

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF BANKING AND FINANCE

Division of Banking

RULE TITLE: Applications
 RULE NO.: 3C-140.002

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to implement the provisions of Section 663.10, F.S., which allow an international agency office to convert to an international branch, and to repeal portions of the rule that are no longer applicable.

SUBJECT AREA TO BE ADDRESSED: Application for authority to convert from an international agency to an international branch.

SPECIFIC AUTHORITY: 655.012(3), 663.13 FS.

LAW IMPLEMENTED: 663.05, 663.10 FS.

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

TIME AND DATE: 10:00 a.m., December 27, 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Linda B. Charity, Chief, Bureau of Financial Institutions, District I, Division of Banking, 101 East Gaines Street, Suite 636, Tallahassee, Florida 32399-0350, (850)410-9111

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3C-140.002 Applications.

(1) The application for authority to establish an international branch, or international bank agency, shall be filed on Form DBF-C-20, Application for the Establishment of an International Banking Branch or Agency in the State of Florida, revised 8/97. The application for authority to establish an International Representative Office or International Administrative Office shall be filed on Form DBF-C-20A, Application for the Establishment of an International Representative Office or International Administrative Office in the State of Florida, effective 8/97. The application to convert an international agency office to an international branch office shall be filed on Form DBF-C-20B, Application for Authority to Convert an International Agency to a Branch Office, effective 11/01. The application shall be submitted with a

nonrefundable filing fee in the amount prescribed by Section 663.12, Florida Statutes, which is made payable to the Department of Banking and Finance.

(2) No change.

(3) An applicant may submit biographical information concerning its directors, executive officers, principal shareholders and proposed Florida management in the same form that such information was submitted to the Board of Governors. ~~Each of such individuals who has successfully completed a background investigation conducted on behalf of or at the request of the Board of Governors shall be deemed to satisfy the requirements of Fla. Stat. ss. 663.05(5).~~

~~(4) An application for renewal of an annual license to operate an international banking office shall be filed, not later than thirty days before the expiration of the annual license, on Form DBF-C-21, Application for Renewal of Annual License to Operate an International Banking Office in the State of Florida, revised 7/92. An annual license renewal fee of \$2,000.00 shall accompany the application.~~

~~(5) The application for conversion of an annual license to an indefinite license for the operation of an international banking corporation shall be filed on Form DBF-C-57, Application for Indefinite License to Operate an International Banking Corporation in the State of Florida, effective 7/92. An international banking corporation that is granted a license for an indefinite period shall annually file with the Department current certified comparative statements of financial condition, income, cash flows, and related notes. The international banking corporation shall pay an annual fee equal to the annual renewal fee for each banking license held by the international banking corporation. Form DBF-C-57 shall be postmarked not later than January 31 of each year.~~

~~(4)(6) Copies of Form DBF-C-20, Form DBF-C-21, Form DBF-C-57, and Form DBF-C-20A, and Form DBF-C-20B, which are hereby incorporated by reference, may be obtained online at the Division of Banking web page located at www.dbf.state.fl.us/banking.html or from the Director, Division of Banking, Suite 636, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350.~~

Specific Authority 655.012(3), ~~663.05(4)~~, 663.13 FS. Law Implemented 663.05, 663.10 FS. History—New 7-21-81, Amended 12-20-82, 3-8-84, Formerly 3C-15.09, Amended 2-9-87, 10-1-87, 10-10-88, 1-24-89, Formerly 3C-15.009, Amended 3-22-93, 9-5-94, Formerly 3C-140.050, Amended 11-5-97, _____.

DEPARTMENT OF INSURANCE

RULE TITLES:	RULE NOS.:
Outline of Coverage	4-149.204
Indemnity Standard Risk Rates	4-149.205
Preferred Provider/Exclusive Provider Standard Risk Rates	4-149.206
Health Maintenance Organization Standard Risk Rates	4-149.207

PURPOSE AND EFFECT: The rule amendment adopts new standard risk rates pursuant to §627.6675(3)(c), and makes minor corrections to conform the rule to current statutory language. The standard risk rates are required to be amended annually.

SUBJECT AREA TO BE ADDRESSED: Standard risk rates.

SPECIFIC AUTHORITY: 624.308, 627.6675(3)(c) FS.

LAW IMPLEMENTED: 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS.

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

TIME AND DATE: 9:30 a.m., January 10, 2002

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Frank Dino, Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5014

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4-149.204 Outline of Coverage.

(1) No change.

(2) It is noted that this list is an outline and not intended to be a comprehensive description of all policy benefits. The statutory sections indicated should be reviewed for more comprehensive information.

PPO/EPO & Indemnity	Standard Health Benefit Plan (Section 627.6675(11))
Lifetime Limit	\$1,000,000
Annual Deductible	\$1,000
Coinsurance Amount:	(1) <u>80% in-network/60% out-of-network of the first \$10,000 per individual, then 100%. For family coverage, the aggregate coinsurance limit is two times the individual coinsurance limit.</u>
(1) Preferred Provider	In-network – 80% of the first \$10,000, then 100%; Out-of-network 60% of the first \$10,000 then 100%
(2) Indemnity Plan	(2) <u>80% of the first \$10,000 per individual, then 100%. For family coverage, the aggregate coinsurance limit is 2 times the individual coinsurance.</u>
Maternity	Covered
Prescription Drug	Covered
In-patient	Covered
Out-patient	Covered
Out-of-Network	Covered
Emergency	Covered

HMO	Standard Health Benefit Plan (Section 641.3922(10))
Office visit co-pay	\$10.00
In-Patient	\$100.00
Emergency Room co-pay (if not admitted)	\$100.00
Rx – generic	\$75.00
Rx – brand	\$1440.00
Maternity	Covered
Prescription Drug	Covered
In-patient	Covered
Out-patient	Covered
Out-of-Network (emergency only)	Covered
Emergency	Covered

Specific Authority 624.308, 627.6675(3)(c) FS. Law Implemented 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS. History–New 3-2-00, Amended 4-2-01,_____.

46	\$2,539.83	\$3,198.78	Indian River	0.93
47	\$2,666.17	\$3,295.95	Jackson	0.76
48	\$2,791.36	\$3,378.19	Jefferson	0.75
49	\$2,932.00	\$3,472.60	Lafayette	0.78
50	\$3,096.81	\$3,565.80	Lake	0.84
51	\$3,259.24	\$3,656.34	Lee	0.95
52	\$3,442.80	\$3,759.28	Leon	0.75
53	\$3,612.40	\$3,845.61	Levy	0.80
54	\$3,811.76	\$3,938.43	Liberty	0.75
55	\$4,021.34	\$4,034.29	Madison	0.79
56	\$4,224.42	\$4,109.26	Manatee	0.83
57	\$4,438.54	\$4,202.31	Marion	0.77
58	\$4,648.98	\$4,322.74	Martin	0.97
59	\$4,838.33	\$4,438.63	Monroe	1.40
60	\$5,030.94	\$4,577.65	Nassau	0.84
61	\$5,184.07	\$4,709.01	Okaloosa	0.74
62	\$5,313.49	\$4,847.63	Okeechobee	0.97
63	\$5,365.15	\$4,935.47	Orange	0.92
64	\$5,408.94	\$5,018.70	Osceola	0.92
65	\$5,590.98	\$5,169.91	Palm Beach	1.00
66	\$5,779.16	\$5,325.68	Pasco	0.83
67	\$5,973.67	\$5,504.92	Pinellas	0.87
68	\$6,174.72	\$5,690.20	Polk	0.77
69	\$6,382.54	\$5,881.72	Putnam	0.77
70	\$6,597.36	\$6,079.68	St. Johns	0.79
71	\$6,819.41	\$6,284.30	St. Lucie	0.97
72	\$7,048.93	\$6,495.81	Santa Rosa	0.77
73	\$7,286.17	\$6,714.44	Sarasota	0.77
74	\$7,531.40	\$6,940.42	Seminole	0.92
75	\$7,784.88	\$7,174.02	Sumter	0.81
76	\$8,046.90	\$7,415.47	Suwannee	0.82
77	\$8,317.73	\$7,665.05	Taylor	0.79
78	\$8,597.68	\$7,923.04	Union	0.79
79	\$8,887.05	\$8,189.70	Volusia	0.82
			Wakulla	0.75
			Walton	0.76
			Washington	0.76

