1950

THE FULL TEXT OF THE PROPOSED RULE IS:

6C-6.011 Institutional Responsibility for Student Life and Student Organizations.

Specific Authority 240.209(1),(3)(m), 240.227 FS. Law Implemented 240.209(1),(3)(m), 240.227 FS. History—Formerly 6C-2.48, 11-18-70, Amended and Renumbered 12-17-74, Amended 8-11-85, Formerly 6C-6.11, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Patricia C. Haynie, Vice Chancellor



NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Adam W. Herbert, Chancellor, State University System  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 10, 2001

**DEPARTMENT OF EDUCATION**

**Board of Regents**

RULE TITLE: Intercollegiate Athletic Compliance, Initial Eligibility, and Limitation on Athletically-related Financial Aid  
RULE NO.: 6C-6.019

PURPOSE AND EFFECT: The rule prescribed that universities and student-athletes comply with applicable rules of their athletic associations and conferences.

SUMMARY: The rule is recommended for repeal by the Board of Regents; the universities have the requisite authority to adopt rules on this issue.

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

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

SPECIFIC AUTHORITY: 240.209(1),(3) FS.

LAW IMPLEMENTED: 240.209(1),(3) FS.

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

TIME AND DATE: 9:00 a.m., February 14, 2001

PLACE: Live Oak Pavilion, Florida Atlantic University, Boca Raton, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary-Anne Bestebreurtje, Corporate Secretary, Florida Board of Regents, 1454 Florida Education Center, 325 West Gaines Street, Tallahassee, Florida 32399-1950

THE FULL TEXT OF THE PROPOSED RULE IS:

6C-6.019 Intercollegiate Athletic Compliance, Initial Eligibility, and Limitation on Athletically-related Financial Aid.

Specific Authority 240.209 (1), (3)(r) FS. Law Implemented 240.209 (1) FS. History—New 12-13-88, Amended 10-15-90, 11-27-95, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Patricia C. Haynie, Vice Chancellor

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Adam W. Herbert, Chancellor, State University System

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 10, 2001

**DEPARTMENT OF EDUCATION**

**Board of Regents**

RULE TITLE: Classroom Attendance of Student Athletes  
RULE NO.: 6C-6.020

PURPOSE AND EFFECT: The rule prescribed class attendance policies for student-athletes.

SUMMARY: The rule is recommended for repeal by the Board of Regents; the universities have the requisite authority to adopt rules on this issue.

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

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

SPECIFIC AUTHORITY: 240.209(1),(3) FS.

LAW IMPLEMENTED: 240.209(1),(3) FS.

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

TIME AND DATE: 9:00 a.m., February 14, 2001

PLACE: Live Oak Pavilion, Florida Atlantic University, Boca Raton, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary-Anne Bestebreurtje, Corporate Secretary, Florida Board of Regents, 1454 Florida Education Center, 325 West Gaines Street, Tallahassee, Florida 32399-1950

THE FULL TEXT OF THE PROPOSED RULE IS:

6C-6.020 Classroom Attendance of Student Athletes.

Specific Authority 240.209(1),(3)(o) FS. Law Implemented 240.209(1),(3)(o), 240.227(1) FS. History—New 10-17-89, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Patricia C. Haynie, Vice Chancellor

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Adam W. Herbert, Chancellor, State University System

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 10, 2001

**DEPARTMENT OF EDUCATION**

**Board of Regents**

RULE TITLE: Participation in Programs and Activities Involving Foreign Travel  
RULE NO.: 6C-6.021

PURPOSE AND EFFECT: The rule prescribed university duties with regard to students involved in foreign travel.

SUMMARY: The rule is recommended for repeal by the Board of Regents; the universities have the requisite authority to adopt rules on this issue.

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

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

SPECIFIC AUTHORITY: 240.209(1),(3) FS.

LAW IMPLEMENTED: 240.209(1),(3) FS.

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

TIME AND DATE: 9:00 a.m., February 14, 2001

PLACE: Live Oak Pavilion, Florida Atlantic University, Boca Raton, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary-Anne Bestebreurtje, Corporate Secretary, Florida Board of Regents, 1454 Florida Education Center, 325 West Gaines Street, Tallahassee, Florida 32399-1950

THE FULL TEXT OF THE PROPOSED RULE IS:

6C-6.021 Participation in Programs and Activities Involving Foreign Travel.

Specific Authority 240.209(1),(3)(q) FS. Law Implemented 240.209(1) FS. History—New 11-9-92, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Patricia C. Haynie, Vice Chancellor

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Adam W. Herbert, Chancellor, State University System

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 10, 2001

**DEPARTMENT OF EDUCATION**

**Board of Regents**

RULE TITLE: Commercial Solicitation on Campus

RULE NO.: 6C-9.006

PURPOSE AND EFFECT: The rule states that the regulation of commercial solicitation is a responsibility of the university president.

SUMMARY: The rule is recommended for repeal by the Board of Regents; the universities have the requisite authority to adopt this as a rule.

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

Any person who wishes to provide information regarding the statement of estimated 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: 240.209(1),(3) FS.

LAW IMPLEMENTED: 240.209(1),(3) FS.

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

TIME AND DATE: 9:00 a.m., February 14, 2001

PLACE: Live Oak Pavilion, Florida Atlantic University, Boca Raton, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary-Anne Bestebreurtje, Corporate Secretary, Florida Board of Regents, 1454 Florida Education Center, 325 West Gaines Street, Tallahassee, Florida 32399-1950

THE FULL TEXT OF THE PROPOSED RULE IS:

6C-9.006 Commercial Solicitation on Campus.

Specific Authority 240.209(1),(3)(a),(m) FS. Law Implemented 240.209(1),(3)(a),(m) FS. History—Formerly 6C-2.05, 11-18-70, Amended and Renumbered 12-17-74, Amended 5-10-78, 8-11-85, Formerly 6C-9.06, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Patricia C. Haynie, Vice Chancellor

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Adam W. Herbert, Chancellor, State University System

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 10, 2001

**DEPARTMENT OF EDUCATION**

**Board of Regents**

RULE TITLE: Intercollegiate Athletics Operations

RULE NO.: 6C-9.012

PURPOSE AND EFFECT: The rule prescribes the requirements of university departments of athletics.

SUMMARY: The rule is recommended for repeal by the Board of Regents; the universities have the requisite authority to adopt such a rule.

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

Any person who wishes to provide information regarding the statement of estimated 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: 240.209(1),(3) FS.

LAW IMPLEMENTED: 240.209(1),(3) FS.

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

TIME AND DATE: 9:00 a.m., February 14, 2001

PLACE: Live Oak Pavilion, Florida Atlantic University, Boca Raton, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary-Anne Bestebreurtje, Corporate Secretary, Florida Board of Regents, 1454 Florida Education Center, 325 West Gaines Street, Tallahassee, Florida 32399-1950

THE FULL TEXT OF THE PROPOSED RULE IS:

6C-9.012 Intercollegiate Athletics Operations

Specific Authority 240.209(1),(3)(r) FS. Law Implemented 240.209(1) FS. History—Formerly 6C-3.13, 11-18-70, Amended and Renumbered 12-17-74, Amended 4-14-76, 12-11-79, 8-11-85, 1-8-86, Formerly 6C-9.12, Amended 9-28-86, 9-15-91, 4-12-93, 4-16-96, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Patricia C. Haynie, Vice Chancellor

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Adam W. Herbert, Chancellor, State University System

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 10, 2001

DEPARTMENT OF CORRECTIONS

RULE TITLE: Public Information and Inspection of Records RULE NO.: 33-102.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify procedures relating to the production of public information and the inspection of records.

SUMMARY: The proposed rule provides a relevant form relating to the copying of public records and clarifies procedures relating to the assessment of a special service charge where the production of requested information involves extensive clerical or supervisory assistance by departmental personnel.

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: 120.53 FS.

LAW IMPLEMENTED: 119.07, 120.53 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: Giselle Lysten Rivera, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-102.101 Public Information and Inspection of Records. (1) through (2) No change.

(3) In addition to the actual cost of materials and supplies, a special service charge will be assessed for providing information when the nature or volume of the records requested requires extensive clerical or supervisory assistance by departmental personnel. For the purpose of this rule, "extensive" means that it will take more than 15 minutes to locate, review for confidential information, copy and refile the requested material. The special service charge will be computed to the nearest quarter of an hour exceeding 15 minutes based on the current rate of pay for the paygrade of the person who performed the service, ~~but not to exceed a paygrade 18,~~ and will be assessed when appropriate regardless of the number of individual copies made. The Department may also charge for the cost of mailing the requested records including the cost of the envelope and the postal service charge.

(4) No change.

(5) When copies requested pursuant to this rule are available to be picked up or for mailing, the requestor shall be notified of the costs of reproduction as specified in subsections (2) and (3) on an Invoice for Production of Records, Form DC1-201. Form DC1-201 shall also indicate if any information is redacted from the copies provided as required by state law. Form DC1-201 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of Form DC1-201 is \_\_\_\_\_.

Specific Authority 120.53 FS. Law Implemented 119.07, 120.53 FS. History—New 10-8-76, Formerly 33-1.04, Amended 2-24-81, 6-9-86, 2-9-88, Formerly 33-1.004, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Louis Vargas

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore, Secretary Department of Corrections

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 3, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 15, 2000

DEPARTMENT OF CORRECTIONS

RULE TITLE: Offender Travel RULE NO.: 33-302.106

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify applicable titles and to clarify procedures related to offender travel.

SUMMARY: The proposed rule clarifies titles of the Bureau of Interstate Compact, the Commonwealth of Puerto Rico, and the Virgin Islands of the United States. It also clarifies: procedures related to offender travel for routine purposes, travel which requires a travel permit, and the transfer of supervision.

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: 944.09 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: Giselle Lylen Rivera, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-302.106 Offender Travel.

(1) No change.

(2) An officer shall discuss the offender's routine travel needs during the initial interview to determine whether the offender must travel daily, weekly, or monthly between counties due to the location of her or his residence and her or his employment site, school, medical needs, program, or other approved need. If the offender must travel across county lines to get to her or his employment site, school, program, doctor, or routine shopping, the officer will document this specific information in the electronic case notes and give the offender a blanket approval for this travel provided the travel is verified and is not prohibited by the supervision orders. If the offender's residence or purpose of travel out of county changes, the blanket approval will be suspended until the offender's travel needs are revisited, reviewed, and approved. Any other travel out of county must be approved in advance.

(3) Inter-county travel in Florida approved for a visit of thirty (30) days or less does not require a "Travel Permit," DC3-220, unless the offender is a sex offender or requires specific or additional instructions that must be written on a travel permit. Sex offenders require a travel permit for all out of county travel. If the offender is granted permission to travel and visit another county and subsequently requests an extension of the visit out of county, which will exceed thirty (30) days, the officer will transfer the offender's supervision to the other county. Form DC3-220, Travel Permit, is hereby incorporated by reference. Copies of this form can be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is \_\_\_\_\_.

(4)(2) An officer shall transfer the supervision of an offender who is granted permission to travel and remain in another county outside of her or his county of residence in the State of Florida travelling to a single judicial circuit in the state of Florida for more than 30 consecutive days.

(5)(3) An officer shall transfer the supervision of an offender who is travelling to a single other state, the District of Columbia, the Commonwealth of Puerto Rico or the Virgin Islands of the United States, for more than 30 consecutive days. The transfer of supervision involves the forwarding of all pertinent supervision documents via the Bureau of Interstate Compact to the receiving location and the formal assumption of supervision of the offender by a probation or parole officer in the receiving location.

(a) When interstate travel is for the sole purpose of transfer to another state, the District of Columbia, the Commonwealth of Puerto Rico or the Virgin Islands of the United States, the offender must meet the other state's requirements and receive consent to travel from the Bureau of Interstate Compact Office before proceeding to that state.

(b) In compact cases that meet emergency criteria, the officer must submit a Request for Emergency Reporting Instructions, Form EF1-007, to the Bureau of Interstate Compact Office two days before the requested date of travel. This time frame does not apply to offenders who already reside in the receiving state and who must return immediately after sentencing. Form EF1-007 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. ~~Requests for copies to be mailed must be accompanied by a self-addressed envelope.~~ The effective date of this form is March 21, 2000.

(6)(4) In high profile and sex offender cases, the officer must review the Interstate Compact File Cabinet computer database or seek guidance from the Bureau of Interstate Compact Office to ensure that the offender meets and follows travel requirements for the state of destination before granting travel permission. Once the officer has verified and instructed the offender as to the requirements of the state of destination, a copy of the travel permit providing the offender's itinerary must be transmitted to the Bureau of Interstate Compact Office.

(7) The officer will obtain permission from the sentencing or releasing authority prior to granting permission to the community control offender for the right to travel out of state. A DC3-220 will be notarized and approved with a copy forwarded to the Bureau of Interstate Compact.

(8)(5) Offender travel outside the United States or its territories shall not be approved by an officer or supervisor, without the written approval of the sentencing or releasing authority.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 3-21-00, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tina Hayes
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore, Secretary, Department of Corrections
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 2, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 24, 2000

DEPARTMENT OF CORRECTIONS

RULE TITLE: Control of Contraband
RULE NO.: 33-602.203
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify procedures relating to the control of contraband.

SUMMARY: The proposed rule clarifies procedures relating to obtaining relevant forms and clarifies the manner in which cash found in mail will be treated.

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, 945.215 FS.

LAW IMPLEMENTED: 944.47, 945.215 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: Giselle Lysten Rivera, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.203 Control of Contraband.

(1) through (6) No change.

(7) Disposition of Contraband.

(a) Those contraband items retained for use in disciplinary hearings as evidence will be stored until such time as the warden or his designee approves of their being destroyed or disposed of. A secure area within the institution will be designated as the storage area for all contraband items. A Contraband Log, Form DC6-219, will be utilized to document the storage of contraband items. Form DC6-219 is hereby incorporated by reference. Copies of this form may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for copies to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is March 2, 2000.