STANDARD HEALTH BENEFIT PLAN

Age	Male	Female	County	Area Factor
0-17	\$699.54	\$699.54	Alachua	0.76
18	\$1,003.97	\$1,316.33	Baker	0.78
19	\$1,003.97	\$1,316.33	Bay	0.74
20	\$1,003.97	\$1,316.33	Bradford	0.82
21	\$1,005.35	\$1,320.47	Brevard	0.89
22	\$1,005.35	\$1,325.98	Broward	1.25
23	\$1,006.73	\$1,330.11	Calhoun	0.75
24	\$1,008.11	\$1,334.25	Charlotte	0.96
25	\$1,031.99	\$1,338.38	Citrus	0.74
26	\$1,055.87	\$1,377.49	Clay	0.82
27	\$1,079.75	\$1,414.16	Collier	0.92
28	\$1,107.51	\$1,455.33	Columbia	0.81
29	\$1,153.50	\$1,494.60	Dade	1.38
30	\$1,199.48	\$1,549.63	De Soto	0.74
31	\$1,245.47	\$1,604.66	Dixie	0.77
32	\$1,275.89	\$1,659.69	Duval	0.96
33	\$1,310.75	\$1,714.72	Escambia	0.75
34	\$1,346.78	\$1,779.04	Flagler	0.77
35	\$1,384.53	\$1,845.31	Franklin	0.75
36	\$1,422.29	\$1,907.97	Gadsden	0.75
37	\$1,460.04	\$1,970.51	Gilchrist	0.75
38	\$1,497.80	\$2,036.30	Glades	0.98
39	\$1,543.29	\$2,104.10	Gulf	0.76
40	\$1,594.72	\$2,168.57	Hamilton	0.77
41	\$1,644.51	\$2,228.16	Hardee	0.80
42	\$1,708.30	\$2,287.74	Hendry	0.95
43	\$1,791.60	\$2,359.81	Hernando	0.82
44	\$1,882.22	\$2,422.01	Highlands	0.78
45	\$1,979.03	\$2,495.39	Hillsborough	0.87
46	\$2,077.46	\$2,569.87	Holmes	0.75
47	\$2,181.40	\$2,646.03	Indian River	0.92
48	\$2,271.81	\$2,704.39	Jackson	0.76
49	\$2,362.22	\$2,767.51	Jefferson	0.75
50	\$2,476.94	\$2,830.64	Lafayette	0.78
51	\$2,608.19	\$2,895.68	Lake	0.84
52	\$2,757.23	\$2,954.28	Lee	0.94
53	\$2,906.27	\$3,008.68	Leon	0.75
54	\$3,055.31	\$3,064.46	Levy	0.80
55	\$3,239.72	\$3,130.64	Liberty	0.75
56	\$3,424.14	\$3,187.18	Madison	0.79
57	\$3,623.93	\$3,250.48	Manatee	0.77
58	\$3,815.28	\$3,336.78	Marion	0.75
59	\$4,001.69	\$3,444.34	Martin	0.99
60	\$4,188.09	\$3,536.88	Monroe	1.37
61	\$4,345.59	\$3,646.52	Nassau	0.84
62	\$4,465.26	\$3,758.85	Okaloosa	0.75
63	\$4,579.73	\$3,874.66	Okeechobee	0.97
64	\$4,694.15	\$3,971.78	Orange	0.90
65	\$4,806.70	\$4,068.90	Osceola	0.89

Specific Authority 624.308, 627.6675(3)(c) FS. Law Implemented 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS. History--New 3-2-00, Amended 4-2-01.

4-149.206 Preferred Provider/Exclusive Provider Standard Risk Rates.

(1) through (3) No change.

(4) Standard risk rates for coverage providing benefits as defined in Section 627.6498, Florida Statutes (FCHA plan), shall multiply the standard risk rates identified herein by .96.

66	\$4,926.87	\$4,166.02	Palm Beach	1.00
67	\$5,050.04	\$4,270.17	Pasco	0.82
68	\$5,176.29	\$4,376.92	Pinellas	0.87
69	\$5,305.70	\$4,486.35	Polk	0.76
70	\$5,438.34	\$4,598.50	Putnam	0.77
71	\$5,574.30	\$4,713.47	St. Johns	0.77
72	\$5,713.65	\$4,831.30	St. Lucie	0.99
73	\$5,856.50	\$4,952.09	Santa Rosa	0.77
74	\$6,002.91	\$5,075.89	Sarasota	0.76
75	\$6,152.98	\$5,202.79	Seminole	0.92
76	\$6,306.81	\$5,332.86	Sumter	0.81
77	\$6,464.48	\$5,466.18	Suwannee	0.82
78	\$6,626.09	\$5,602.83	Taylor	0.79
79	\$6,791.74	\$5,742.90	Union	0.79
			Volusia	0.81
			Wakulla	0.75
			Walton	0.76
			Washington	0.76

47	\$1,776.43	\$2,242.36	Indian River	0.93
48	\$1,824.24	\$2,272.73	Jackson	0.76
49	\$1,886.62	\$2,310.79	Jefferson	0.75
50	\$2,035.56	\$2,403.08	Lafayette	0.78
51	\$2,126.70	\$2,438.67	Lake	0.84
52	\$2,235.86	\$2,473.90	Lee	0.95
53	\$2,323.69	\$2,501.11	Leon	0.75
54	\$2,434.58	\$2,531.10	Levy	0.80
55	\$2,669.35	\$2,641.72	Liberty	0.75
56	\$2,818.01	\$2,676.18	Madison	0.79
57	\$2,967.66	\$2,717.17	Manatee	0.83
58	\$3,110.76	\$2,775.41	Marion	0.77
59	\$3,263.63	\$2,851.46	Martin	0.97
60	\$3,557.61	\$3,062.54	Monroe	1.40
61	\$3,662.24	\$3,142.07	Nassau	0.84
62	\$3,731.11	\$3,224.51	Okaloosa	0.74
63	\$3,795.31	\$3,309.39	Okeechobee	0.97
64	\$854.59	\$3,374.15	Orange	0.92
65	\$3,984.32	\$3,475.81	Osceola	0.92
66	\$4,118.42	\$3,580.53	Palm Beach	1.00
67	\$4,257.03	\$3,688.41	Pasco	0.83
68	\$4,400.31	\$3,799.54	Pinellas	0.87
69	\$4,548.41	\$3,914.02	Polk	0.77
70	\$4,748.36	\$4,086.08	Putnam	0.77
71	\$4,957.11	\$4,265.71	St. Johns	0.79
72	\$5,175.03	\$4,453.23	St. Lucie	0.97
73	\$5,402.53	\$4,649.00	Santa Rosa	0.77
74	\$5,640.03	\$4,853.38	Sarasota	0.77
75	\$5,839.70	\$5,025.20	Seminole	0.92
76	\$6,046.45	\$5,203.11	Sumter	0.81
77	\$6,260.51	\$5,387.32	Suwannee	0.82
78	\$6,482.15	\$5,578.04	Taylor	0.79
79	\$6,711.64	\$5,775.52	Union	0.79
			Volusia	0.82
			Wakulla	0.75
			Walton	0.76
			Washington	0.76

Age	Male	Female	County	Area Factor
0-1	\$825.58	\$993.78	Alachua	0.77
7				
18	\$820.62	\$1,087.63	Baker	0.78
19	\$790.88	\$1,123.32	Bay	0.75
20	\$790.88	\$1,123.32	Bradford	0.82
21	\$790.88	\$1,123.32	Brevard	0.92
22	\$790.88	\$1,123.32	Broward	1.34
23	\$790.88	\$1,123.32	Calhoun	0.75
24	\$790.88	\$1,123.32	Charlotte	0.96
25	\$807.91	\$1,152.63	Citrus	0.75
26	\$843.28	\$1,186.20	Clay	0.83
27	\$872.66	\$1,218.79	Collier	0.92
28	\$896.53	\$1,250.41	Columbia	0.81
29	\$915.83	\$1,281.25	Dade	1.41
30	\$1,014.09	\$1,341.83	De Soto	0.77
31	\$1,036.17	\$1,396.12	Dixie	0.77
32	\$1,055.79	\$1,440.11	Duval	0.96
33	\$1,078.65	\$1,483.89	Escambia	0.76
34	\$1,100.67	\$1,532.30	Flagler	0.78
35	\$1,142.12	\$1,604.83	Franklin	0.75
36	\$1,170.69	\$1,650.57	Gadsden	0.75
37	\$1,189.40	\$1,695.01	Gilchrist	0.75
38	\$1,213.07	\$1,742.59	Glades	0.98
39	\$1,242.67	\$1,793.08	Gulf	0.76
40	\$1,306.17	\$1,869.24	Hamilton	0.77
41	\$1,343.63	\$1,909.20	Hardee	0.80
42	\$1,392.08	\$1,960.38	Hendry	0.95
43	\$1,452.87	\$2,013.59	Hernando	0.82
44	\$1,518.56	\$2,059.87	Highlands	0.79
45	\$1,633.98	\$2,140.74	Hillsborough	0.89
46	\$1,703.22	\$2,190.89	Holmes	0.75

Specific Authority 624.308, 627.6675(3)(c) FS. Law Implemented 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS. History--New 3-2-00, Amended 4-2-01.

4-149.207 Health Maintenance Organization Standard Risk Rates.

- (1) No change.
- (2) To determine the rate for a particular county, multiply the rate schedule below by the appropriate area factor.

STANDARD HEALTH BENEFIT PLAN

Age	Male	Female
0	\$1,832.36	\$1,832.36
1	\$1,242.29	\$1,242.29
2-6	\$1,233.22	\$1,233.22
7-11	\$1,219.60	\$1,219.60
12	\$1,227.67	\$1,261.62
13	\$1,235.74	\$1,303.64
14-16	\$1,243.81	\$1,345.66
17	\$1,247.08	\$1,485.87
18	\$1,250.35	\$1,626.08
19	\$1,253.63	\$1,766.29
20	\$1,282.91	\$1,826.96
21	\$1,312.20	\$1,885.09
22	\$1,341.36	\$1,942.25
23	\$1,382.57	\$2,010.46
24	\$1,436.64	\$2,069.90
25	\$1,474.26	\$2,123.64
26	\$1,528.50	\$2,190.55
27	\$1,559.98	\$2,216.59
28	\$1,591.45	\$2,242.62
29	\$1,622.93	\$2,268.66
30	\$1,642.13	\$2,268.66
31	\$1,661.33	\$2,268.66
32	\$1,680.53	\$2,268.66
33	\$1,698.88	\$2,268.66
34	\$1,717.22	\$2,268.66
35	\$1,739.07	\$2,268.66
36	\$1,760.91	\$2,268.66
37	\$1,782.75	\$2,268.66
38	\$1,809.62	\$2,268.66
39	\$1,841.40	\$2,268.66
40	\$1,885.28	\$2,299.92
41	\$1,929.17	\$2,331.18
42	\$1,973.06	\$2,362.44
43	\$2,036.19	\$2,393.70
44	\$2,097.28	\$2,446.87
45	\$2,168.71	\$2,500.03
46	\$2,258.04	\$2,563.75
47	\$2,356.20	\$2,631.87
48	\$2,461.72	\$2,697.42
49	\$2,570.30	\$2,768.15
50	\$2,693.43	\$2,851.87
51	\$2,830.35	\$2,947.20
52	\$2,991.21	\$3,047.13
53	\$3,152.07	\$3,147.05
54	\$3,312.93	\$3,246.97
55	\$3,492.56	\$3,352.50
56	\$3,672.20	\$3,447.54
57	\$3,851.84	\$3,559.23
58	\$4,054.80	\$3,716.78

County	Area Factor
Alachua	1.05
Baker	1.09
Bay	0.90
Bradford	1.05
Brevard	0.99
Broward	1.00
Calhoun	0.90
Charlotte	0.97
Citrus	0.84
Clay	1.09
Collier	0.90
Columbia	1.05
Dade	1.00
De Soto	0.90
Dixie	1.05
Duval	1.09
Escambia	1.05
Flagler	0.90
Franklin	0.90
Gadsden	0.90
Gilchrist	1.05
Glades	0.90
Gulf	0.90
Hamilton	0.90
Hardee	0.84
Hendry	0.90
Hernando	1.05
Highlands	0.84
Hillsborough	1.03
Holmes	0.90
Indian River	0.90
Jackson	0.90
Jefferson	0.90
Lafayette	0.90
Lake	0.95
Lee	0.99
Leon	0.90
Levy	1.05
Liberty	0.90
Madison	0.90
Manatee	1.01
Marion	0.90
Martin	1.05
Monroe	0.90
Nassau	1.09
Okaloosa	0.95
Okeechobee	0.95
Orange	0.99
Osceola	0.99

59	\$4,292.46	\$3,874.32
60	\$4,530.12	\$4,031.87
61	\$4,700.36	\$4,188.99
62	\$4,886.62	\$4,353.14
63	\$5,072.88	\$4,517.28
64	\$5,259.14	\$4,681.42
65	\$5,459.80	\$4,860.04
66	\$5,668.12	\$5,045.48
67	\$5,884.39	\$5,237.99
68	\$6,108.91	\$5,437.84
69	\$6,341.99	\$5,645.32
70	\$6,583.97	\$5,860.72
71	\$6,835.18	\$6,084.34
72	\$7,095.98	\$6,316.48
73	\$7,366.72	\$6,557.49
74	\$7,647.80	\$6,807.69
75	\$7,939.60	\$7,067.44
76	\$8,242.54	\$7,337.09
77	\$8,557.03	\$7,617.04
78	\$8,883.52	\$7,907.67
79	\$9,222.47	\$8,209.38

Palm Beach	1.03
Pasco	1.03
Pinellas	1.03
Polk	1.05
Putnam	1.01
St. Johns	1.07
St. Lucie	0.95
Santa Rosa	1.05
Sarasota	1.03
Seminole	1.03
Sumter	1.02
Suwannee	0.90
Taylor	0.90
Union	0.90
Volusia	1.03
Wakulla	0.90
Walton	1.05
Washington	0.90

Age	Male	Female	County	Area Factor
0	\$1,446.14	\$1,446.14	Alachua	1.05
1-4	\$1,008.94	\$1,008.94	Baker	1.05
5-12	\$953.77	\$953.77	Bay	0.90
13-17	\$969.07	\$1,024.15	Bradford	1.05
18	\$976.60	\$1,092.89	Brevard	1.01
19	\$1,085.58	\$1,274.63	Broward	1.00
20	\$1,149.13	\$1,348.56	Calhoun	0.90
21	\$1,203.86	\$1,423.44	Charlotte	0.97
22	\$1,261.48	\$1,489.58	Citrus	0.84
23	\$1,328.10	\$1,575.29	Clay	1.05
24	\$1,387.70	\$1,649.21	Collier	0.90
25	\$1,335.35	\$1,702.24	Columbia	1.05
26	\$1,380.28	\$1,761.32	Dade	1.00
27	\$1,443.53	\$1,827.48	De Soto	0.90
28	\$1,430.44	\$1,812.19	Dixie	1.05
29	\$1,432.53	\$1,800.98	Duval	1.05
30	\$1,432.70	\$1,803.43	Escambia	1.05
31	\$1,440.40	\$1,794.11	Flagler	0.90
32	\$1,444.22	\$1,788.56	Franklin	0.90
33	\$1,446.71	\$1,766.79	Gadsden	0.90
34	\$1,457.67	\$1,756.59	Gilchrist	1.05
35	\$1,458.89	\$1,722.37	Glades	0.90
36	\$1,463.62	\$1,700.29	Gulf	0.90
37	\$1,482.53	\$1,678.16	Hamilton	0.90
38	\$1,495.99	\$1,670.30	Hardee	0.84
39	\$1,520.69	\$1,662.87	Hendry	0.90
40	\$1,531.63	\$1,650.95	Hernando	1.05
41	\$1,589.44	\$1,732.78	Highlands	0.84
42	\$1,641.81	\$1,821.39	Hillsborough	1.02
43	\$1,702.93	\$1,864.41	Holmes	0.90

(i) Vehicles, equipment, facilities and handling areas which are cleaned of all garbage residue after exposure to untreated garbage;

(j) Maintenance of records on sources of all untreated garbage; and

(k) A brief description of the equipment and the method used to cook the garbage.

(3) Issuance of Permit.

(a) Recommendation for Approval. Facilities which meet the requirements in 5C-11.015(2) above on inspection by an authorized representative of the Department will be recommended for approval on Form AI-15. The applicant will submit the signed Form AI-15 recommending approval to the Department accompanied by a permit fee as provided in the following schedule:

1-25 swine	\$ 25 <u>50</u>
26-50 swine	\$ 50 <u>100</u>
51-100 swine	\$ 75 <u>150</u>
over 100 swine	\$ 100 <u>200</u>

The fee must be by check or money order made payable to the Florida Department of Agriculture and Consumer Services. The Department will issue the permit on receipt of the completed and signed Form AI-15 and the prescribed fee. All permits expire on July 1.

(b) To determine the permit fee in the initial year, the applicant will indicate the average number of swine expected at a facility in any one month period. The permit reissue fee will be based upon the actual average number of swine per month at the facility during the previous year.

(4) Reissue of Permit. The applicant will submit to the Department a completed AI-15 form indicating a request for reissue of permit signed by an authorized representative and accompanied by a permit fee as set forth in the schedule at 5C-11.015(3)(a) above. Permit reissue requests will be due by July 1 of each year. If a permit request for reissue has not been received by July 1, an applicant must comply with all provisions of this rule as though never previously permitted.