(b) through (d) No change.

(e) If items of contraband are detected in the mail, that are not of any illegal nature (other than cash concealed within mail), the institution finding the contraband will provide the sender and addressee a receipt for the property in accordance with department rules relating to mail procedures (33-210.101 33-602.401, Routine Mail; 33-210.102 33-602.402, Legal Documents and Legal Mail; and 33-210.103 33-602.403, Privileged Mail).

(f) If cash found in any mail is not in plain view, it will be considered contraband and deposited in the inmate welfare trust fund.

(8)(a) All cells, lockers, dormitories and other areas of an institution may be searched in a reasonable manner at any time. A copy of Form DC6-220, Inmate Impounded Personal Property List, shall be given for any property taken in such a search if the inmate acknowledges possession or if the property was taken from an area occupied by the inmate or under his control. The inmate's acceptance of his copy of Form DC6-220 shall not constitute admission of possession of contraband. Form DC6-220 is hereby incorporated in Rule 33-602.201(16)(b) by reference. Copies of the form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for copies to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is March 2, 2000.

(b) No change.

Specific Authority 944.09, 945.215 FS. Law Implemented 944.47, 945.215 FS. History--New 10-8-76, Amended 2-24-81, 4-18-82, 8-13-84, 2-13-85, 6-2-85, Formerly 33-3.06, Amended 2-9-87, 11-3-87, 8-14-90, 11-22-91, 1-6-94, 5-28-96, 10-26-97, Formerly 33-3.006, Amended 3-2-00.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Dugger

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore, Secretary, Department of Corrections

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 3, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 15, 2000

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLE: Emergency Authorization
RULE NO.: 40C-1.1009

PURPOSE AND EFFECT: The purposes and effect of this rule amendment is to (1) clarify the specific circumstances under which an emergency authorization may be approved by providing a new definition of "emergency conditions", and (2) expressly state that the granting of emergency authorization does not obviate the need to either obtain a permit for the

activity within a certain time period unless otherwise provided in the authorization, or restore the site to its prior condition within one year.

SUMMARY: This rule amendment would clarify the definition of "emergency conditions" in 40C-1.1009, F.A.C., and expressly require the applicant to either obtain a permit for the activity authorized under 40C-1.1009, F.A.C., unless otherwise provided, or restore the system to its prior condition within one year.

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

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

SPECIFIC AUTHORITY: 120.54(5), 373.044, 373.113, 373.418 FS.

LAW IMPLEMENTED: 120.54(5), 373.119, 373.413, 373.416, 373.418, 373.426, 373.439 FS.

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

TIME AND DATE: Following the regularly scheduled Governing Board Meeting, which begins at 9:00 a.m., February 14, 2001

PLACE: St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, Florida 32177

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (904)329-4459, Suncom 860-4459

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-1.1009 Emergency Authorization.

(1) Permission to begin construction, ~~alteration, operation, maintenance, abandonment, or removal~~ of any system works requiring a permit under Chapters 40C-4, 40C-40, 40C-42, 40C-44, or 40C-400, F.A.C., prior to the issuance of a permit may be applied for, in writing, when emergency conditions can be alleviated by such construction, alteration, operation, maintenance, abandonment, or removal of the system justify. Emergency conditions are defined as conditions which pose a present or imminent danger and require immediate action to protect: public health, safety or welfare; the health of animals, fish or aquatic life; a public water supply; or recreational, commercial, industrial, agricultural or other reasonable uses. Unless otherwise provided in the emergency authorization, the issuance of an emergency authorization shall not obviate the need for a permit. If a permit is not obtained within a period of one year following execution of the emergency authorization, then such system shall be returned to the condition that existed

prior to execution of the emergency authorization. The one year time limit shall be tolled during any challenge or appeal of the permit which delays the issuance of the permit or stays the effect of the permit. However, no such permission shall be granted unless the construction of the works are already under consideration for a permit. A serious set of unforeseen and unforeseeable circumstances must exist to create an emergency.

(2) No change.

Specific Authority 120.54(5), 373.044, 373.113, 373.418 FS. Law Implemented 120.54(5), 373.119, 373.413, 373.416, 373.418, 373.426, 373.439 FS. History—New 12-7-83, Formerly 40C-4.451, 40C-4.0451, 40C-4.451, Amended 8-4-98,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jeff Elledge, Director, Department of Water Resources, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (904)329-4347

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 13, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 27, 2000

If any person decides to appeal and decision with respect to any matter considered at the above listed public hearing, such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Anyone requiring special accommodation to participate in this meeting is requested to advised the District at least 5 work days before the meeting by contacting Linda Lorenzen at (904)329-4262 or (904)329-4450 (TDD).

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE TITLES:	RULE NOS.:
Definitions	40C-4.021
Permits Required	40C-4.041
Exemptions	40C-4.051
Publications Incorporated by Reference	40C-4.091
Modification of Permits	40C-4.331

PURPOSE AND EFFECT: The purposes of the proposed rule amendments are to (1) create a definition of "incidental site activities," (2) exclude certain minor wetland activities from the environmental resource permit wetland threshold, (3) amend two permitting exemptions for seawalls, (4) repeal the provision in 40C-4.051(12)(s) concerning rotenone use pursuant to paragraph 120.536(2)(b), F.S., (5) clarify when a proposed modification to an existing permit qualifies for a non-substantial letter modification, (6) allow phases of a project that have a valid conceptual or master drainage system permit to be processed as a standard general permit, regardless

of size or wetland impacts, (7) delete certain heavily urbanized areas of the existing Riparian Habitat Protection Zone (RHPZ) for the Little Wekiva River, (8) repeal portions of the Econlockhatchee River Hydrologic basin rules that are now largely redundant due to subsequent amendments to the District's stormwater rule (chapter 40C-42, F.A.C.) and subsequent adoption of the provisions on elimination or reduction of impacts, mitigation, and cumulative impacts in the Applicant's Handbook: Management and Storage of Surface Waters, (9) extend the existing exemption from certain wetland permitting criteria that is currently provided for certain ditches and man-made livestock watering ponds less than one acre in area to include minor outfall structures and all man-made ponds less than one acre in size that were constructed in uplands, and (10) clarify, pursuant to Chapter 2000-133, Laws of Florida, that when impacts are offset by mitigation located within the same drainage basin that no cumulative impacts would occur as a result of the project. The effects of the proposed amendments are to (1) clarify what construction activities qualify for the new standard general permit for incidental site activities, (2) reduce the number of projects that must obtain an environmental resource permits, (3) revise the exemption criteria for restoring or constructing a seawall, including revisions to achieve consistency with existing statutory authority, (4) repeal the rotenone use provision because the District lacks statutory authority to regulate this activity, (5) clarify to applicants when modifications to existing permits qualify for non-substantial letter modifications versus a more formal permit application submittal, (6) allow a faster permitting process for phases of a conceptually approved project or for subsequent activities on a project which has received an individual permit for a master drainage plan, (7) reduce the permitting criteria for projects in certain areas of the Little Wekiva River that are already heavily urbanized, (8) repeal rule language that is largely redundant, (9) reduce unnecessary permitting criteria for projects that contain wetland impacts to man-made ponds less than one acre in size and impacts from small outfall structures, and (10) clarify existing language concerning cumulative impacts.

**SUMMARY:** The proposed rule amendments would add a definition for "incidental site activities" in 40C-4.021, F.A.C. and section 2.0, Applicant's Handbook, exclude certain minor wetland activities from the permitting threshold in 40C-4.041(2)(b)8., F.A.C., amend existing seawall exemptions in 40C-4.051(12), F.A.C., revise the criteria for letter modifications in 40C-4.331(1), F.A.C., create a new provision allowing phases of projects with a valid conceptual or master drainage system permit to qualify for standard general permits in 3.5 and 7.2, Applicant's Handbook, delete certain urbanized areas of the Little Wekiva River Basin from the Riparian Habitat Protection Zone (RHPZ) in 11.3.5, Applicant's Handbook, repeal redundant language for the Econlockhatchee River Hydrologic basin in 11.4.3 and 11.4.5, Applicant's Handbook, expand the exemption from certain permitting

criteria from impacts to livestock watering ponds less than one acre in size to all man-made ponds less than one acre in size that were constructed in uplands, and clarify existing language for cumulative impacts in 12.2.8.2, Applicant's Handbook.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** No statement of estimated regulatory cost has been prepared.

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

**SPECIFIC AUTHORITY:** 373.044, 373.113, 373.118, 373.414, 373.415, 373.418 FS.

**LAW IMPLEMENTED:** 373.016(2), 373.413, 373.414, 373.415, 314.416, 373.418, 373.426, 403.813(2) FS.

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

**TIME AND DATE:** Following the regularly scheduled Governing Board Meeting, which begins at 9:00 a.m., February 14, 2001

**PLACE:** St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, Florida 32177

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (904)329-4459, Suncom 860-4459

**THE FULL TEXT OF THE PROPOSED RULES IS:**

40C-4.021 Definitions.

When appearing in this chapter or in chapters 40C-40, 40C-41, 40C-42, 40C-44, or 40C-400, F.A.C., the following words shall mean:

(1) through (16) No change.

(17) "Incidental Site Activities" means the following activities in uplands which are conducted as part of the construction of a system proposed in an environmental resource permit application: land clearing; grading; excavation of borrow areas for on-site grading; erosion and sediment control measures; road and building subgrade construction (excluding foundation construction); unpaved access road construction; utility installation; fence installation; construction trailer installation; and other similar activities.

(17) through (31) renumbered (18) through (32) No change.

Specific Authority 373.044, 373.113, ~~373.474~~ 373.414, 373.413 FS. Law Implemented 373.019, 373.403, 373.413, 373.414, 373.416, 373.418, 373.426 FS. History—New 1-31-77, Formerly 16I-4.02, 40C-4.02, Amended 2-3-81, 12-7-83, Formerly 40C-4.021, 40C-4.0021, Amended 8-11-91, 9-25-91, 2-27-94, 10-3-95, \_\_\_\_\_.

## 40C-4.041 Permits Required.

(1) No change.

(2) The District issues three types of environmental resource permits: conceptual approval permits, individual permits and general permits.

(a) No change.

(b) An individual or general permit is required prior to the construction, alteration, operation, maintenance, abandonment or removal of a surface water management system which:

1. through 7. No change.

8. Is wholly or partially located in, on, or over any wetland or other surface water, excluding the following activities:-a. Filling any ditch that was constructed in uplands and which provides drainage or water conveyance only for areas owned or controlled by the person performing the filling; orb. construction and alteration of outfall pipes less than 20 feet in length in wetlands or other surface waters, and associated headwalls, erosion control devices, and energy dissipation structures.

Specific Authority 373.044, 373.113, 373.118, 373.171, 373.413, 373.415, 373.416, 373.418 FS. Law Implemented 373.118, 373.409, 373.413, 373.416, 373.4135, 373.426, 373.429 FS. History—New 1-31-77, Formerly 16I-4.04, 40C-4.04, Amended 2-3-81, 12-7-83, Formerly 40C-4.041, 40C-4.0041, Amended 8-28-88, 8-1-89, 4-3-91, 8-11-91, 9-25-91, 10-20-92, 2-27-94, 10-3-95, 11-25-98, \_\_\_\_\_.

## 40C-4.051 Exemptions.

(1) through (11) No change.

(12) No permit shall be required under chapters 40C-4, 40C-40, 40C-42, 40C-44, or 40C-400, F.A.C, for the following activities:

(a) through (k) No change.

(l) The restoration of a seawall or riprap at its previous location or upland of or within 18 inches one foot waterward of its previous location, as measured from the face of the existing seawall slab to the face of restored seawall slab or from the front slope of the existing riprap to the front slope of the restored riprap. No filling can be performed except in the actual restoration of the seawall or riprap. No construction shall be undertaken without necessary title or leasehold interest, especially where private and public ownership boundaries have changed as a result of natural occurrences such as accretion, reliction and natural erosion. ~~Restoration and repair shall be performed using the criteria set forth in subsection 373.414(5), F.S.~~ This exemption shall be limited to functioning seawalls or riprap. This exemption shall not affect the permitting requirements of chapter 161, F.S.

(m) The construction of ~~private vertical seawalls or riprap~~ in wetlands or other surface waters, ~~other than in an estuary or lagoon, and the construction of riprap revetments,~~ where such construction is between and adjoins at both ends existing seawalls or riprap, follows a continuous and uniform construction line with the existing seawalls or riprap, is no more than 150 feet in length, does not violate state water

quality standards, impede navigation, or adversely affect flood control. However, this exemption shall not affect the permitting requirements of chapter 161, F.S. In estuaries and lagoons, cConstruction of vertical seawalls is limited to the circumstances and purposes stated in shall be in accordance with section 373.414(5)(b)1.-4., F.S.

(n) through (r) No change.

~~(s) The use of rotenone, by the Florida Game and Fresh Water Fish Commission, in conducting tests related to its responsibility regarding fish management. The chemical selected shall be used at no more than the strength approved by the Environmental Protection Agency (EPA) label. In addition, the chemical shall be used only under the direct on-site supervision of a staff member of the Florida Game and Fresh Water Fish Commission.~~

(t) through (w) renumbered (s) through (v) No change.

(13) through (15) No change.

Specific Authority 373.044, 373.113, 373.171, 373.413, 373.415, 373.416, 373.418 FS. Law Implemented 373.406, 373.413, 373.416, 373.426, 403.813(2) FS. History—New 1-31-77, Formerly 16I-4.05, 40C-4.06, Amended 2-3-81, 12-7-83, Formerly 40C-4.051, 40C-4.0051, Amended 4-3-91, 8-11-91, 9-25-91, 5-17-94, 10-3-95, 11-25-98, \_\_\_\_\_.

## 40C-4.091 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference:

(a) Part I "Policy and Procedures," Part II "Criteria for Evaluation," subsections 18.0, 18.1, 18.2, and 18.3 of Part III and Appendix K "Legal Description Upper St. Johns River Hydrologic Basin," "Legal Description Ocklawaha River Hydrologic Basin", "Legal Description of the Wekiva River Hydrologic Basin," "Legal Description of the Econlockhatchee River Hydrologic Basin," "Legal Description of the Sensitive Karst Areas Basin, Alachua County," "Legal Description Tomoka River Hydrologic Basin," "Legal Description Spruce Creek Hydrologic Basin," "Legal Description of the Sensitive Karst Areas Basin, Marion County," and "Legal Descriptions of the Lake Apopka Drainage Basin," and Appendix M "Regional Watersheds for Mitigation Banking," of the document entitled "Applicant's Handbook: Management and Storage of Surface Waters," effective \_\_\_\_\_ ~~8-21-00.~~

(b) through (c) No change.

(2) No change.

Specific Authority 373.044, 373.046(4), 373.113, 373.413, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421(2), 373.461(3) FS. Law Implemented 373.016, 373.046, 373.413, 373.4135, 373.4136, 373.414, 373.415, 373.416, 373.421(2)-(6), 373.426 FS. History—New 12-7-83, Amended 10-14-84, Formerly 40C-4.091, Amended 5-17-87, Formerly 40C-4.0091, Amended 8-20-87, 10-1-87, 10-11-87, 11-26-87, 8-30-88, 1-1-89, 8-1-89, 10-19-89, 4-3-91, 8-11-91, 9-25-91, 11-12-91, 3-1-92, 7-14-92, 9-8-92, 9-16-92, 11-12-92, 11-30-92, 1-6-93, 1-23-94, 2-27-94, 11-22-94, 10-3-95, 8-20-96, 11-25-98, 12-3-98, 1-7-99, 1-11-99, 8-21-00, \_\_\_\_\_.

## 40C-4.331 Modification of Permits.

(1) In addition to the modification of permits pursuant to section 373.429, Florida Statutes, a request for modification of a valid permit may be made as set forth in this section. The request for modification shall be reviewed using the conditions



for issuance in sections 40C-4.301 and 40C-4.302, F.A.C. The Governing Board may modify a permit in accordance with the provisions of Section 373.429, Florida Statutes,

(2) A request for modification may be made by a permittee as follows:

(a) By formal application; ~~that and~~ will be reviewed using the ~~same criteria and the same~~ review and public notice procedures as new applications, pursuant Chapter 40C-1 and Rules 40C-4.101 and 40C-4.301, F.A.C.; or

(b) By letter ~~that which~~ describes the proposed modification, ~~and~~ provided that the requested modification does not cause any of the following circumstances to occur: substantially alter the system design or permit conditions:

1. Increase the project area;
2. Increase proposed impervious surface unless accounted for in the previously permitted design of the system;
3. Reduce the stormwater treatment or flood attenuation capability of the proposed system;
4. Result in additional loss of floodplain storage within the 10 year floodplain at a location where the upstream drainage area is greater than 5 square miles;
5. Result in additional unmitigated impacts to wetlands and other surface waters, unless mitigation is not required pursuant to the second paragraph of subsection 12.2.2, subsection 12.2.2.1, or subsection 12.2.2.2, of the Applicant's Handbook: Management and Storage of Surface Waters, adopted by reference in section 40C-4.091, F.A.C.
6. Result in more than 10% or 1 acre, whichever is less, of total additional mitigated impacts to wetlands and other surface waters per permit modified.
7. Result in any additional impacts within a designated riparian habitat protection zone;
8. Reduce the frequency or parameters of monitoring requirements, except in accordance with a permit condition that specifically provides for future adjustments in such monitoring requirements;
9. Reduce the financial responsibility mechanisms provided to ensure the continued construction and operation of the system in compliance with permit requirements, except in accordance with specific permit conditions that provide for a reduction in such financial responsibility mechanisms; or
10. Otherwise, substantially alter the system design or permit conditions.

(2) An entity other than a permittee may request the modification of a permit only when the entity has purchased or intends to take ownership through condemnation of all or part of a permitted system. In such cases, the entity requesting the modification must submit either a formal application or letter modification in accordance with (1)(a) or (b) above and must demonstrate that both the modified portions of the system and the unmodified portions of the system, including portions of the system remaining in the ownership of the existing

permittee, will continue to comply with the conditions for issuance in sections 40C-4.301 and 40C-4.302, F.A.C. and all permit conditions.

(3) Modifications by letter in accordance with (1)(b) and (2), above, must be approved and acknowledged in writing by the Director; Department of Water Resources; Assistant Director; Department of Water Resources; or a Service Center Director through correspondence to the applicant.

(4) A permit which has expired or which has been revoked shall not be subject to modification.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.429 FS. History—New 2-20-77, Amended 12-26-77, Formerly 16I-4.34, 40C-4.34, Amended 2-3-81, 12-7-83, Formerly 40C-4.331, 40C-4.0331, Amended 1-1-89,\_\_\_\_\_.

Applicant's Handbook Section

2.0 Definitions

The following definitions are used by the District to clarify its intent in implementing its permitting programs pursuant to part IV, chapter 373, F.S. Many of these definitions are derived directly from chapter 373, F.S., and are reproduced here for the convenience of applicants.

(a) through (y) No change.

(z) Incidental Site Activities – The following activities in uplands which are conducted as part of the construction of a system proposed in an environmental resource permit application: land clearing; grading; excavation of borrow areas for on-site grading; erosion and sediment control measures; road and building subgrade construction (excluding foundation construction); unpaved access road construction; utility installation; fence installation; construction trailer installation; and other similar activities.

3.0 Activities Requiring a Permit

3.1 through 3.4 No change.

3.5 Conceptual Approval Permits

3.5.1 through 3.5.4 No change.

3.5.5 Phases within a conceptually approved project shall be processed as standard general permits provided:

(a) The proposed activity is consistent with the conceptual approval permit;

(b) The approved conceptual plan includes the location and acreage of wetlands onsite, an assessment of wetland impacts, and a conceptual mitigation plan (if required); and

(c) The approved conceptual plan includes the approximate size, location, and discharge points of the proposed stormwater management system.

7.2 Master drainage plans ~~Public Works Projects~~

7.2.1 An applicant ~~municipality or county~~ may apply for and receive a standard general or individual permit for its existing or proposed master drainage plan for a in its project area of jurisdiction.

7.2.2 Such application will be processed in accordance with the procedures established for standard general and individual permits.

7.2.3 After ~~a municipality or county has received issuance of~~ an individual permit for ~~it's a~~ master drainage plan, subsequent activities within the master drainage plan which are conducted in accordance with the requirements of 40C-40.302(1), F.A.C., ~~the plan~~ and which would ordinarily require an individual permit, may be authorized under the provisions of a standard general permit.

7.2.4 Subsequent activities which would ordinarily require an individual permit and which significantly differ from the master drainage plan will require an individual permit.

#### 11.0 Basin Criteria

11.1 and 11.2 No change.

#### 11.3 Wekiva River Hydrologic Basin

11.3.1 through 11.3.4 No change.

#### 11.3.5 Standard for Riparian Wildlife Habitat

The wetlands abutting the Wekiva River, Little Wekiva River downstream of S.R. 434, Rock Springs Run, Black Water Creek, Sulphur Run and Seminole Creek support an abundance and diversity of aquatic and wetland dependent wildlife. Uplands abutting these wetlands protect the wetlands from climatic extremes and also provide important habitat for some aquatic and wetland dependent species. Construction and alteration of surface water management systems within these wetlands and uplands can result in adverse changes in the habitat, abundance, and food sources of aquatic and wetland dependent species.

(a) The applicant must provide reasonable assurance that the construction or alteration of a system will not adversely affect the abundance, food sources, or habitat (including its use to satisfy nesting, breeding and resting needs) of aquatic or wetland dependent species provided by the following designated Riparian Habitat Protection Zone:

1. The wetlands abutting the Wekiva River, Little Wekiva River downstream of S.R. 434, Rock Springs Run, Black Water Creek, Sulphur Run, or Seminole Creek;

2. The uplands which are within 50 feet landward of the landward extent of the wetlands above.

3. The uplands which are within 550 feet landward of the stream's edge as defined, for the purpose of this subsection, as the waterward extent of the forested wetlands abutting the Wekiva River, Little Wekiva River downstream of S.R. 434, Rock Springs Run, Black Water Creek, Sulphur Run or Seminole Creek. In the absence of forested wetlands abutting these streams, the stream's edge shall be defined, for the purpose of this subsection, as the mean annual surface water elevation of the stream; however, if hydrologic records are unavailable, the landward extent of the herbaceous emergent wetland vegetation growing in these streams shall be considered to be the stream's edge.

#### 11.4 Econolockhatchee River Hydrologic Basin

11.4.1 through 11.4.2 No change.

#### 11.4.3 Stormwater Management Standard

~~(a) Construction of new stormwater management systems must be in accordance with the design and performance standards of chapter 40C-42, F.A.C. However, systems which serve drainage areas in excess of 10 acres can not use detention with filtration treatment as the sole stormwater treatment methodology. Additionally, when retention systems are not feasible due to limited percolation capacity, wet detention treatment or other treatment demonstrated to be equivalent to retention or wet detention, in accordance with chapter 40C-42, F.A.C., and paragraph 11.4.3(b), must be used.~~

~~(b) Wet detention treatment systems:~~

~~(1) provide a treatment volume of one inch of runoff, or 2.5 inches of runoff from the impervious area, whichever is greater.~~

~~(2) are designed so that outfall structures shall bleed down the required treatment volume such that one-half of this volume will be discharged within 60 to 72 hours following a storm event, but no more than one-half of this volume will be discharged within the first 60 hours.~~

~~(3) provide a permanent pool of water such that the volume between the control or bleed down elevation and the pond bottom results in an average residence time of at least 14 days during the wet season (June - October).~~

~~(4) provide a littoral zone to be designed as follows:~~

~~a. the littoral zone shall be gently sloped (6:1 or flatter). At least 30 percent of the wet detention system surface area shall consist of a littoral zone. The percentage of littoral zone is based on the ratio of vegetated littoral zone to surface area of the pond at the control elevation.~~

~~b. the treatment volume must not cause the pond level to rise more than 18 inches above the control elevation unless it is demonstrated that the littoral zone vegetation can survive at greater depths.~~

~~e. eighty percent coverage of the littoral zone by suitable aquatic plants is required within the first thirty-six months following completion of the system.~~

~~d. to meet the 80% coverage requirement, planting of the littoral zone is recommended. As an alternative, portions of the littoral zone may be established by placement of wetland top soils (at least a four inch depth) containing a seed source of desirable native plants. When utilizing this alternative, the littoral zone must be stabilized by mulching or other means and at least the portion of the littoral zone within 25 feet of the inlet and outlet structures must be planted.~~

~~(5) are designed so that the permanent pool does not exceed a maximum depth of 12 feet below the invert of the bleed down device unless the applicant affirmatively demonstrates that greater depths will not inhibit the physical,~~

chemical and biological treatment processes or cause the resuspension of pollutants into the water column due to anaerobic conditions in the bottom sediments and water.

(6) are designed so the flow path through the pond has an average length to width ratio of at least 2:1. The alignment and location of inlets and outlets should be designed to maximize flow paths in the pond. If short flow paths are unavoidable, the effective flow path should be increased by adding diversion barriers such as islands, peninsula, or baffles to the pond. Inlet structures shall be designed to dissipate the energy of water entering the pond.

(7) are designed so that bleed down devices incorporating dimensions smaller than three inches minimum width or less than 20 degrees for "v" notches shall include a device to eliminate clogging. Examples of such devices include baffles, grates, and pipe elbows.

(8) are designed so that bleed down structure invert elevations are at or above the estimated post-development average water table elevation and above the anticipated post-development wet season tailwater elevation. If the structure is proposed to be set below the average water table elevation, ground water inflow must be considered in the drawdown calculations, calculation of average residence time, and estimated normal water level.

(9) provide for permanent maintenance easements or other acceptable legal instruments to allow for access to and maintenance of the system, including the pond, littoral zone, inlets, and outlets.

11.4.4 renumbered 11.4.3 No change.

11.4.5 Off-site Land Preservation as Mitigation in the Eeonlockhatchee River Hydrologic Basin.

Mitigation in the Eeonlockhatchee River Hydrologic Basin must offset any adverse impacts of the system to the functions provided by the Eeonlockhatchee River Riparian Habitat Protection Zone and wetlands outside this zone, to aquatic and wetland dependent species. Subsection 16.1.6 of this Handbook allows for consideration of innovative mitigation proposals. Mitigation within the Eeonlockhatchee River Hydrologic Basin may include the off-site preservation of lands. The lands proposed for preservation must be regionally significant or provide unique fish and wildlife habitat. For the purposes of this section the land to be preserved must be located entirely within the Eeonlockhatchee River Basin as designated in section 40C-41.023, F.A.C., and the applicant must propose to convey the land in fee simple to the St. Johns River Water Management District or a mutually acceptable designee. At the option of the District, a perpetual conservation easement or other acceptable legal instrument may be conveyed to the District or a mutually acceptable designee in accordance with section 704.06, F.S. All of the following requirements will apply to off-site land preservation proposals within the Eeonlockhatchee River Basin:

(a) Prior to proposing off-site land preservation, the applicant must demonstrate that alternatives for avoiding adverse impacts to the functions provided by the Riparian Habitat Protection Zone and wetlands outside the zone have been evaluated, and that to the maximum extent practicable, adverse impacts to these functions have been avoided.