(5) Forms and Materials. Department of Agriculture and Consumer Services AI-15 Application for Permit to Feed Garbage to Swine (Form AI-15, Rev. 1-91) is hereby incorporated by reference. Copies may be obtained from the Department of Agriculture and Consumer Services, Division of Animal Industry, The Mayo Building, Tallahassee, Florida 32399-0800.

Specific Authority 585.0024(4) FS. Law Implemented 585.002(5), 585.48, 585.50, 585.51, 585.52 FS. History—New 6-29-62, Formerly 5C-11.15, Amended 5-4-94, 7-2-95,_____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE CHAPTER TITLE: Schedule of Fees for Services
 RULE CHAPTER NO.: 5C-24

RULE TITLE: Official Certificate of Veterinary Inspection (OCVI)
 RULE NO.: 5C-24.003

PURPOSE AND EFFECT: The department proposes fee increases for the Official Certificates of Veterinary Inspection forms. The increase in fees is to cover the increased cost to the department to maintain the forms and to perform the inspection services and maintain records of the completed Official Certificates of Veterinary Inspection.

SUBJECT AREA TO BE ADDRESSED: The subject to be addressed is the increase in the fees for the Official Certificates of Veterinary Inspection forms.

SPECIFIC AUTHORITY: 585.002(4),(5), 585.09(2)(a), 585.15, 585.145(2) FS.

LAW IMPLEMENTED: 585.002(5), 585.08(1),(2), 585.145(1),(2),(3), 585.155, 828.29 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:00 p.m., December 27, 2001

PLACE: Room 316, Mayo Building, 407 South Calhoun Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Joe, Kight, Assistant Director, Division of Animal Industry, Department of Agriculture and Consumer Services, Room 321, Mayo Building, 407 South Calhoun Street, Tallahassee, FL 32399-0800

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5C-24.003 Official Certificate of Veterinary Inspection (OCVI).

(1) Horses.

(a) OCVI. The OCVI for horses is the Official Equine Certificate of Veterinary Inspection, DACS 09002 (SN 6001) (10/97).

(b) The fee for the OCVI, DACS 09002 (SN 6001) (10/97) is \$~~65~~ 25 per book of 25.

(2) Livestock.

(a) The OCVI for cattle, goats, sheep, swine, cervidae, ratites, and other hoofed animals, excluding horses, is the Official Certificate of Veterinary Inspection, DACS 09001 (SN 6000) (1/98).

(b) The fee for the OCVI, DACS 09001 (SN 6000) (1/98) is \$~~65~~ 25 per book of 25.

(3) Domesticated Fowl.

(a) OCVI. The OCVI for domesticated fowl originating from other than NPIP participating flocks, hatcheries or dealers is the Official Certificate of Veterinary Inspection, DACS 09001 (SN 6000) (1/98).

1. The OCVI, DACS 09001 (SN 6000) (1/98) will be provided to licensed and accredited veterinarians.

2. The fee for the OCVI, DACS 09001 (SN 6000) (1/98) is ~~\$65~~ 25 per book of 25.

(b) NPIP Participating Flocks, Hatcheries, and Dealers. The certification of health status for interstate shipment of flocks, hatcheries, and dealers participating in the NPIP is the Report of Sales of Hatching Eggs, Chicks, and Poults, VS Form 9-3 (08/95).

1. The Report of Sales of Hatching Eggs, Chicks, and Poults, VS Form 9-3 (08/95) will be certified by a Division representative and provided to an NPIP participating flock, hatchery, or dealer.

2. The certification and processing fee for the Report of Sales of Hatching Eggs, Chicks, and Poults, VS Form 9-3 (08/95) is ~~\$50~~ 25 for 25 certified forms.

(c) Official Health Certificate Avian, DACS 09023 (8/95). The Official Health Certificate Avian, DACS 09023 (8/95) is the OCVI for NPIP participating flocks, hatcheries, and dealers which are required by the country or state of destination to provide an OCVI in addition to the Report of Sales of Hatching Eggs, Chicks, and Poults, VS Form 9-3 (08/95).

1. The Official Health Certificate Avian, DACS 09023 (8/95) is certified by a Division veterinarian and is provided to the NPIP participating flock, hatchery or dealer.

2. The fee for the Official Health Certificate Avian, DACS 09023 (8/95) is ~~\$100~~ 35 per 100 certificates.

3. Special Certifications. The fee for individual OCVI including, but not limited to, certificates requiring individual identification numbers of domesticated fowl, vaccination status, or the Florida Department of Agriculture seal, is ~~\$15.00~~ 30 for each certificate.

(4) Dogs, Cats and Other Non-Livestock Species.

(a) OCVI for Interstate Movement. The OCVI for dogs, cats and other non-livestock species, including but not limited to zoo animals and domesticated non-native wildlife, is the Official Certificate of Veterinary Inspection for Interstate Movement of Dogs, Cats, and Other Non-livestock Species, DACS 09086 (SN 6002) (1/98).

(b) OCVI for Sale of Dog or Cat. The OCVI for Sale of Dog or Cat, DACS 09085 (SN 6003) (10/97) must accompany any dog or cat sold, or offered for sale, in the state of Florida.

(c) The fee for the OCVI, DACS 09085 (SN 6003) (10/97) or DACS 09086 (SN 6002) (10/97) is ~~\$65~~ 25 per package of 25.

(5) Forms. The Official Equine Certificate of Veterinary Inspection, DACS 09002 (SN 6001) (10/97); the Official Certificate of Veterinary Inspection, DACS 09001 (SN 6000) (1/98); the Official Certificate of Veterinary Inspection for Interstate Movement of Dogs, Cats, and Other Non-Livestock Species, DACS 09085 (SN 6002) (1/98); the Official Certificate of Veterinary Inspection for Sale of Dog or Cat,

DACS 09086 (SN 6003) (10/97); and the Official Health Certificate Avian, DACS 09023 (8/95) are hereby incorporated by reference. Copies may be obtained from the Florida Department of Agriculture and Consumer Services, Division of Animal Industry, 407 South Calhoun Street, Room 323, Mayo Building, Tallahassee, Florida 32399-0800. The Report of Sales of Hatching Eggs, Chicks, and Poults, VS Form 9-3 (08/95) is hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, DC 20402-9328.

Specific Authority 585.002(4),(5), 585.09(2)(a), 585.15, 585.145(2) FS. Law Implemented 585.002(5), 585.08(1),(2), 585.145(1),(2),(3), 585.155, 828.29 FS. History—New 7-13-99, Amended.

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: RULE NO.:

Assessment of Limited English 6A-1.09432
 Proficient Students

PURPOSE AND EFFECT: The purpose of this rule development is to develop procedures for the provisions of testing accommodations for students with limited English proficiencies. The effect will be to allow students with limited English proficiency greater access to appropriate test modifications, thus allowing them to more fully participate in the statewide assessment testing programs and to allow more students to meet the requirements for a regular high school diploma.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed will be provisions of testing accommodations for students with limited English proficiencies.

SPECIFIC AUTHORITY: 232.245(2)(b) FS.

LAW IMPLEMENTED: 232.245 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, January 3, 2002

PLACE: Department of Education, 325 West Gaines Street, Room 314, Tallahassee, Florida 32399-0400

Requests for the rule development workshop should be addressed to: Wayne V. Pierson, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1214, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mary Laura Openshaw, Director, Division of Public Schools and Community Education, Department of Education, 325 West Gaines Street, Room 514, Tallahassee, Florida 32399-0400, (850)488-2601

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-1.09432 Assessment of Limited English Proficient Students.

(1) All students classified as limited English proficient (LEP) must participate in the statewide assessment program, prescribed in Section 229.57, Florida Statutes. There is no categorical exemption from participation in the statewide assessment program for LEP students.

(2) An exemption from participation in any component of the statewide assessment program for an individual LEP student may only be made by specific action of a LEP committee as defined in Rule 6A-6.0901(5), FAC., and only for a student whose date of classification as LEP falls within one (1) year prior to the assessment date.

(a) The LEP committee, in making its decision, shall consider the following factors:

1. Level of mastery of basic competencies or skills in English and home language according to appropriate local, state, and national criterion-referenced standards;

2. Grades from the current or previous years; or

3. Other test results.

(b) The LEP committee shall exempt a LEP student from participation in a component of the statewide assessment program if it determines that the student's participation would have an unsound instructional effect on the student.

(3) The use of LEP assessment data for school grading purposes shall be as stated in Rule 6A-1.09981, FAC.