(b) As a part of an off-site land preservation proposal, the applicant must demonstrate that the proposal meets the standard described in paragraph 11.4.4(a) by providing a functional analysis, as described in paragraph 11.4.4(b), of the proposed impacts within the Riparian Habitat Protection Zone and the benefits of the proposed preservation area. If adverse impacts occur to wetlands, then as part of an off-site land preservation proposal, the applicant must demonstrate that the proposal meets the criteria described in subsection 10.7.4.

(c) The range of appropriate ratios to be used to determine credit for preservation will depend upon the functional analysis of impacts and benefits. The suitability of this mitigation option, the specific ratios applicable, credits to be assigned, and the use of these credits will be determined on a case-by-case basis based on site specific information.

## 12.0 Environmental Considerations

### 12.1 No change.

### 12.2 Environmental Criteria

#### 12.2.1 No change.

#### 12.2.2 Fish, Wildlife, Listed Species and their Habitats

##### 12.2.2.1 No change.

12.2.2.2 Alterations in wholly owned livestock watering ponds that were completely constructed in uplands and which are less than one acre in area and alterations in drainage ditches that were constructed in uplands will not be required to comply with the provisions of subsections 12.2.2-12.2.2.3, 12.2.3-12.2.3.7, 12.2.5-12.3.8, unless those ponds or ditches provide significant habitat for threatened or endangered species. This means that, except in cases where those ponds or ditches provide significant habitat for threatened or endangered species, the only environmental criteria that will apply to those ponds or ditches are those included in subsections 12.2.4-12.2.4.5 and 12.2.2.4. This provision shall only apply to those ponds and ditches which were constructed before a permit was required under part IV, chapter 373, F.S. or were constructed pursuant to a permit under part IV, chapter 373, F.S. This provision does not apply to ditches constructed to divert natural stream flow.

##### 12.2.8 Cumulative Impacts

###### 12.2.8.1 No change.

12.2.8.2 Applicants may propose measures such as preservation to prevent cumulative impacts. Such preservation shall comply with the land preservation provisions in subsection 12.3.8. If unacceptable cumulative impacts are expected to occur, based on an evaluation conducted in accordance with subsection 12.2.8, the applicant may propose mitigation measures as provided for in sections 12.3-12.3.8.

Whenever mitigation located within the same drainage basin fully offsets the proposed impacts to wetland functions as described in section 12.2.2 and to water quality, then the regulated activity does not result in unacceptable cumulative impacts within that drainage basin.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Jeff Elledge, Director, Department of Water Resources, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (904)329-4347

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 13, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 27, 2000

If any person decides to appeal and decision with respect to any matter considered at the above listed public hearing, such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Anyone requiring special accommodation to participate in this meeting is requested to advise the District at least 5 work days before the meeting by contacting Linda Lorenzen at (904)329-4262 or (904)329-4450 (TDD).

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE TITLES:	RULE NOS.:
Conditions for Issuance of Permits	40C-40.302
Limiting Conditions	40C-40.381

PURPOSE AND EFFECT: The purposes of the proposed rule amendments are to (1) allow more projects to qualify for standard general permits instead of individual permits by excluding certain minor wetland impacts which currently do not require mitigation from the threshold for the amount of wetland impacts allowable under a standard general permit, (2) create a standard general permit category for subdivisions with large lots (minimum 5 acres), (3) create a standard general permit for phases of a project that have a valid conceptual or master drainage system permit, and (4) create a standard general permit for incidental site activities to allow an applicant to begin limited construction activities prior to Governing Board consideration of an individual permit application, provided a complete application for an individual permit and a recommendation of approval by the District staff has been received. The effect of the proposed rule amendments is to reduce the number of projects that require individual permits. This will reduce permit processing time and cost to applicants without any change in resource protection since the same permitting criteria apply to standard general and individual permits. In addition, the proposed amendments will

expedite the review and permitting of certain subdivisions with large lots. Finally, the amendments will reduce the time that applicants for certain individual permits have to wait prior to commencing certain construction activities.

SUMMARY: The proposed rule amendments would raise standard general permitting thresholds in 40C-40.302(2)(c), create a new standard general permit for certain subdivisions with large lots in 40C-40.302(4), and create a new standard general permit for incidental site activities in 40C-40.302(5).

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.414, 373.418 FS.

LAW IMPLEMENTED: 373.118, 373.413, 373.414, 373.416, 373.418, 373.426 FS.

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

TIME AND DATE: Following the regularly scheduled Governing Board Meeting, which begins at 9:00 a.m., February 14, 2001

PLACE: St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, Florida 32177

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (904)329-4459, Suncom 860-4459

THE FULL TEXT OF THE PROPOSED RULES IS:

40C-40.302 Conditions for Issuance of Permits.

To qualify for a standard general permit under this chapter, the permittee must give reasonable assurance that the surface water management system meets subsection (1) and all of the threshold conditions of subsection (2).

- (1) No change.
- (2) Threshold Conditions.
  - (a) through (b) No change.

(c) Construction or alteration of a system, including dredging or filling, must not be proposed in, on or over a total of one acre or more of wetlands and other surface waters. However, calculation of the one acre area shall not include:

- 1. Ditches that were constructed in uplands;
- 2. Any isolated wetland with a surface area of less than 0.5 acres.

(3) No change.

(4) Threshold condition paragraph (2)(b) shall not apply to a residential development that meets the following:

(a) All residential lots are 5 acres or greater in size and each lot has an area of uplands outside the 100-year floodplain that is sufficient to construct a residence without necessitating filling of wetlands or the 100-year floodplain, other than filling ditches that were constructed in uplands or filling for the driveway; and

(b) Deed restrictions are placed upon each lot that require that the residence, onsite sewage disposal system and all associated residential improvements, except for the driveway, be constructed in uplands and outside the 100-year floodplain.

(5) Threshold conditions in subsection (2) shall not apply to the following:

(a) Phases within a project that has a valid conceptual approval permit provided:

1. The proposed activity is consistent with the conceptual approval permit;

2. The approved conceptual plan includes the location and acreage of wetlands onsite, an assessment of wetland impacts, and a conceptual mitigation plan (if required); and

3. The approved conceptual plan includes the approximate size, location, and discharge points of the proposed stormwater management system.

(b) Phases within a project that has valid individual permit for a master drainage plan provided the proposed activity does not significantly differ from the master drainage plan.

(6) Notwithstanding the threshold conditions of subsection (2), a standard general permit shall be authorized for incidental site activities which are in connection with the work set forth in an individual environmental resource permit application, provided:

(a) The applicant has submitted a complete individual environmental resource permit application for the project area that is the subject of the proposed incidental site activities.

1. For the purposes of this requirement, an application is complete when the applicant has submitted all information required on application form 40C-4.900(1) and has submitted all information requested by District staff in timely requests for additional information.

2. This general permit is not authorized for projects where the applicant has submitted a written request to begin processing the permit application in accordance with section 373.4141, Florida Statutes;

(b) The District staff has reviewed the individual environmental resource permit application and is recommending approval of the individual permit. For the purpose of this section, District staff have recommended approval of the individual permit when the Department Director or Assistant Department Director of the Department of Water Resources has signed the technical staff report recommending approval of the application or the Department Director, Assistant Department Director or Service Center Director of the Department of Water Resources have issued a

letter to the applicant stating that the application is complete and the staff will be recommending approval of the application to the Governing Board;

(c) The proposed incidental site activity must not be located within 50 feet of a wetland or other surface water and no excavation shall occur within 200 feet of a wetland;

(d) The proposed incidental site activity must not be located in a riparian habitat protection zone as described in 40C-41.063, F.A.C.;

(e) The applicant has submitted an erosion and sediment control plan that provides reasonable assurance that the incidental site activities will not result in sediment deposition in wetlands or violations of state water quality standards; and

(f) The District must not have received any timely submitted substantial objections (as defined in subsection 6.2.4 of the Applicant's Handbook: Management and Storage of Surface Waters) to the associated individual environmental resource permit application, unless all such objections are withdrawn at the time this general permit is requested.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.019, 373.118, 373.413, 373.416, 373.426 FS. History--New 12-7-83, Amended 9-25-91, 1-6-93, 10-3-95, 1-11-99, \_\_\_\_\_.

40C-40.381 Limiting Conditions.

The general Permits authorized in this chapter shall be subject to the following limiting conditions:

(1) through (2) No change.

(3) For general permits authorizing incidental site activities, the following limiting conditions shall also apply.

(a) If the associated individual environmental permit application is not issued within 60 days of the issuance of this permit for incidental site activities, stabilization measures shall be instituted and maintained for erosion and sediment control on all disturbed areas of the site as soon as practicable but in no case more than 7 days after all activity authorized under this permit has ceased.

(b) The incidental site activities are commenced at the permittee's own risk. The Governing Board will not consider the monetary costs associated with the incidental site activities or any potential restoration costs in making its decision to approve or deny the individual environmental resource permit application. Issuance of this permit shall not in any way be construed as a commitment to issue the associated individual environmental resource permit.

1. The permittee shall proceed in an expeditious fashion to obtain the individual environmental resource permit.

2. Unless revoked or modified, the duration of a general permit authorizing incidental site activities shall be 60 days.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416, 373.419, 373.423, 373.426 FS. History--New 12-7-83, Amended 2-27-94, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Jeff Elledge, Director, Department of Water Resources, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (904)329-4347

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 13, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 27, 2000

If any person decides to appeal and decision with respect to any matter considered at the above listed public hearing, such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Anyone requiring special accommodation to participate in this meeting is requested to advise the District at least 5 work days before the meeting by contacting Linda Lorenzen at (904)329-4262 or (904)329-4450 (TDD).

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE TITLE: Conditions for Issuance of Permits

RULE NO.: 40C-41.063

PURPOSE AND EFFECT: The purpose and effect of this rule amendment is to delete certain urbanized areas of the existing Riparian Habitat Protection Zone (RHPZ) for the Little Wekiva River. The Little Wekiva River upstream of State Road 434 is within an already urbanized area. Much of the river in this area is either channelized or contained within a pipe. Current habitat values of the Little Wekiva River in this area no longer warrant the protection afforded by RHPZ status. Additionally, certain stormwater criteria applicable to regulated activities in the Econlockhatchee River Hydrologic basin are deleted because they are largely redundant to subsequent amendments to the District's stormwater rule (40C-42, F.A.C.).

SUMMARY: The rule amendment would delete the area of the Little Wekiva River upstream of State Road 434 from the Riparian Habitat Protection Zone (RHPZ) in 40C-41.063(3)(e), F.A.C., and delete certain redundant permitting criteria applicable in the Econlockhatchee River Hydrologic basin.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.414, 373.415, 373.418 FS.

LAW IMPLEMENTED: 373.413, 373.414, 373.415, 373.416, 373.418, 373.426 FS.

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

TIME AND DATE: Following the regularly scheduled Governing Board Meeting, which begins at 9:00 a.m., February 14, 2001

PLACE: St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, Florida 32177

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (904)329-4459, Suncom 860-4459

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-41.063 Conditions for Issuance of Permits

(1) through (2) No change.

(3) Within the Wekiva River Hydrologic Basin, the following standards and criteria are established:

(a) through (d) No change.

(e) Standard for Riparian Wildlife Habitat

1. The applicant must provide reasonable assurance that the construction or alteration of a system will not adversely affect the abundance, food sources, or habitat (including its use to satisfy nesting, breeding and resting needs) of aquatic or wetland dependent species provided by the following designated Riparian Habitat Protection Zone:

a. The wetlands abutting the Wekiva River, Little Wekiva River downstream of S.R. 434, Rock Springs Run, Black Water Creek, Sulphur Run, or Seminole Creek;

b. The uplands which are within 50 feet landward of the landward extent of the wetlands above.

c. The uplands which are within 550 feet landward of the stream's edge as defined, for the purpose of this subsection, as the waterward extent of the forested wetlands abutting the Wekiva River, Little Wekiva River downstream of S.R. 434, Rock Springs Run, Black Water Creek, Sulphur Run or Seminole Creek. In the absence of forested wetlands abutting these streams, the stream's edge shall be defined, for the purpose of this subsection, as the mean annual surface water elevation of the stream: however, if hydrologic records are unavailable, the landward extent of the herbaceous emergent wetland vegetation growing in these streams shall be considered to be the stream's edge.

2. through 3. No change.

(4) No change.

(5) Within the Econlockhatchee River Hydrologic Basin the following standards and criteria are established:

(a) through (b) No change.

~~(c) Stormwater Management Standard. Construction of new stormwater management systems must be in accordance with the design and performance standards of chapter 40C-42, F.A.C. However, systems which serve drainage areas in excess of 10 acres cannot use detention with filtration treatment as the sole stormwater treatment methodology. Additionally, when retention systems are not feasible due to limited percolation capacity, wet detention treatment or other treatment demonstrated to be equivalent to retention or wet detention, in accordance with chapter 40C-42, F.A.C., and paragraph 11.4.3(b), Applicant's Handbook: Management and Storage of Surface Waters, must be used.~~

~~(c)(4)~~ No change.

(6) through (7) No change.

Specific Authority 373.044, 373.113, 373.171, 373.414, 373.415, 373.418 FS. Law Implemented 373.413, 373.414, 373.415, 373.416, 373.418, 373.426 FS. History—New 12-7-83, Amended 5-17-87, 8-30-88, 4-3-91, 9-25-91, 7-14-92, 10-3-95, 11-25-98.

NAME OF PERSON ORIGINATING PROPOSED RULE: Governing Board of the St. Johns River Water Management District

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 13, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 27, 2000

If any person decides to appeal and decision with respect to any matter considered at the above listed public hearing, such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Anyone requiring special accommodation to participate in this meeting is requested to advised the District at least 5 work days before the meeting by contacting Linda Lorenzen at (904)329-4262 or (904)329-4450 (TDD).

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE TITLES:	RULE NOS.:
Permits required	40C-42.022
Exemptions From Permitting for Stormwater Management Systems	40C-42.0225
Specific Design and Performance Criteria	40C-42.026
Monitoring and Operational Maintenance Requirements	40C-42.029

PURPOSE AND EFFECT: The purposes of the rule amendments are to (1) raise certain thresholds for when stormwater treatment is required for a project in chapter 40C-42, F.A.C., from the existing threshold of: construction of 5000 square feet or more of building area or other impervious area not subject to vehicular traffic, to a new threshold of: construction of more than 9000 square feet total of impervious surface, (2) create a new exemption from requiring stormwater permits and, hence, treatment of stormwater, for certain communication tower sites, minor roadway safety projects, and recreational paths that are not significant sources of stormwater pollutants, (3) minimize clogging of drawdown devices, and (4) delete the requirement for submittal of inspection forms for low maintenance stormwater systems. The effect of the proposed amendments is to streamline the regulatory process by reducing the number of projects that require stormwater permits, reducing unnecessary requirements for stormwater treatment for projects that are not significant sources of stormwater pollutants, and eliminating unnecessary submittals of inspection reports. In addition, the proposed amendments will lessen the amount of maintenance of stormwater systems needed by reducing the chances of clogging.

SUMMARY: These proposed rule amendments would (1) raise stormwater permitting thresholds in 40C-42.022(1) and (2), F.A.C., (2) create new exemptions from stormwater permitting in 40C-42.0225, F.A.C., (3) revise the design and performance standards for the drawdown of wet detention stormwater systems in 40C-42.026(4), F.A.C., and (4) eliminate the reporting requirements for low maintenance stormwater systems.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.414, 373.416, 373.418 FS.

LAW IMPLEMENTED: 373.118, 373.413, 373.414, 373.416, 373.418, 373.426 FS.

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

TIME AND DATE: Following the regularly scheduled Governing Board Meeting, which begins at 9:00 a.m., February 14, 2001

PLACE: St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, Florida 32177

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (904)329-4459, Suncom 860-4459

THE FULL TEXT OF THE PROPOSED RULES IS:

40C-42.022 Permits Required.

(1) A permit is required under this chapter for construction (including operation and maintenance) of a stormwater management system which serves a project that exceeds any of the following thresholds:

(a) Construction of 4,000 square feet or more of impervious or semi-impervious surface area subject to vehicular traffic, ~~such as This area includes roads, parking lots, driveways, and loading zones;~~

(b) Construction of more than 9,000 square feet total of impervious surface; or Construction of 5000 square feet or more of building area or other impervious area not subject to vehicular traffic; or

(c) Construction of 5 acres or more of recreational area. Recreation areas include but are not limited to golf courses, tennis courts, putting greens, driving ranges, or ball fields.

(2) A permit is required under this chapter for alteration, removal, reconstruction, or abandonment of existing stormwater management systems which serve a project which may be expected to result in any of the following:

(a) through (d) No change.

(e) Construction of 4,000 square feet or more of impervious or semi-impervious surface area subject to vehicular traffic, ~~such as This area includes roads, parking lots, driveways, and loading zones;~~

(f) Construction of more than 9,000 square feet total of impervious surface; or Construction of 5,000 square feet or more of building area or other impervious area not subject to vehicular traffic; or

(g) Construction of 5 acres or more of recreational area. Recreation areas include but not limited to golf courses, tennis courts, putting greens, driving ranges, or ball fields.

(3) through (6) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.413, 373.416 FS. History—New 9-25-91, Amended 4-11-94, 11-22-94,\_\_\_\_\_.

40C-42.0225 Exemptions From Permitting for Stormwater Management Systems.

The following types of stormwater management systems are exempt from the notice and permit requirements of this chapter:

(1) through (3) No change.

(4) Construction of communication tower sites with one-half acre or less of impervious or semi-impervious surface such as access roads, buildings, and equipment pads. The design of above-grade access roads must allow for conveyance of normal surface water flows.

(5) The construction of the following minor roadway safety projects provided that the capacity of existing swales, ditches, or other stormwater management systems is not reduced:

(a) Sidewalks.

(b) Turnlanes less than 0.25 miles in length and other intersection improvements, or

(c) Road widening and shoulder paving projects which do not result in the creation of additional traffic lanes.

(6) Recreational paths which do not allow motorized vehicles powered by internal combustion engines, except for maintenance and emergency vehicles.

Specific Authority 373.044, 373.113, 373.171, 373.413 FS. Law Implemented 373.413, 373.416, 403.812 FS. History—New 9-25-91, Amended 3-21-93, 10-3-95,\_\_\_\_\_.

40C-42.026 Specific Design and Performance Standards.

(1) through (3) No change.

(4) Wet detention stormwater management systems shall:

(a) No change.

(b) Be designed so that the outfall structures shall bleed down one-half the volume of stormwater specified in paragraph (a), above, within ~~24 48~~ to ~~30 60~~ hours following a storm event, but no more than one-half of this volume will be discharged within the first ~~24 48~~ hours.

(c) through (f) No change.

(g) Be designed so that bleed down devices shall incorporate minimum ~~incorporating~~ dimensions no smaller than six square inches of cross section area, two inches wide, and 20 degrees for "v" notches. ~~Bleed down devices incorporating dimensions smaller than six three inches minimum width or less than 45 20 degrees for "v" notches shall include a device to minimize eliminate~~ clogging. Examples include baffles, grates, and pipe elbows.

(h) through (k) No change.

(5) through (6) No change.

Specific Authority 373.044, 373.113, 373.118, 373.177, 373.418 FS. Law Implemented 373.413, 373.416, 403.813 FS. History—New 9-25-91, Amended 3-21-93, 6-15-93, 4-11-94, 7-20-95,\_\_\_\_\_.

40C-42.029 Monitoring and Operational Maintenance Requirements.

(1) The operation and maintenance entity is required to provide for periodic inspections of the stormwater management system to insure that the system is functioning as designed and permitted. If specified below or by permit condition, ~~t~~The entity shall submit inspection reports to the District, certifying that the stormwater management system is operating as designed. In addition, the entity will state in the



report what operational maintenance has been performed on the system. The reports shall only be required for those systems which are subject to operation phase permits pursuant to subsection 40C-42.028(1), F.A.C., after the effective date of this rule adoption, unless indicated otherwise in a permit. The reports shall be submitted to the District as follows unless otherwise required by a permit condition:

~~(a) Inspection reports for retention, underdrain, wet detention, swales, and wetland stormwater management systems shall be submitted two years after the completion of construction and every two years thereafter on form number 40C-1.181(15), Registered Professional's Inspection Report, for systems designed by a registered professional. For systems not designed by a registered professional, the inspection reports shall be submitted on form number 40C-1.181(16), Statement of Inspection Report. However, reports for those systems in sensitive karst areas must be submitted pursuant to paragraph (c) below.~~

~~(a)(b)~~ Inspection reports for ~~dry detention~~, exfiltration, and pumped systems shall be submitted one year after the completion of construction and every two years thereafter on form number 40C-1.181(15), Registered Professional's Inspection Report. A registered professional must sign and seal the report certifying the ~~dry detention, filtration~~, exfiltration, or pumped system is operating as designed. However, reports for those systems in sensitive karst areas must be submitted pursuant to paragraph ~~(b)(c)~~ below.

~~(b)(c)~~ No change.

(2) All permits issued pursuant to this chapter prior to (effective date) are hereby modified to remove any condition requiring the submittal of inspection reports for retention, underdrain, wet detention, dry detention, swales and wetland stormwater management systems. All other conditions of these permits shall remain in effect unless revoked or modified by the District.

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

Specific Authority 373.044, 373.113, 373.118, 373.171, 373.414, 373.416, 373.418 FS. Law Implemented 373.118, 373.413, 373.414, 373.416, 373.418, 373.426 FS. History—New 9-25-91, Amended 3-21-93, 4-11-94, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jeff Elledge, Director, Department of Water Resources, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (904)329-4347

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 13, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 27, 2000

If any person decides to appeal and decision with respect to any matter considered at the above listed public hearing, such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Anyone requiring special accommodation to participate in this meeting is requested to advised the District at least 5 work days before the meeting by contacting Linda Lorenzen at (904)329-4262, or (904)329-4450 (TDD).

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE TITLE: RULE NO.:

General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Activities Within Existing Rights-of-Way or Easements 40C-400.447

PURPOSE AND EFFECT: The purpose of the rule amendment is to amend the existing noticed general permit for work within government rights-of-ways to allow for the construction of certain ditch stabilization projects. The stabilization of eroded sections of ditches currently requires a standard general or individual permit if materials such as riprap, concrete, or geotechnical textiles are utilized. Mitigation is not normally required for this type of activity. Permitting of these types of projects would be more appropriately regulated under a noticed general permit. The effect of the proposed amendments is to allow more projects for ditch stabilization to obtain a noticed general permit instead of a standard general or individual permit. This will expedite the review and processing of permit applications for these types of projects.

SUMMARY: The rule amendment would amend the existing noticed general permit to governmental entities for the construction of minor activities in existing rights-of-way or easements in 40C-400.447, F.A.C., to include ditch stabilization projects.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.414, 373.418 FS.

LAW IMPLEMENTED: 373.118, 373.413, 373.414, 373.416, 373.418 FS.

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

TIME AND DATE: Following the regularly scheduled Governing Board Meeting, which begins at 9:00 a.m., February 14, 2001

PLACE: St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, Florida 32177

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (904)329-4459, Suncom 860-4459

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-400.447 General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Activities Within Existing Rights-of-Way or Easements.

(1) A general permit is hereby granted to the Florida Department of Transportation, counties and municipalities to conduct the activities described below:

(a) through (f) No change.

(g) Ditch bank and bottom stabilization necessary to repair erosion damage to restore previously existing ditch configurations. Authorized repair methods are placement of riprap, sand cement toe walls, clean fill material, poured concrete, geotechnical textiles and other similar stabilization materials. The placement of riprap or other lining materials shall be limited to a length of 500 feet along the axis of the ditch.

(2) through (3) No change.

Specific Authority 373.044, 373.113, 373.118, 373.414, 373.418 FS. Law Implemented 373.118, 373.413, 373.414, 373.416, 373.418, 373.426 FS. History—New 10-3-95, Amended 1-11-99,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jeff Elledge, Director, Department of Water Resources, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (904)329-4347

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 13, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 27, 2000

If any person decides to appeal and decision with respect to any matter considered at the above listed public hearing, such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Anyone requiring special accommodation to participate in this meeting is requested to advised the District at least 5 work days before the meeting by contacting Linda Lorenzen at (904)329-4262, or (904)329-4450(TDD).

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE TITLE: Permit Processing Fee  
 RULE NO.: 40D-1.607

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to delete an exemption from the District’s permit application fee rule. Application fees are assessed in order to defray the cost of evaluating, processing, advertising, mailing, compliance monitoring and inspection, required in connection with consideration of permit applications. This fee exemption was originally intended to encourage phased projects in which the entire system facilities for treatment, attenuation, or wetland impacts, including capacity to support subsequent phases, would be permitted and constructed as part of an overall initial project phase. When subsequent connecting phases were permitted, the existing surplus capacity in the system would have already been designed and built, thus requiring little permitting review and no application fee. Due to economics and other factors, it is usually not practical for owners to build system facilities larger than initially required, and Rule 40D-1.607(3)(g), F.A.C., as intended, should rarely be used. The current rule language has resulted in administrative problems for staff, and confusion to both staff and permit applicants.

SUMMARY: The proposed rule amendment will repeal an exemption for certain environmental resource permits from the District’s permit application fee rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District’s determination that the proposed revisions to Rule 40D-1.607, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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: 373.044, 373.113, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.109, 373.421(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: Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34609-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.607 Permit Processing Fee.

A permit application processing fee is required and shall be paid to the District when certain applications are filed pursuant to District rules. These fees are assessed in order to defray the cost of evaluating, processing, advertising, mailing, compliance monitoring and inspection, required in connection with consideration of such applications. Fees are non-refundable in whole or part unless the activity for which an application is filed is determined by the District to be exempt or the fee submitted is determined by the District to be incorrect. Failure to pay the application fees established herein is grounds for the denial of an application or revocation of a permit. The District's permit application processing fees are as follows:

- (1) through (2) No change.
- (3) The following types of applications are exempt from the fees identified in subsection (1):
  - (a) through (f) No change.
  - (g) ~~“PORTIONS OF PROJECT: Chapter 40D-4 or 40~~

~~Individual or General Construction Permit for a portion of a project for which a Conceptual Permit application has been previously filed that does not require any additional treatment, attenuation, or wetland impacts on site.~~

- (4) through (12) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.109, 373.421(2) FS. History-Readopted 10-5-74, Amended 12-31-74, 10-24-76, 7-21-77, Formerly 16J-0.111, Amended 10-1-88, 1-22-90, 12-27-90, 11-16-92, 1-11-93, 3-23-94, Formerly 40D-0.201, Amended 12-22-94, 10-19-95, 3-31-96, 7-23-96, 10-16-96, 10-26-00,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Charles H. Miller, P.E., Engineering Program Director, Technical Services Dept., Resource Regulation, 2379 Broad Street, Brooksville, FL 34609-6899, (352)796-7211, Extension 4307

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 28, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 15, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors' Licensing Board**

RULE TITLE: Registration of Course Providers  
PURPOSE AND EFFECT: The purpose of this amendment will be to incorporate the most recent versions of registration of course providers' guidelines.

RULE NO.: 61G6-9.005

SUMMARY: The rule amendment is for the purpose of updating the course providers' guidelines.

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: 455.225, 455.227, 489.507(3) 489.517(3) FS.

LAW IMPLEMENTED: 489.517, 489.531, 489.533 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Electrical Contractors' Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-9.005 Registration of Course Providers Sponsors.