(4) LEP assessment data shall be used by school districts and schools to evaluate the effectiveness of their instructional programs for LEP students and to follow-up such evaluations with appropriate adjustments, modifications, and improvements of the district's and the school's LEP programs. The district's LEP plan, pursuant to Section 233.058, Florida Statutes, and Rule 6A-6.0905, FAC., shall be revised whenever substantive changes in the district's LEP program are required.

(5) Assessment results of individual students shall be used by schools to evaluate the progress of individual students. When indicated, such evaluations shall result in appropriate adjustments, modifications, and improvements of each individual LEP student plan, pursuant to Rules 6A-6.0901, 6A-6.0902, and 6A-6.0903, FAC. A LEP committee shall be convened whenever substantive changes in an individual LEP student plan are required.

(6) No promotion or retention decision may be made for any individual student classified as LEP based solely on a score on any single assessment instrument, whether such assessment instrument is part of the statewide assessment program or of a particular district's formal assessment process. A formal retention recommendation regarding a LEP student may be made through action of a LEP committee.

Specific Authority 232.245(2)(b) FS. Law Implemented 232.245 FS. History--New _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Grievances – Miscellaneous Provisions

RULE NO.: 33-103.015

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to correct an inconsistency in the rules addressing inmate grievance procedures.

SUBJECT AREA TO BE ADDRESSED: Inmate grievances.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-103.015 Inmate Grievances – Miscellaneous Provisions.

(1) through (2) No change.

(3) The warden, assistant warden or deputy warden is authorized to designate other staff to receive, review, and investigate any grievance of an institutional nature. The warden is authorized to designate the assistant warden or deputy warden to grant and implement relief as approved by the warden, except as to grievances involving discipline, ~~medical grievances~~, grievances alleging violation of the Americans with Disabilities Act, grievances challenging placement in close management, grievances of an emergency nature, grievances of reprisal or grievances of a sensitive nature that are filed directly with the warden. For grievances filed directly with the warden, the decision to approve, return, or deny the grievance shall be made by the warden.

(4) through (11) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History--New 10-12-89, Amended 1-15-92, 1-29-92, 9-3-92, 12-22-92, 7-11-93, 5-3-94, 4-10-95, 9-23-96, 8-10-97, 12-7-97, 5-10-98, 2-17-99, Formerly 33-29.015, Amended 8-1-00, 10-11-00, 2-7-01, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Probation and Parole – Use of Force

RULE NO.: 33-302.105

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify procedures for use of force and reporting use of force by correctional probation officers.

SUBJECT AREA TO BE ADDRESSED: Use of force in community corrections.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.35 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-302.105 Probation and Parole – Use of Force.

(1) through (2) No change.

(3) Whenever force is used, except as provided in paragraph (6)(f), a detailed written report of force used shall be prepared, dated and signed by the initial employee using force. Form DC3-210, Community Corrections Report of Force Used, shall be used for this purpose. If more than one employee was involved in the initial use of force, the highest ranking official involved or the most senior employee shall complete the report. Each additional employee involved in the use of force who agrees with the facts and circumstances as reported on Form DC3-210 part I shall prepare a Community Corrections Report of Force Used Staff Supplement, Form DC3-211. The report shall describe in detail the type and amount of force used by himself or herself. Any additional employee who does not agree with the facts and circumstances as reported in Form DC3-210 part I shall prepare a separate Form DC3-210, Community Corrections Report of Force Used. Any employee who witnesses the use of force, but was not directly or physically involved in the use of force, shall complete Form DC3-225, Community Corrections Incident Report. Forms DC3-210, DC3-211 and DC3-225 shall be submitted to the circuit administrator upon completion. Forms DC3-210, DC3-211 and DC3-225 are hereby incorporated by reference. Copies of these forms may be obtained from the Forms Control Administrator, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of these forms is _____.

~~(4)(3)~~ Staff or Offender Injury Sustained During Use of Force Incident.

(a) through (b) No change.

(c) If the offender is not in custody, the officer shall call emergency services for the offender as soon as possible, without jeopardizing the officer's safety. Documentation of contacts for medical services shall be included in the Community Corrections Report of Force Used, Form DC3-210.

~~(5)(4)~~ Use of Handcuffs.

(a) through (c) No change.

(d) In any case in which handcuffs are used, an accurate record shall be maintained as to the location and reason for use, and a factual description of the circumstances and the incident. This information shall be reflected on the Community Corrections Report of Force Used, Form DC3-210. ~~The officer who used the handcuffs shall complete the report within five working days (Monday through Friday) after the incident.~~ Any additional officer(s) physically involved in the handcuffing who agrees with the facts and circumstances as reported on the DC3-210, shall prepare a Community Corrections Report of Force Used – Staff Supplement, DC3-211. ~~Form DC3-211 is hereby incorporated by reference. A copy of this form may 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 October 2, 2001.~~

~~(6)(5)~~ Use of chemical agents.

(a) Chemical agents shall be used only for self defense or defense of another and only after all other reasonable efforts to avoid confrontation with a disorderly person or persons or animal posing an immediate threat of bodily harm to an officer have been exhausted. Chemical agents will never be used to punish an offender. Chemical agents will be used when this level of force is the least likely to cause injuries to all parties involved, and when a lesser level of force or persuasion is ineffective.

(b) No change.

(c) Only those chemical agents containing oleoresin capsicum and that are non-flammable shall be approved for use. Chemical agents may be issued to correctional probation staff including clerical support staff who have received training pursuant to ~~(6)(5)~~(b). Trained support staff are authorized to be issued a chemical agent with less than two (2) ounces. The Receipt for Chemical Agents, Form DC3-254, will be utilized to document the issuance, testing, and return of chemical agents. This form is hereby incorporated by reference. The Chemical Agent Inventory, Form DC3-253, is utilized by the circuit office to maintain control of the chemical agents issued, stored, returned, and disposed of within the circuit. The circuit office will conduct semi-annual chemical agent inventories. This form is hereby incorporated by reference. Copies of Form DC3-254 and DC3-253 may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of these forms is October 2, 2001. Staff who have received training may carry chemical agents upon their persons during working hours. Nothing in this rule authorizes staff to carry department issued chemical agents while off duty. Support staff shall store chemical agents safely and securely in the office after working hours. If an employee has a question regarding chemical agents, he or she shall refer to the manufacturer's instructions or shall contact his or her supervisor.

(d) through (e) No change.

(f) Use of chemical agents on animals shall be limited to those situations in which the officer is in danger of an immediate attack from the animal. Following use of chemical agents, the officer shall immediately remove himself from the area, contact local animal control officers or local law enforcement if there is no local animal control office, and make a formal complaint regarding the attack. Under no circumstances shall chemical agents be used on animals who are not posing an immediate threat to the officer. Form DC3-225, Community Corrections Incident Report, shall be used to report use of chemical agents on animals.

(g) In any case in which chemical agents are used, except for training or testing purposes, an accurate record shall be maintained as to what type was used, how much was used, and the location and reason for use, and a factual description of the circumstances and the incident. When chemical agents are used on a person, this information shall be reflected on the Community Corrections Report of Force Used, Form DC3-210. When chemical agents are used on an animal, this information shall be reflected on the Community Corrections Incident Report, Form DC3-225. The employee who used the chemical agent shall complete the report within five working days (Monday through Friday) after the incident. The employee shall notify his or her supervisor within one working day when chemical agents are used and the supervisor shall notify the circuit administrator.

(7)(6) No change.

Specific Authority 944.09 FS. Law Implemented 944.35 FS. History--New 5-28-86, Amended 8-6-90, 2-15-98, Formerly 33-24.017, Amended 10-2-01, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Rules of Prohibited Conduct and Penalties for Infractions
RULE NO.: 33-601.314

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide more detailed disciplinary charges for misconduct involving safety or security devices.

SUBJECT AREA TO BE ADDRESSED: Inmate Discipline.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.14, 944.279, 944.28 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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

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

Maximum
Disciplinary
Actions

Section 1 through Section 8 No change.

SECTION 9 – MISCELLANEOUS INFRACTIONS

9-1 through 9-32 No change.

9-33 Tampering with, defeating or depriving staff of any security device 60 DC + All GT

9-34 Tampering with or defeating any fire or other safety device 60 DC + All GT

Section 10 through Section 11 No change.

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: _____ RULE NO.:

Variations from Specified Review Criteria for Environmental Resource Permits 40E-0.113

PURPOSE AND EFFECT: The SFWMD is amending the existing variances rule to be consistent with the statutory timeframes imposed upon agencies to grant or deny petitions for variances or waivers.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment provides specificity as to timeframes set forth in Section 120.542(8), F.S., (the "90 day timeclock").

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.414(17) FS.

LAW IMPLEMENTED: 403.210 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:30 a.m., January 11, 2002

PLACE: South Florida Water Management District's Orlando Service Center, 1707 Orlando Central Parkway, Suite 200, Orlando, FL 32809

PREVIOUS RULE DEVELOPMENT WORKSHOPS WERE HELD AT THE TIME, DATE AND PLACES SHOWN BELOW:

TIME AND DATE: 1:30 p.m., November 6, 2001
 PLACE: South Florida Water Management District, Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

TIME AND DATE: 10:30 a.m., November 9, 2001
 PLACE: South Florida Water Management District's Ft. Myers Service Center, 2301 McGregor Blvd, Ft. Myers, FL 33901

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Penelope Bell, Office of Counsel, South Florida Water Management District, MSC 1410, 3301 Gun Club Road, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6320 or (561)682-6320, or via email at pbell@sfwmd.gov.

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-0.113 Variances from Specified Review Criteria for Environmental Resource Permits.

(1) through (4) No change.

(5) The District shall grant or deny a petition for variance or waiver within 90 days after receipt of the original petition, the last item of timely requested additional material, or the petitioner's written request to finish processing the petition.

~~(6)~~(5) The District shall prepare a notice of proposed agency action regarding the petition for a variance. The District shall publish this notice one time in the Florida Administrative Weekly, and one time in a newspaper of general circulation, as defined in Section 50.031, F.S., in the county in which the property for which the variance is sought is located.

~~(7)~~(6) Renewals of variances shall be applied for in the same manner as the initial variance.

Specific Authority 373.044, 373.113, 373.171, 373.414(17) FS. Law Implemented 403.201 FS. History--New 9-2-98, Amended 6-12-00,_____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: Permit Application Processing Fees
 PURPOSE AND EFFECT: The SFWMD is amending its permit application processing fees rule to reduce permit fees for certain environmental restoration and enhancement

RULE NO.: 40E-1.607

projects. The proposed fee reduction is expected to serve as an incentive to encourage certain environmental and restoration projects.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment provides a reduced permit fee of \$100 for environmental restoration or enhancement activities that are not associated with a mitigation bank and are not being implemented as mitigation for other Part IV, Ch. 373, F.S. permits.

SPECIFIC AUTHORITY: 373.109, 373.421(6)(b) FS.

LAW IMPLEMENTED: 373.109, 373.421(6)(b) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

WRITTEN PUBLIC COMMENTS REGARDING THE PROPOSED RULE AMENDMENT MUST BE RECEIVED BY THE SFWMD NO LATER THAN 21 DAYS OF THE PUBLICATION DATE OF THIS NOTICE.

CONTACTS FOR PROVIDING WRITTEN COMMENTS OR REQUESTS FOR WORKSHOPS TO BE CONDUCTED ARE: Penelope Bell or Susan Martin, Esquire, Office of Counsel, South Florida Water Management District, MSC 1410, 3301 Gun Club Road, West Palm Beach, FL 33416-4680 or Terrie Bates, Director, Environmental Resource Regulation Division, South Florida Water Management District, MSC 4110, 3301 Gun Club Road, West Palm Beach, FL 33416-4680.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Penelope Bell, Office of Counsel, South Florida Water Management District, MSC 1410, 3301 Gun Club Road, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6320 or (561)682-6320, or via email at pbell@sfwmd.gov.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-1.607 Permit Application Processing Fees.

(1) through (2) No change.

(3)(a) Environmental Resource Permit Application processing fees are in the following table:

TABLE 40E-1.607(3)(a)

PERMIT APPLICATION PROCESSING FEES FOR ENVIRONMENTAL RESOURCE PERMIT APPLICATIONS

REVIEWED PURSUANT TO CHAPTERS 40E-4, 40E-40, AND 40E-400, F.A.C.

Fee amounts shall apply to applications for conceptual and construction, or conceptual, or construction, except as noted.

Category	Amount
New Individual Permit, except Mitigation Bank	
Project area less than 100 acres	
Agriculture	\$3050
All others	\$5000
Project area 100 acres to less than 640 acres	
Agriculture	\$4000
All others	\$7500
Project area 640 acres or more	
Agriculture	\$5000
All others	\$10,000
New Individual Permit, Mitigation Bank	
Project area less than 100 acres	\$5000
Project area 100 acres to less than 640 acres	\$7500
Project area 640 acres or more	\$10,000
Individual Permit Modification, except Mitigation Bank	
Project area less than 100 acres	
Agriculture	\$2050
All others	\$3500
Project area 100 acres to less than 640 acres	
Agriculture	\$2500
All others	\$5000
Project area 640 acres or more	
Agriculture	\$3500
All others	\$7500
Individual Permit Modification, Mitigation Bank	
Project area less than 100 acres	\$3500
Project area 100 acres to less than 640 acres	\$5000
Project area 640 acres or more	\$7500
New Standard General Permit (excluding incidental site activities pursuant to Section 40E-40.042, F.A.C.)	
Agriculture	\$650
All others	\$2000
Standard General Permit Modification including	
Application for phase construction under a Conceptual Approval Application for individual permit modification for a system which does not exceed the criteria in Section 40E-40.041, F.A.C. and which is not required to obtain an individual environmental resource permit for the reasons in Rule 40E-40.011(2), F.A.C.	\$500
Agriculture	\$1000
All others	

Noticed General Permit pursuant to Chapter 40E-400, F.A.C., including aquaculture	\$100
Single family residential homesite consisting of 10 acres or less in total land area	\$100
Standard General Permit for incidental site activities pursuant to Section 40E-40.042, F.A.C.	\$500
Transfer of permit (including Mitigation Bank) to another entity pursuant to Sections 40E-1.6107 and 40E-4.351, F.A.C.	\$450
Variance associated with an environmental resource permit application	
From Rule 40E-4.301(1)(e), F.A.C.	\$100
From other permitting standards, permit conditions, or water quality standards	\$500
New Individual Operation Permit	\$3500
Letter Modification	\$100

<u>New Individual or Standard General Permits, or Individual or Standard General Permit Modifications, solely for environmental restoration or enhancement activities provided such activities are not associated with a mitigation bank and are not being implemented as mitigation for other activities that require a permit under Part IV of Chapter 373, F.S. Such activities may include incidental passive recreation and facilities to provide public access to the environmental restoration or enhancement site.</u>	\$100
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(b) through (5) No change.

Specific Authority 373.109, 373.421(6)(b) FS. Law Implemented 403.201 FS. History—New 1-8-89, Amended 1-2-91, 11-15-92, 6-1-93, 1-23-94, 10-3-95, 4-1-96, 11-8-99, 5-24-11, _____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: Forms and Instructions
 RULE NO.: 40E-1.659

PURPOSE AND EFFECT: The SFWMD is amending the existing forms and instructions rule to add and incorporate by reference a “Performance Bond to Demonstrate Financial Assurances” and an “Irrevocable Letter of Credit to Demonstrate Financial Assurance.” The rule is also being amended to update the SFWMD’s regional service center addresses.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments provide two new forms to be utilized by the regulated community and updates SFWMD regional service center addresses.

<p>SPECIFIC AUTHORITY: 373.044, 373.113 FS.</p> <p>LAW IMPLEMENTED: 373.113 FS.</p> <p>A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE AS SHOWN BELOW:</p> <p>TIME AND DATE: 10:30 a.m., January 11, 2002</p> <p>PLACE: South Florida Water Management District's Orlando Service Center, 1707 Orlando Central Parkway, Suite 200, Orlando, FL 32809</p> <p>PREVIOUS RULE DEVELOPMENT WORKSHOPS WERE HELD AT THE TIME, DATE AND PLACES SHOWN BELOW:</p> <p>TIME AND DATE: 1:30 p.m., November 6, 2001</p> <p>PLACE: South Florida Water Management District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406</p> <p>TIME AND DATE: 10:30 a.m., November 9, 2001</p> <p>PLACE: South Florida Water Management District's Ft. Myers Service Center, 2301 McGregor Blvd, Ft. Myers, FL 33901</p> <p>THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Penelope Bell, Office of Counsel, South Florida Water Management District, MSC 1410, 3301 Gun Club Road, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6320 or (561)682-6320, or via email at pbell@sfwmd.gov.</p> <p>Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.</p> <p>Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.</p> <p>THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:</p> <p style="padding-left: 40px;">40E-1.659 Forms and Instructions.</p> <p style="padding-left: 40px;">(1) The following forms and instructions are hereby incorporated by reference into this chapter:</p> <table border="0" style="width: 100%;"> <thead> <tr> <th style="text-align: left;">Form No.</th> <th style="text-align: left;">Date</th> <th style="text-align: left;">Title</th> </tr> </thead> <tbody> <tr> <td>0050A</td> <td>7-89</td> <td>Application to the South Florida Water Management District Utilization of District Works and Modification of Existing Permit Works of the District No.</td> </tr> <tr> <td>0108</td> <td>3-91</td> <td>Application for Release of Mineral, Canal, and Road Reservations Reserved Under Chapters 6456, 6957, 7305, 9131, 14717 and 20658, Laws of Florida</td> </tr> <tr> <td>0113</td> <td>8-95</td> <td>Surface Water Management Permit No.</td> </tr> <tr> <td>0115</td> <td>8-95</td> <td>Surface Water Management Permit Modification No.</td> </tr> </tbody> </table>	Form No.	Date	Title	0050A	7-89	Application to the South Florida Water Management District Utilization of District Works and 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0972	8-95	Petition for a Formal Wetland and Surface Water Determination
0973	8-95	Above Ground Impoundment Inspection/Certification Report
0974	8-95	Notice of Intent to Construct a Minor Silvicultural System
0980	8-95	Notice of Intent to Use a Noticed General Environmental Resource Permit
<u>XXXX</u>	<u>X-XX</u>	<u>Performance Bond to Demonstrate Financial Assurance</u>
<u>XXXX</u>	<u>X-XX</u>	<u>Irrevocable Letter of Credit to Demonstrate Financial Assurance</u>