(1)(a) Each course provider sponsor must register with the board prior to submitting any continuing education courses to be conducted by a course provider sponsor to the Board for approval.

(b) A university or college which is regionally accredited by an accrediting agency recognized by the United States Department of Education (USDOE); and which university or college offers courses in the contracting areas specified in Part II, Chapter 489, F.S., and pursuant to rule chapter 61G6-9, F.A.C., will be approved as a course provider upon submitting an application to the board is hereby deemed registered with the Board as a course sponsor.

(2) The application for registration must be submitted on the course provider sponsor form BPR/ECLB-REG.TO.CERT.1/2001, with instructions, hereby incorporated by reference, copies of which are provided by the department and must include the name, address, phone number and facsimile number of the course provider sponsor. The registration must also include the name and address of each person or entity who has an ownership interest in the course sponsor or who is entitled to receive any portion of the revenues from the course sponsor.

(3) The course provider sponsor registration is valid until May 31st of odd numbered ~~for four (4)~~ years from the date of issue.

(4) The course provider sponsor must submit to the Board, in writing, notice of any changes in the information provided in the initial application for registration of the course sponsor. The notification must be made within 30 days following the date the change is effective.

(5) The Board shall maintain a list of all course providers sponsors registered with the Board.

(6) The Board shall deny registration of approval, suspend, or revoke the registration of any course provider sponsor if any of the following acts or omissions occur:

(a) No change.

(b) Failing to provide complete and accurate information in the initial application for registration or in any notification of change in information.

(c) Failing to notify the board of a change in the information required in subsection (4) for registration of course providers sponsors.

(d) Falsifying of any records regarding the continuing education courses conducted by the course provider sponsor or the persons who attended the courses.

(e) Failing to maintain any required records regarding the continuing education courses conducted by the course provider sponsor or the persons who attended the courses, including the failure to report the names and license numbers of all persons who attended any approved courses.

(f) through (j) No change.

(k) Failure to provide the attendee list to the Department in an electronic format or otherwise violate provisions in rule section 61G6-6.015.

(7) In the event of suspension or revocation of a course provider's sponsor's registration, the board shall require the course provider sponsor to cancel the scheduled courses and refund all fees collected by the course provider sponsor in connection with any scheduled course.

(8) The board shall deny approval of, suspend, or revoke the registration of any course provider sponsor if any person or entity required to be disclosed in the registration was also disclosed (or was required to be disclosed) in the registration of any course provider sponsor who has been suspended or revoked by the board.

(9) The provider must comply with the requirements stated in Rule 61G6-6.015(5) as a condition of approval as a course provider.

(10) The course provider shall not offer any continuing education courses if the provider status is in a delinquent or expired status.

(11) The course provider shall be responsible for filing with the board, within 30 days after the course is concluded, a list of all licensees who attended a course between September 1, 2000 and April 30, 2001.

Specific Authority 455.225, 455.227, 489.507(3) FS. Law Implemented 489.531, 489.533, 489.517 FS. History—New 11-30-94, Amended 6-13-96, 10-20-96, 12-25-96, 3-24-99, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Electrical Contractors' Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 19, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 4, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors' Licensing Board**

RULE TITLE: Registration of Course Providers  
RULE NO.: 61G6-9.005

PURPOSE AND EFFECT: The purpose of this amendment will be to incorporate the most recent versions of registration of course providers' guidelines.

SUMMARY: The rule amendment is for the purpose of updating the course providers' guidelines.

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: 455.225, 455.227, 489.507(3), 489.517(3) FS.

LAW IMPLEMENTED: 489.517, 489.531, 489.533 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Electrical Contractors' Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-9.005 Registration of Course Providers Sponsors.

(1)(a) Each course provider sponsor must register with the board prior to submitting any continuing education courses to be conducted by a course provider sponsor to the Board for approval.

(b) A university or college which is regionally accredited by an accrediting agency recognized by the United States Department of Education (USDOE); and which university or college offers courses in the contracting areas specified in Part II, Chapter 489, F.S., and pursuant to rule chapter 61G6-9,

F.A.C., will be approved as a course provider upon submitting an application to the board is hereby deemed registered with the Board as a course sponsor.

(2) The application for registration must be submitted on the course provider sponsor form BPR/ECLB-REG.TO.CERT.1/2001, with instructions, hereby incorporated by reference, copies of which are provided by the department and must include the name, address, phone number and facsimile number of the course provider sponsor. The registration must also include the name and address of each person or entity who has an ownership interest in the course sponsor or who is entitled to receive any portion of the revenues from the course sponsor.

(3) The course provider sponsor registration is valid until May 31st of odd numbered for four (4) years from the date of issue.

(4) The course provider sponsor must submit to the Board, in writing, notice of any changes in the information provided in the initial application for registration of the course sponsor. The notification must be made within 30 days following the date the change is effective.

(5) The Board shall maintain a list of all course providers sponsors registered with the Board.

(6) The Board shall deny registration of approval, suspend, or revoke the registration of any course provider sponsor if any of the following acts or omissions occur:

- (a) No change.
- (b) Failing to provide complete and accurate information in the initial application for registration or in any notification of change in information.
- (c) Failing to notify the board of a change in the information required in subsection (4) for registration of course providers sponsors.
- (d) Falsifying of any records regarding the continuing education courses conducted by the course provider sponsor or the persons who attended the courses.
- (e) Failing to maintain any required records regarding the continuing education courses conducted by the course provider sponsor or the persons who attended the courses, including the failure to report the names and license numbers of all persons who attended any approved courses.
- (f) through (j) No change.

(k) Failure to provide the attendee list to the Department in an electronic format or otherwise violate provisions in rule section 61G6-6.015.

(7) In the event of suspension or revocation of a course provider's sponsor's registration, the board shall require the course provider sponsor to cancel the scheduled courses and refund all fees collected by the course provider sponsor in connection with any scheduled course.

(8) The board shall deny approval of, suspend, or revoke the registration of any course provider sponsor if any person or entity required to be disclosed in the registration was also

disclosed (or was required to be disclosed) in the registration of any course provider sponsor who has been suspended or revoked by the board.

(9) The provider must comply with the requirements stated in Rule 61G6-6.015(5) as a condition of approval as a course provider.

(10) The course provider shall not offer any continuing education courses if the provider status is in a delinquent or expired status.

(11) The course provider shall be responsible for filing with the board, within 30 days after the course is concluded, a list of all licensees who attended a course between September 1, 2000 and April 30, 2001.

Specific Authority 455.225, 455.227, 489.507(3) FS. Law Implemented 489.531, 489.533, 489.517 FS. History—New 11-30-94, Amended 6-13-96, 10-20-96, 12-25-96, 3-24-99.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Electrical Contractors' Licensing Board  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 19, 2000  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 4, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE TITLES:	RULE NOS.:
Definitions	61G15-32.002
Common Requirements to All Fire Protection Engineering Documents	61G15-32.003
Design of Water Based Fire Protection Systems	61G15-32.004

PURPOSE AND EFFECT: The Board proposes to amend Rule 61G15-32.002 to further clarify the definitions and to add new definitions. Rule 61G15-32.003 is being to update the requirements. The Board proposes to update the rule text to Rule 61G15-32.004 to delete rule text that is no longer necessary and to further clarify the design of water based fire protection systems.

SUMMARY: The Board has determined that Rule 61G15-32.002 requires amendments in order to further clarify the definitions and to expand the definitions. The Board finds it necessary to amend Rule 61G15-32.003 to update the requirements for all fire protection engineering documents. The Board finds it necessary to update the rule text to Rule 61G15-32.004 to further clarify the design of water based fire protection systems and to delete rule text that is no loner desired by the Board.

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: 471.008, 471.033(2) FS.

LAW IMPLEMENTED: 471.005(6), 471.033 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Natlie Lowe, Administrator, Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULES IS:

61G15-32.002 Definitions.

(1) through (4) No change.

(5) Fire Protection Engineering Documents: The fire protection engineering drawings, specifications, design calculations, prescriptive and performance criteria, water supply analysis and other materials or representations that set forth the overall design requirements for the construction, alteration, demolition, renovation, repair, modification, permitting and such, for any public or private fire protection system(s), which are prepared, signed, dated and sealed by the Engineer of Record for the Fire Protection System(s).

(6) Fire Protection Submittals: Layout drawings, Submittals, catalog information on standard products, and other construction data or drawings prepared solely to serve as a guide for fabrication and installation and requiring no engineering input. These submittals do not require the seal of a Florida registered engineer.

(7) No change.

(8) Material Deviation: Any deviation from the design parameters established and documented by the engineer or record.

(9) Layout: The location of risers, cross mains, branch lines, sprinkler heads, sizing of pipe, hanger locations, and hydraulic calculations based on engineering documents.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.005(6), 471.033(2) FS. History--New 5-19-93, Formerly 21H-32.002, Amended 4-2-00,\_\_\_\_\_.

61G15-32.003 Common Requirements to All Fire Protection Engineering Documents.

(1) No change.

(2) The Fire Protection Engineering ~~Design~~ Documents shall specify the applicable requirements for the acceptance testing of the fire protection system and components, which shall be based upon applicable codes and standards, where available.

(3) No change.

(4) The applicable code and standard used in the preparation of the Fire Protection System shall be shown on the Fire Protection Engineering ~~Design~~ Documents. When applicable codes and standards are not available or applicable, and said documents are based on engineering judgment, which constitutes a deviation from applicable codes and standards, any reasons and assumptions made to develop the fire protection concept shall be identified on the documents.

(5) Structural support and openings required by the Fire Protection System shall be shown on the Fire Protection Engineering Documents and shall be referenced on structural engineering documents. ~~The documents shall provide construction details of the structure, when applicable, that supports the Fire Protection System and Fire Protection Components. Such structural support details are not required to be shown on the Fire Protection Engineering Design Documents provided that the construction documents are submitted to the permitting agency for review as a common submittal. The construction documents shall acknowledge the structural loading capacity of the structure.~~

(6) When submittals contain material deviation ~~require additional engineering work consisting of design or recalculation~~ from the Engineer of Record's Fire Protection Engineering ~~Design~~ Document, such submittals ~~documents~~ shall be accompanied by revised Engineering Documents made and sealed by the Engineer of Record for the Fire Protection System.

(7) through (8) No change.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.005(6), 471.033(2) FS. History--New 5-19-93, Formerly 21H-32.003, Amended 4-2-00,\_\_\_\_\_.

61G15-32.004 Design of Water Based Fire Protection Systems.

(1) No change.

(2) To ensure minimum design quality in Fire Protection Engineering Documents, said documents shall include as a minimum the following information when applicable:

(a) The Point of Service for the fire protection water supply as defined by 633.021(17), F.S. The design criteria and documents shall be based on applicable NFPA standards when such applicable standards are published, or on alternate sources as provided in the definition of codes and standards.

(b) Applicable NFPA standard to be applied, or in the case where no such standard exists, the engineering study, judgments, and/or performance based analysis and conclusions. The Point of Service for the fire protection water supply as defined by 633.021(17), F.S.

(c) Classification of hazard occupancy for each room or area. In storage occupancies the Engineer of Record shall determine the commodity classification as determined by applicable standards or on alternate sources as provided in the definition of codes and standards. The NFPA commodity classification shall be provided on the Fire Protection Engineering Documents for all storage occupancies. In cases where applicable hazard classification is not identified in NFPA codes or standards, or a higher hazard classification is required for insurance purposes, the engineer of record shall provide the basis for the design decisions.

(d) Design densities, device temperature rating, and spacing for each separate hazard occupancy. All required hydraulic calculations conducted for the system(s) shall be completed in accordance with the minimum standards for detail and information as required by NFPA 13. The source and location of water supply test results shall be indicated on the documents.

(e) Characteristics of water supply to be used, such as main size and location, whether it is dead-end or circulating; and if dead-end, the distance to the nearest circulating main, as well as its minimum duration and reliability for the most hydraulically demanding design area.

(f) When private or public water supplies are used, the flow test data, including date and time of test, who conducted test or supplied information, test elevation, static gauge pressure at no flow, flow rate with residual gauge pressure, hydrant butt coefficient, and location of test in relation to the hydraulic point of service.

(g) Valving and alarm requirements to minimize potential for impairments and unrecognized flow of water.

(h) Microbiologically Influenced Corrosion (MIC). The Engineer of Record shall establish, as part of the design process, that the quality of water is adequate to prevent the occurrence of MIC. Should the water quality prove to be unsuitable, the engineer is responsible for designing corrective measures.

(i) Blackflow prevention and metering specifications and details to meet local water purveyor requirements including maximum allowable pressure drop.

(j) Quality and performance specifications of all yard and interior fire protection components.

(3) Contractor submittals which deviate from the above minimum design parameters shall be considered material deviations and require supplemental engineering approval and documentation.

(4) In the event the Engineer or Record provides more information and direction than is established above, he or she shall be held responsible for the technical accuracy of the work in accordance with applicable codes, standards, and sound engineering principles.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.005(6), 471.033(2) FS. History-New 5-19-93, Formerly 21H-32.004, Amended 4-2-00.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Professional Engineers

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 6, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE TITLES:	RULE NOS.:
General Responsibility	61G15-35.001
Definitions	61G15-35.002
Qualification Program for Special Inspectors of Threshold Buildings	61G15-35.003
Common Requirements to all Engineers Providing Threshold Building Inspection Services	61G15-35.004

PURPOSE AND EFFECT: The Board is creating a new Chapter entitled "Responsibility Rule of Professional Engineers Providing Threshold Building Inspection", numbered 61G15-35. Four rules will be promulgated, which will provide language for general responsibilities, definitions, the qualification program for special inspectors of threshold buildings, and common requirements for all engineers providing threshold building inspection services.