(2) The forms and instructions listed in subsection (1) are available without cost from the following District Service Centers upon request:

- (a) Florida Keys Service Center, 80431 Old Hwy., Islamorada, FL 33036 ~~Big Pine Key Service Center, Marshall Building, Unit 9, Route 5 Box 183-H, Big Pine Key, FL 33043;~~
- (b) Ft. Myers Service Center, 2301 McGregor Blvd., Ft. Myers, FL 33901 ~~Ft. Myers Service Center, Key West Professional Center, 1342 Colonial Blvd., Suite 81, Ft. Myers, FL 33907;~~
- (c) Okeechobee Service Center, 205 North Parrott Ave., Suite 201, P. O. Box 2033, Okeechobee, FL 34973-2033 ~~Okeechobee Service Center, 305 East North Park Street, Suite A, Okeechobee, FL 349973-2033;~~
- (d) Orlando Service Center, 1707 Orlando Central Parkway, Suite 200, Orlando, FL 32809 ~~Orlando Service Center, Lake Eleanor Center, 1756 Orlando Central Parkway, Orlando, FL 32809;~~
- (e) Miami/Dade Regional Service Center, 172A W. Flagler Street, Miami, FL 33130 ~~Miami Service Center, Kendar Building, 1550 Mandruga Avenue, Suite 412, Coral Gables, FL 33146;~~
- (f) Big Cypress Basin, 6089 Janes Lane, Naples, FL 34109 ~~Naples Service Center, 6167 Janes Lane, Naples, FL 33942;~~ and
- (g) No change.

Specific Authority ~~420.53~~, 373.044, 373.113 FS. Law Implemented ~~420.53~~, 373.113 FS. History—New 9-3-81, Amended 12-1-82, 3-9-83, Formerly 16K-1.90, Amended 7-26-87, 11-21-89, 1-4-93, Formerly 40E-1.901, Amended 5-11-93, 4-20-94, 10-3-95,_____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: Permit Thresholds
 RULE NO.: 40E-4.0415
 PURPOSE AND EFFECT: The SFWMD is amending the existing environmental resource permit thresholds rule to specify that ditches and wholly owned ponds constructed in uplands and any isolated wetlands with a surface area of less than 0.5 acres will not be included in the calculation of acreage of “impacts to wetlands and other surface waters” for purposes

of determining whether a project exceeds the one acre impact threshold for Standard General Permits. Additionally, the SFWMD is creating a new section in the environmental resource permit thresholds rule (40E-4.0415(b)(3)) to allow phases of a project that have a valid environmental resource/surface water management conceptual permit to be permitted at the staff level provided that the specific phase is constructed and operated consistently with the original conceptual approval.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments will amend the existing permit thresholds that are a determinative factor in size threshold calculations and eliminate the need for subsequent phased projects to be approved by the Governing Board provided that the original Conceptual Approval permit was issued by the Governing Board and the phased project is consistent with the Conceptual Permit.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.406(5) FS.

LAW IMPLEMENTED: 373.118(1), 373.413(1) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:30 a.m., January 11, 2002

PLACE: South Florida Water Management District’s Orlando Service Center, 1707 Orlando Central Parkway, Suite 200, Orlando, FL 32809

PREVIOUS RULE DEVELOPMENT WORKSHOPS WERE HELD AT THE TIME, DATE AND PLACES SHOWN BELOW:

TIME AND DATE: 1:30 p.m., November 6, 2001

PLACE: South Florida Water Management District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

TIME AND DATE: 10:30 a.m., November 9, 2001

PLACE: South Florida Water Management District’s Ft. Myers Service Center, 2301 McGregor Blvd, Ft. Myers, FL 33901

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Penelope Bell, Office of Counsel, South Florida Water Management District, MSC 1410, 3301 Gun Club Road, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6320 or (561)682-6320, or via email at pbell@sfwmd.gov.

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-4.0415 Permit Thresholds.

(1) No change.

(a) No change.

(b) Construction or alteration of the system, including dredging or filling, is proposed in, on, or over a total of one acre or more of wetlands or other surface waters; ~~or~~ however, calculation of the one acre area shall not include:

1. Ditches and wholly owned ponds that were constructed in uplands;

2. Any isolated wetlands with a surface area of less than 0.5 acres;

(c) No change.

(2) No change.

(3) Notwithstanding the provisions of subsection (1);

(a) The Governing Board may designate specific geographic areas within which individual or standard general environmental resource permits shall be required for the construction, alteration, operation, maintenance, removal or abandonment of surface water management systems which fall below any thresholds or activities set forth in this rule.

(b) Phases within a conceptually approved project shall be processed as standard general permits 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.

Specific Authority 373.044, 373.113, 373.406(5) FS. Law Implemented 373.118(1), 373.413(1) FS. History—New 9-3-81, Formerly 16K-4.021(1)(a),(2), 16K-4.022(1)(a),(b), Amended 12-1-82, 7-26-87, 11-15-92, 4-20-94, 10-3-95, 5-28-00,_____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE:

RULE NO.:

Publications, Rules and Interagency Agreements

Incorporated by Reference

40E-4.091

PURPOSE AND EFFECT: The proposed rule is to amend the specific criteria of Section 4.2.2.2 “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – January 2001” (ERP BOR) incorporated by reference in Rule 40E-4.091(1)(a), F.A.C., concerning the exemption from mitigation for ponds constructed in uplands. For the mitigation exemption to apply, the ponds must be “wholly owned” and “completely” constructed in uplands and less than one acre in size.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments to section 4.2.2.2, ERP BOR clarify that ponds must be wholly owned, completely constructed in uplands, and be less than one acre in order for the exemption from mitigation requirements to apply.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.413, 373.441 FS.

LAW IMPLEMENTED: 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:30 a.m., January 11, 2002

PLACE: South Florida Water Management District’s Orlando Service Center, 1707 Orlando Central Parkway, Suite 200, Orlando, FL 32809

PREVIOUS RULE DEVELOPMENT WORKSHOPS WERE HELD AT THE TIME, DATE AND PLACES SHOWN BELOW:

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TIME AND DATE: 10:30 a.m., November 9, 2001

PLACE: South Florida Water Management District’s Ft. Myers Service Center, 2301 McGregor Blvd, Ft. Myers, FL 33901

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Penelope Bell, Office of Counsel, South Florida Water Management District, MSC 1410, 3301 Gun Club Road, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6320 or (561)682-6320, or via email at pbell@sfwmd.gov.

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

(1) The following publications, rules and interagency agreements are incorporated by reference into this chapter, Chapters 40E-40, 40E-41, and 40E-400, F.A.C.:

(a) "Basis or Review for Environmental Resource Permit Applications Within the South Florida Water Management District – _____ " ~~January 2001~~"

- (b) through (j) No change.
- (2) No change.

Specific Authority 373.044, 373.113, 373.171, 373.413, 373.441 FS. Law Implemented 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441 FS. History–New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01, _____.

(The following represents proposed amendments to Section 4.2.2.2 of the document entitled "Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – January 2001" incorporated by reference in Rule 40E-4.091(1)(a), F.A.C.)