SUMMARY: The Board has determined that it is necessary to promulgate a new Chapter and four new rules. The Chapter title will be numbered 61G15-35. The Board will promulgate a new rule, entitled "General Responsibilities", which will provide language for professional engineers who offer threshold building inspections services. The second rule will be entitled "Definitions", which will describe the meaning of a threshold building inspector, an authorized representative, a structural inspection plan, and the definition for shoring and reshoring plan. The third rule, will be entitled "Qualification Program for Special Inspectors of Threshold Buildings", and this rule will list the qualifications necessary for special inspectors of threshold building. The last rule being

promulgated will be entitled "Common Requirements to All Engineers Providing Threshold Building Inspection Services", and will provide the common requirements for those engineers who plan on providing threshold building inspection services.

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: 471.008, 471.033(2), 553.79(5)(a)-(d) FS.

LAW IMPLEMENTED: 471.033, 471.045 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Natlie Lowe, Administrator, Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULES IS:

61G15-35.001 General Responsibility.

Professional Engineers offering Threshold Building Inspection services pursuant to Section 553.79, F.S. shall provide inspections in accordance with the structural inspection plan provided by the engineer or architect of record to insure compliance with permitted documents. In addition to inspections in accordance with the structural inspection plan, the engineer will inspect the shoring and reshoring for conformance with shoring and reshoring plans submitted to the enforcing agency.

Specific Authority 471.008, 471.033(2), 553.79(5)(a)-(d) FS. Law Implemented 471.033, 471.045 FS. History—New

61G15-35.002 Definitions.

(1) Threshold Building Inspector: A registered professional engineer who meets the qualifications and standards set by this Rule Chapter.

(2) Authorized Representative: A representative of the Threshold Building Inspector who undertakes inspections and site visits under the responsible charge of the Threshold Building Inspector.

(3) Structural Inspection Plan: The plan filed for public record by the engineer of record to the enforcing agency to provide specific inspection procedures and schedules.

(4) Shoring and Reshoring Plan: The plan submitted to the enforcing agency regarding the shoring and reshoring of the building.

Specific Authority 471.008, 471.033(2), 553.79(5)(a)-(d) FS. Law Implemented 471.033 FS. History—New

61G15-35.003 Qualification Program for Special Inspectors of Threshold Buildings.

(1) The minimum qualifying criteria for Special Inspectors of Threshold Buildings, also referred to as Threshold Inspectors, established by the Board shall be as follows:

(a) Proof of current licensure in good standing as a licensed professional engineer whose principal practice is structural engineering in the State of Florida.

(b) Three years of experience in performing structural field inspections on threshold type buildings.

(c) Two years of experience in the structural design of threshold type buildings. For the purpose of these criteria, structural design shall mean the design of all structural components of the building and shall not be limited to specific structural components only, such as foundations, prestressed or post-tensioned concrete, etc.

(d) Experience in the structural inspection and/or design of at least three threshold type buildings. This experience must be within the ten calendar years preceding submission of the application.

(e) Self-certification as to the competency of the applicant to perform structural inspections on threshold buildings.

(2) All registered professional engineers who are certified Special Inspectors and on the Roster of Special Inspectors maintained by the Department of Community Affairs, pursuant to rule 9B-3.043, F.A.C., as of June 30, 2000 shall be qualified pursuant to this rule and shall continue to be certified Special Inspectors of threshold buildings.

(3) Applications.

(a) The instructions and application form for Special Inspector, Form FBPE/TBI/08/00 is hereby incorporated by reference, effective \_\_\_\_\_, entitled "Special Inspector Application and Instructions". Copies of Form FBPE/TBI/08/00 may be obtained from the Board by writing to the Florida Board of Professional Engineers, c/o Florida Engineers Management Corporation, 1208 Hays Street, Tallahassee, Florida 32301, or by downloading it from the internet web site [www.fbpe.org](http://www.fbpe.org).

(b) All applications for certification as a Special Inspector shall be submitted to the Board on Form FBPE/TBI/08/00 by mailing to the address listed above.

(c) Applications shall contain the following basic information pertaining to the applicant:

1. Name;

2. Florida license number;

3. Educational and experience dates and sufficient description of each to clearly demonstrate that the minimum qualification criteria has been met;

4. Letters of recommendation from three registered professional engineers whose principal practice is structural engineering in the State of Florida, one of whom must be certified as a Special Inspector;



5. The signature, date and seal by the applicant attesting to the competency of the applicant to perform structural inspections on threshold buildings; and

6. Completed form FBPE/TBI/08/00.

(d) Upon a determination that the application contains all of the information requested by these rules, review of the application shall be scheduled for consideration by the Board. Such applications may be approved, rejected or deferred for further information by the Board. If the Board defers an application for additional information, it shall notify the applicant of the information needed. Applicants shall be notified in writing of the Board's actions as soon as practicable and, in the case of rejected applications, the Board shall set forth the reasons for such rejection.

(4) Temporary Certification. Professional engineers who have been granted temporary licensure in Florida pursuant to the provisions of Section 471.021, F.S., may also be granted temporary certification as a Special Inspector provided the criteria set forth in these rules have been met. Such temporary certification shall be limited to work on one specific project in this state for a period not to exceed one year.

(5) Roster of Special Inspectors. The Board shall maintain a roster of all persons certified as Special Inspectors pursuant to the criteria established in these rules and the law. The roster shall be made available to interested parties upon request. The roster shall be updated on a continuing basis and additions or deletions to the latest published roster may be verified by contacting the Florida Board of Professional Engineers, c/o Florida Engineers Management Corporation, 1208 Hays Street, Tallahassee, Florida 32301.

Specific Authority 471.008, 471.033(2), 553.79(5)(a)-(d) FS. Law Implemented 471.033 FS. History-New

**61G15-35.004 Common Requirements to All Engineers Providing Threshold Building Inspection Services.**

(1) For each Threshold Building, a notice shall be filed for public record, bearing the name, address, signature, date and seal of the Special Inspector, certifying that the Special Inspector is competent to provide the engineering services for the specific type of structure.

(2) Threshold Building Inspectors utilizing Authorized Representatives shall insure the Authorized Representative is qualified by education or licensure to perform the duties assigned by the Threshold Building Inspector. The qualifications shall include licensure as a professional engineer or architect; graduation from an engineering education program in civil or structural engineering; graduation from an architectural education program; successful completion of the NCEES Fundamentals Examination; or registration as building inspector or general contractor.

(3) Threshold Building Inspectors shall be in responsible charge of the work of the Authorized Representative, including reviewing reports and spot checks.

(4) Threshold Building Inspectors shall institute quality assurance procedures to include but not be limited to requiring unscheduled visits, utilization or relevant check lists, use of a Daily Inspection Report and insuring that the Inspector or the Authorized Representative is at the project whenever so required by the inspection plan.

Specific Authority 471.008, 471.033(2), 553.79(5)(a)-(d) FS. Law Implemented 471.033 FS. History-New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Professional Engineers

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 6, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE TITLE: Seals Acceptable to the Board  
RULE NO.: 61G17-7.001

PURPOSE AND EFFECT: The Board proposes to introduce a new, updated seal.

SUMMARY: Due to the change in the name.

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: 472.008, 472.025 FS.

LAW IMPLEMENTED: 472.025 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sherry Landrum, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

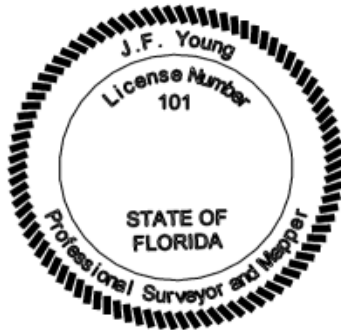
61G17-7.001 Seals Acceptable to the Board.

(1) through (3) No change.

(4) Registrants who ~~were~~ ~~are~~ initially licensed ~~between~~ ~~on~~ or after July 1, 1995 and July 1, 1999, shall use ~~only~~ the type of seal on the right or that provided for in subsection (6) below.

(5) No change.

(6) Seals for registrants licensed after July 1, 1999 shall state that the registrant is a professional surveyor and mapper of the state of Florida and set forth the registrant's license number as set forth below:



Specific Authority 472.008, 472.025 FS. Law Implemented 472.025 FS. History—New 1-3-80, Amended 6-9-80, Formerly 21HH-7.01, 21HH-7.001, Amended 5-30-95, 10-25-95, 12-13-99.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Professional Surveyors and Mappers  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Surveyors and Mappers  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 9, 2000  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2000

**DEPARTMENT OF HEALTH  
Board of Clinical Laboratory Personnel**

RULE TITLE: Continuing Education  
RULE NO.: 64B3-11.001  
PURPOSE AND EFFECT: The purpose of the development is to provide procedures relating to continuing education.  
SUMMARY: To make continuing education more effective in preventing behavior warranting discipline.  
SUMMARY OF STATEMENT OF ESTIMATED COST: No Statement of Estimated Regulatory Cost was prepared.  
Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.  
SPECIFIC AUTHORITY 455.564, 483.821 FS.  
LAW IMPLEMENTED 455.564, 483.821 FS.  
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe R. Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-11.001 Continuing Education.

(1) In order to renew a clinical laboratory personnel license, a minimum of 24 contact hours of continuing education shall be earned during each biennium including a minimum of one (1) contact hour for each of the categories in which the individual is licensed and one (1) contact hour of continuing education on HIV/ AIDS. Directors and supervisors are required to obtain one (1) contact hour of continuing education in administration and supervision. As part of the minimum of 24 contact hours of continuing education, each licensee shall be required to take a one (1) hour course on Florida laws and rules governing clinical laboratory personnel or attend a public meeting of the full Board at which disciplinary actions are addressed. A telephone conference call meeting of the Board will not satisfy this requirement.

(2) through (8) No change.

Specific Authority 456.013, ~~455.564~~, 483.821 FS. Law Implemented 456.013, ~~455.564~~, 483.821 FS. History—New 2-22-94, Amended 7-13-94, Formerly 61F3-11.001, Amended 12-11-94, 3-28-95, 12-4-95, 7-1-97, Formerly 590-11.001, Amended 3-19-98, 12-13-99.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Clinical Laboratory Personnel  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 27, 2000  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2000

**DEPARTMENT OF HEALTH  
Board of Clinical Laboratory Personnel**

RULE TITLE: Requirements for Continuing Education Providers  
RULE NO.: 64B3-11.003  
PURPOSE AND EFFECT: The Board proposes to update the existing rule text.  
SUMMARY: The purpose of the amendment is to restore prior language to the rule because the instructor's signature is unnecessary.  
SUMMARY OF STATEMENT OF ESTIMATED 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: 455.564(7), 483.821 FS.  
LAW IMPLEMENTED 455.564(7), 483.821 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe R. Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-11.003 Requirements for Continuing Education Providers.

Providers seeking Board approval shall meet the following requirements:

(1) through (5) No change.

(6) Providers shall furnish each participant with an authenticated certificate or letter of attendance which shall include the participant's name, license number, course title, number of contact hours earned, dates of attendance, program provider's name, specialty area, and the signature of the provider and instructor's signature.

Specific Authority 456.013 (7), 455.564(7), 483.821, 483.805(4) FS. Law Implemented 456.013(7), 455.564(7), 483.821 FS. History--New 2-22-94, Amended 7-13-94, Formerly 61F3-11.003, 59O-11.003, Amended 12-13-99, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 27, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2000

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Probable Cause Determinations RULE NO.: 64B8-1.001

PURPOSE AND EFFECT: The proposed rule amendment is intended to clarify the composition of the probable cause panels.

SUMMARY: The proposed rule amendment clarifies the composition of the Board's probable cause panels.

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: 120.53, 456.073(4) FS.

LAW IMPLEMENTED: 456.073(4) 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., February 13, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-1.001 Probable Cause Determinations.

(1) The determination as to whether probable cause exists that a violation of the provisions of Chapters ~~456 455~~ and 458, Florida Statutes, and/or the rules promulgated pursuant thereto, has occurred shall be made by a majority vote of a probable cause panel of the Board.

(2) There shall be two probable cause panels of the Board. Each probable cause panel shall be composed of three members, one of whom may be a physician who was a past Board member who is not currently appointed to the Board and one of whom may be a past lay member who is not currently appointed to the Board ~~shall be a lay member of the Board.~~ One member of the probable cause panel must be a current Board member.

(3) The probable cause panel members shall be selected by the Chair of the Board, one (1) of whom shall be designated by the Chair of the Board as the presiding officer of the panel.

(4) Each probable cause panel shall meet at such times as called by the presiding officer of the panel or by two members of the panel.

Specific Authority 120.53, 456.073(4) ~~455.621, 458.307(2)(b), 458.309~~ FS. Law Implemented 456.073(4) ~~455.621, 458.307(2)(b)~~ FS. History--New 12-5-79, Amended 11-26-80, 5-27-81, Formerly 21M-18.06, Amended 12-4-86, 7-4-88, 1-1-92, Formerly 21M-18.006, 61F6-18.006, 59R-1.006, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 2, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2001

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: RULE NO.:

Rule Governing Licensure and 64B8-51.006  
 Inspection of Electrology Facilities

PURPOSE AND EFFECT: The Electrolysis Council proposed to set forth the criteria regarding safety and sanitary requirements of electrolysis facilities where laser equipment is used.

SUMMARY: This amendment serves to address specific requirements for safety and the sanitation of electrolysis facilities where laser equipment is used.

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: 455.711, 455.712, 478.43(1),(4), 478.51(3) FS.

LAW IMPLEMENTED: 478.49, 455.711, 455.712(2),(3),(5), 478.51 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Electrolysis Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

**THE FULL TEXT OF THE PROPOSED RULE IS:**

64B8-51.006 Rule Governing Licensure and Inspection of Electrology Facilities.

(1) through (2) No change.

(3)(a) through (f) No change.

(g) In electrology facilities wherein laser equipment is used for hair removal, the following shall be provided:

1. Proof of certification of 30 hours of continuing education in laser hair removal for all electrologists using laser equipment in the facility.

2. Proof of certification as Certified Medical Electrologist for all electrologists using laser equipment in the facility

3. Proof of registration of laser as required by Section 501.122, Florida Statutes.

4. Written designation of laser safety officer.

5. Appropriate sign on door of laser room.

6. Lock on door of laser room.

7. Protective eyewear for all persons in laser room during operation of laser.

8. Fire extinguisher in vicinity of laser room.

9. Cold water and ice.

(4) through (7) No change.

Specific Authority ~~456.036 455.711, 456.037 455.712, 478.43(1),(4), 478.51(3) FS. Law Implemented 478.49, 456.036 455.711, 456.037 455.712(2),(3),(5), 478.51 FS. History—New 11-16-93, Formerly 61F6-76.006, Amended 5-11-95, 6-26-96, Formerly 59R-51.006, Amended 12-23-97, 12-22-98, 2-17-00.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrolysis Council

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 3, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2000

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE TITLES: RULE NOS.:

Eligibility Determination Process 65A-1.205

Food Stamp Program Case Processing 65A-1.602

PURPOSE AND EFFECT: The rule 65A-1.205 amendment revises some of the department's application processing procedures applicable to all programs. The rule 65A-1.602 amendment removes rule text that becomes duplicative after the rule 65A-1.205 amendment.

SUMMARY: The rule 65A-1.205 amendment deletes statements requiring an abandonment notice following a request for additional information, incorporates a revised form by reference and clarifies rule statements about the deadline for providing requested information. The rule 65A-1.602 amendment deletes the existing paragraph (1) because the same policy is being implemented across program lines by the rule 65A-1.205 amendment.

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: 409.919, 414.45 FS.

LAW IMPLEMENTED: 414.095, 414.31, 409.903, 409.904, 409.919, 410.033 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., February 12, 2001

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Audrey Mitchell, Program Administrator, Policy Support Unit, 1317 Winewood Boulevard, Building 3, Room 421, Tallahassee, Florida 32399-0700, Telephone (850)488-3090

THE FULL TEXT OF THE PROPOSED RULES IS:

65A-1.205 Eligibility Determination Process.

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

(c) Time standards for processing applications vary by public assistance program. The time standard begins with the date on which the department or an outpost site receives a signed and dated application and ends with the date on which benefits are made available or a determination of ineligibility is made. For the Medicaid program, the time standard ends on the date an eligibility notice is mailed. Applications must be processed and determinations of eligibility or ineligibility made within the following time frames:

Program	Application Processing Time Standards
Expedited Food Stamps	7 days
Food Stamps	30 days
Temporary Cash Assistance, Refugee Assistance and Child In Care	45 days
<del>Family Related Medical Assistance</del>	<del>45 days</del>
<del>Medical Assistance Programs Related to Supplemental Security Income policies, State Funded Programs, and Qualified Medicare Beneficiaries without disability</del>	<del>45 days</del>
Medical Assistance <u>and</u> Programs Related to Supplemental Security Income policies, State Funded Programs <u>for individuals who apply on the basis of</u> Qualified Medicare Beneficiaries and Working Disabled with disability	90 days
<u>For all other Medical Assistance and State Funded Programs for applicants on the basis Eligibility, including OMB, SLMB, and OI 1</u>	<u>45 days</u>

All days counted after the date of application are calendar days. Applicant delay days do not count in determining non-compliance with the time standard. See sub-paragraph (e) of this rule. Information provided on form CF-ES 2930, Screening for Expedited Medicaid Appointments, 11/99 (revised) (incorporated by reference) will be used in determining expedited processing of Medicaid disability-related applications.

(d) If the eligibility specialist determines at the interview or at any time during the application process that additional information or verification is required, or that an assistance

group member is required to register for employment services, the specialist must grant the assistance group 10 calendar days to furnish the required documentation or to comply with the requirements. For all programs, the verifications are due 10 calendar days from the date of request (i.e., the date the verification checklist is generated) or 30 days from the date of application whichever is later. ~~In cases where m~~Medical information is requested for temporary cash assistance related cases is the return due date is within 30 calendar days ~~following of the request or 30 days from the date of application whichever is later.~~ If the verification due date falls on a holiday or weekend, the deadline for the requested information is the next working day. ~~If the individual does not return the verifications or requested information during the time frames specified, an abandonment notice is mailed giving the individual additional time to comply with the request. The abandonment deadline is 30 calendar days from the date of the interview.~~ If the verification or information is difficult for the person to obtain, the eligibility specialist must provide assistance in obtaining the verification or information when requested or when it appears necessary. If the required verifications and information are not provided by the deadline ~~this~~ date, the application is denied, unless a request for extension is made by the applicant or there are extenuating circumstances justifying an additional extension. The eligibility specialist makes the decision of whether to grant the request for extension based on extenuating circumstances beyond the control of the individual, such as sickness, lack of transportation, etc. When all required information is obtained, the eligibility specialist determines eligibility for the public assistance programs. If the eligibility criteria are ~~is~~ met, benefits are authorized.

(e) through (f) No change

(2) through (6) No change.

Specific Authority 409.919, 414.45 FS. Law Implemented 414.095, 414.31, 409.903, 409.904, 409.919, 410.033 FS. History—New 4-9-92, Amended 11-22-93, 8-3-94, Formerly 10C-1.205, Amended 11-30-98, 9-27-00,

65A-1.602 Food Stamp Program Case Processing.

~~(1) Automatic Denial of Application for Food Stamps. When an AG is requested to verify information during the application process, the application will be pended for ten days from the date the verification is requested. The request for verification will inform the AG of the date(s) by which the information must be provided and that the application will be denied automatically if the requested information is not provided. If the requested verification is not received by the end of the ten day period, the AG will be advised that the application will be held open for a total of 30 days from the date the verification is requested. The assistance group (AG) will be provided the request for verification and a notice at the end of the ten day period. However, no other notification will be given regarding the requirement to provide the requested verification and automatic denial for failure to provide this~~

verification. ~~If the verification is not received, the application will be denied automatically 30 days from the date the verification is requested.~~

(2) through (4) renumbered (1) through (3) No change.

Specific Authority 414.45 FS. Law Implemented 414.31 FS. History—New 1-31-94, Formerly 10C-1.602, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Rodney McInnis, Management Review Specialist

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Audrey Mitchell, Program Administrator, Public Assistance Policy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 9, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2000

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Reef Fish

RULE TITLES: RULE NOS.:

Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Exception, Wholesale/Retail Purchase Exemption 68B-14.0036

Commercial Harvest Requirements; Licenses, Season Closures, Special Restrictions 68B-14.0045

PURPOSE AND EFFECT: The purpose of this rulemaking under Section 120.54(6), Florida Statutes, is to conform Florida rules for the harvest of two species of the reef fish fishery, red porgy and greater amberjack, to recent changes in federal regulations applicable to adjacent federal Exclusive Economic Zone (EEZ) waters of the South Atlantic. A one-fish recreational daily bag and possession limit and 50-fish daily commercial harvest and possession limit for red porgy is implemented for state waters of the Atlantic Ocean, as well as a four-month closed commercial season for the species there. A 1000-pound daily commercial harvest and possession limit is also imposed for greater amberjack in state waters of the Atlantic Ocean. The effect of these rule amendments will be to make harvest rules for these species uniform between state and federal waters and, thus, make each jurisdiction's regulations enforceable.

SUMMARY: Subsection (5) of Rule 68B-14.0036, F.A.C., is amended to allow a one-fish daily recreational bag and possession limit on red porgy in state waters of the Atlantic Ocean. Paragraph (2)(h) of Rule 68B-14.0045, F.A.C., is amended to establish a closed commercial season for red porgy in state waters of the Atlantic Ocean, but to allow commercial harvesters to take a recreational bag limit. Paragraph (3)(c) of the rule is amended to impose a 1000-pound daily commercial harvest and possession limit on greater amberjack taken from

the state waters of the Atlantic Ocean. A new paragraph (3)(d) is added to the rule to impose a 50-fish daily commercial harvest and possession limit for red porgy in state waters of the Atlantic Ocean. These rule amendments have proposed effective dates of March 1, 2001.

SPECIFIC AUTHORITY: Article X, Section 16, Florida Constitution.

LAW IMPLEMENTED: Article X, Section 16, Florida Constitution.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 120.54(6), FLORIDA STATUTES.

WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600.

SUBSTANTIALLY AFFECTED PERSONS MAY, WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULES IS:

68B-14.0036 Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Exception, Wholesale/Retail Purchase Exemption.

(1) through (4) No change.

(5) Red porgy. ~~Beginning March 6, 2000~~, No recreational harvester shall harvest ~~in or~~ from state waters of the Atlantic Ocean more than 1 red porgy per day, nor possess more than 1 such fish while ~~in, or on, or above~~ state waters of the Atlantic Ocean or on any dock, pier, bridge, beach, or any fishing site adjacent to such waters, ~~any red porgy~~.

PROPOSED EFFECTIVE DATE: March 1, 2001.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-31-98. Amended 3-1-99, 10-22-99, 1-1-00, 3-6-00, Formerly 46-14.0036, Amended 3-1-01.

68B-14.0045 Commercial Harvest Requirements; Licenses, Season Closures, Special Restrictions.

(1) No change.

(2) Season closures.

(h) Beginning January 1 and continuing through April 30 each year ~~March 6, 2000~~, no person harvesting for commercial purposes shall harvest in or from state waters of the Atlantic Ocean, nor possess while in or on state waters of the Atlantic Ocean, any red porgy; provided, however, a person harvesting other species for commercial purposes during this closure may harvest and possess a recreational bag limit of red porgy

pursuant to Rule 68B-14.0036(5). During this closed season, the purchase, sale, or exchange of any red porgy harvested from state waters of the Atlantic Ocean is prohibited.

- (3) Special restrictions.
- (c) Amberjack.

1. No person harvesting for commercial purposes shall harvest or land any amberjack with a fork length less than 36 inches. No person shall purchase, sell, or exchange any amberjack with a fork length less than 36 inches.

2. Except during the three-month closed season specified above, no person harvesting for commercial purposes shall harvest in or from state waters of the Atlantic Ocean, possess while in or on such waters, or land from such waters more than 1,000 pounds of greater amberjack per day.

~~3.2.~~ No person harvesting for commercial purposes shall, on the same trip, harvest or possess greater amberjack pursuant to the bag limit specified in Rule 68B-14.0036(6).

(d) Red Porgy. Except during the closed season specified above, no person harvesting for commercial purposes shall harvest in or from state waters of the Atlantic Ocean, possess while in or on such waters, or land from such waters more than 50 pounds of red porgy per day.

PROPOSED EFFECTIVE DATE: March 1, 2001.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 2-1-90, Amended 12-31-92, 10-18-93, 3-1-94, 6-15-95, 1-1-96, 11-27-96, 12-31-98, 3-1-99, 1-1-00, 3-6-00, Formerly 46-14.0045, Amended 3-1-01.

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

**DEPARTMENT OF INSURANCE**

RULE NO.: 4-154.530                      RULE TITLE: Small Group Health Insurance Availability

**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. 36, September 8, 2000, of the Florida Administrative Weekly. A notice of change was published in Vol. 26, No. 50, December 15, 2000. This change being made to address concerns expressed by the Joint Administrative Procedures Committee.

The rule is changed as follows:

In the last sentence, the citation to 641.31074(2)(c), Florida Statutes is changed to read 641.31074(2).

The remainder of the rule reads as previously published.

**DEPARTMENT OF INSURANCE**

RULE NOS.: 4-156.0095  4-156.012	RULE TITLES: Guaranteed Issue for Eligible Persons  Filing and Approval of Policies and Certificates and Premium Rates
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**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. 47, November 22, 2000, of the Florida Administrative Weekly. These changes are being made to address concerns expressed by the Joint Administrative Procedures Committee.

4-156.0095(2)(e)1.c. is changed to read:

c. Any PACE program under section 1894 of the Social Security Act.

4-156.012(4)(a)2. is changed to read:

2. An issuer that discontinues the availability of a policy form or certificate form pursuant to Rule 4-156.012~~(4)(a)1.~~ or section 627.410, Florida Statutes, shall not file for approval a new policy form or certificate form of the same type for the same standard Medicare supplement benefit plan as the discontinued form for a period of five (5) years after the issuer provides notice to the Department of the discontinuance. ~~The period of discontinuance may be reduced if the Department determines that a shorter period is appropriate.~~

The remainder of the rule reads as previously published.

**DEPARTMENT OF CITRUS**

RULE CHAPTER NO.: 20-14  RULE NO.: 20-14.001	RULE CHAPTER TITLE: Methods to Determine Compliance  RULE TITLE: Methods to Determine Compliance
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**NOTICE OF CHANGE**

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d), F.S., published in Vol. 26, No. 41, October 13, 2000, issue of the Florida Administrative Weekly:

20-14.001(1) through 20-14.001(34) No change.

(35) Sodium: As prescribed in “Sodium in Fruit and Fruit Products, Flame Spectrophotometric Method, AOAC Official Methods of Analysis,” Chapter 37, Page 7 (1995) .

(36) Salmonella:

(a) As prescribed in FDA Bacteriological Analytical Manual, “Salmonella Culture Method for Pasteurized and Unpasteurized Orange Juice”, Wallace H. Andrews, Geraldine A. June, Patricia S. Sherrod, Thomas S. Hammack, and R. Miguel Amaguana, 8th Edition, Revision A, 1998, Chapter 5, Revisions December, 1999.

(b) As prescribed in AOAC Official Methods of Analysis, 16th Ed. Section 17.9.13, AOAC Official Method 989.14, “Salmonella in Foods, Colorimetric Polyclonal Enzyme