4.2.2.2 Fish, Wildlife, Listed Species and their Habitats.

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 4.2.2 – 4.2.2.3, 4.2.3 – 4.2.3.7, 4.2.5 – 4.3.8 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 4.2.4 – 4.2.4.5 and 4.2.2.4. 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.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: Publications, Rules and Interagency Agreements

RULE NO.:

Incorporated by Reference 40E-4.091

PURPOSE AND EFFECT: The proposed rule is to amend the specific criteria of Section 4.2.8.1 "Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – January 2001" (ERP BOR) incorporated by reference in Rule 40E-4.091(1)(a), F.A.C., to reflect legislative revisions to the cumulative impact statute. Specifically, amendments to section 4.2.8.1, ERP BOR, specify that if an applicant mitigates within the same drainage basin as the impacts, and the mitigation fully offsets the impacts, then the project will have no unacceptable cumulative impacts.

SUBJECT AREA TO BE ADDRESSED: The proposed amendment to section 4.2.8.1, ERP BOR reflects the legislative revisions to the cumulative impact statute.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.413, 373.441 FS.

LAW IMPLEMENTED: 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:30 a.m., January 11, 2002

PLACE: South Florida Water Management District's Orlando Service Center, 1707 Orlando Central Parkway, Suite 200, Orlando, FL 32809

PREVIOUS RULE DEVELOPMENT WORKSHOPS WERE HELD AT THE TIME, DATE AND PLACES SHOWN BELOW:

TIME AND DATE: 1:30 p.m., November 6, 2001

PLACE: South Florida Water Management District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

TIME AND DATE: 10:30 a.m., November 9, 2001

PLACE: South Florida Water Management District's Ft. Myers Service Center, 2301 McGregor Blvd, Ft. Myers, FL 33901

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Penelope Bell, Office of Counsel, South Florida Water Management District, MSC 1410, 3301 Gun Club Road, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6320 or (561)682-6320, or via email at pbell@sfwmd.gov.

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

(1) The following publications, rules and interagency agreements are incorporated by reference into this chapter, Chapters 40E-40, 40E-41, and 40E-400, F.A.C.:

(a) "Basis or Review for Environmental Resource Permit Applications Within the South Florida Water Management District – _____ " ~~January 2001~~"

- (b) through (j) No change.
- (2) No change.

Specific Authority 373.044, 373.113, 373.171, 373.413, 373.441 FS. Law Implemented 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01,_____.

(The following represents proposed amendments to Section 4.2.8.1 of the document entitled “Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – January 2001”)

4.2.8.1 Cumulative Impacts.

Cumulative impacts are considered unacceptable when the proposed system, considered in conjunction with the past, present, and future activities as described in 4.2.8, as set forth in subsection 4.1.1(c), would result in a violation of state water quality standards or significant adverse impacts to functions of wetlands or other surface waters, identified in subsection 4.2.2, within the same drainage basin when considering the basin as a whole. However, whenever mitigation located within the same drainage basin fully offsets the proposed impacts to wetland functions as described in section 4.2.2 and to water quality, then the regulated activity does not result in unacceptable cumulative impacts within the same drainage basin.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: Publications, Rules and Interagency Agreements

RULE NO.:

Incorporated by Reference 40E-4.091

PURPOSE AND EFFECT: The proposed rule is to amend the specific criteria of Section 4.2.8.2 “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – January 2001” (ERP BOR) incorporated by reference in Rule 40E-4.091(1)(a), F.A.C., to reflect legislative revisions to the cumulative impact statute. Specifically, amendments to section 4.2.8.2, ERP BOR, specify that if an applicant mitigates within the same drainage basin as the impacts, and the mitigation fully offsets the impacts, then the project will have no unacceptable cumulative impacts.

SUBJECT AREA TO BE ADDRESSED: The proposed amendment to section 4.2.8.2, ERP BOR reflects the legislative revisions to the cumulative impact statute.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.413, 373.441 FS.

LAW IMPLEMENTED: 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:30 a.m., January 11, 2002

PLACE: South Florida Water Management District’s Orlando Service Center, 1707 Orlando Central Parkway, Suite 200, Orlando, FL 32809

PREVIOUS RULE DEVELOPMENT WORKSHOPS WERE HELD AT THE TIME, DATE AND PLACES SHOWN BELOW:

TIME AND DATE: 1:30 p.m., November 6, 2001

PLACE: South Florida Water Management District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

TIME AND DATE: 10:30 a.m., November 9, 2001

PLACE: South Florida Water Management District’s Ft. Myers Service Center, 2301 McGregor Blvd, Ft. Myers, FL 33901

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Penelope Bell, Office of Counsel, South Florida Water Management District, MSC 1410, 3301 Gun Club Road, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6320 or (561)682-6320, or via email at pbell@sfwmd.gov.

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

(1) The following publications, rules and interagency agreements are incorporated by reference into this chapter, Chapters 40E-40, 40E-41, and 40E-400, F.A.C.:

(a) “Basis or Review for Environmental Resource Permit Applications Within the South Florida Water Management District – _____ “~~January 2001~~”

(b) through (j) No change.

(2) No change.

Specific Authority 373.044, 373.113, 373.171, 373.413, 373.441 FS. Law Implemented 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01,_____.

(The following represents proposed amendments to Section 4.2.8.2 of the document entitled “Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – January 2001”)

4.2.8.2 Applicants may propose measures such as preservation to prevent cumulative impacts. Such preservation shall comply with the land preservation provisions in subsection 4.3.8. If unacceptable cumulative impacts are

expected to occur, the applicant may propose mitigation measures as provided for in sections 4.3 through 4.3.8. Whenever mitigation located within the same drainage basin fully offsets the proposed impacts to wetland functions as described in section 4.2.2 and to water quality, then the regulated activity does not result in unacceptable cumulative impacts within the same drainage basin.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: Publications, Rules and Interagency Agreements
 Incorporated by Reference

RULE NO.: 40E-4.091

PURPOSE AND EFFECT: The proposed newly created Section 4.2.8.3 “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – January 2001” (ERP BOR) incorporated by reference in Rule 40E-4.091(1)(a), F.A.C., reflects legislative revisions to the cumulative impact statute. Specifically, the proposed creation of new section 4.2.8.3, ERP BOR, specifies that if an applicant mitigates within the same drainage basin as the impacts, and the mitigation fully offsets the impacts, then the project will have no unacceptable cumulative impacts.

SUBJECT AREA TO BE ADDRESSED: The proposed creation of new section 4.2.8.3, ERP BOR reflects the legislative revisions to the cumulative impact statute.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.413, 373.441 FS.

LAW IMPLEMENTED: 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:30 a.m., January 11, 2002
 PLACE: South Florida Water Management District’s Orlando Service Center, 1707 Orlando Central Parkway, Suite 200, Orlando, FL 32809

PREVIOUS RULE DEVELOPMENT WORKSHOPS WERE HELD AT THE TIME, DATE AND PLACES SHOWN BELOW:

TIME AND DATE: 1:30 p.m., November 6, 2001
 PLACE: South Florida Water Management District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

TIME AND DATE: 10:30 a.m., November 9, 2001
 PLACE: South Florida Water Management District’s Ft. Myers Service Center, 2301 McGregor Blvd, Ft. Myers, FL 33901

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Penelope Bell, Office of Counsel, South Florida Water Management District, MSC 1410, 3301 Gun Club Road, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6320 or (561)682-6320, or via email at pbell@sfwmd.gov.

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

(1) The following publications, rules and interagency agreements are incorporated by reference into this chapter, Chapters 40E-40, 40E-41, and 40E-400, F.A.C.:

(a) “Basis or Review for Environmental Resource Permit Applications Within the South Florida Water Management District – _____ “January 2001”

(b) through (j) No change.

Specific Authority 373.044, 373.113, 373.171, 373.413, 373.441 FS. Law Implemented 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441 FS. History–New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01, _____.

(The following represents the proposed creation of new Section 4.2.8.3 of the document entitled “Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – January 2001”)

4.2.8.3 Mitigation Within the Same Drainage Basin as the Proposed Project

Whenever mitigation located within the same drainage basin fully offsets the proposed impacts to wetland functions as described in section 4.2.2 and to water quality, then the regulated activity does not result in unacceptable cumulative impacts within the same drainage basin.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: Publications, Rules and Interagency Agreements
 Incorporated by Reference

RULE NO.: 40E-4.091

PURPOSE AND EFFECT: The proposed rule is to amend the specific criteria of Section 4.2.8 “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – January 2001” (ERP BOR) incorporated by reference in Rule 40E-4.091(1)(a), F.A.C., to reflect legislative revisions to the cumulative impact statute. Specifically, amendments to section 4.2.8, ERP BOR, specify that if an applicant mitigates within the same drainage basin as the impacts, and the mitigation fully offsets the impacts, then the project will have no unacceptable cumulative impacts.

SUBJECT AREA TO BE ADDRESSED: The proposed amendment to section 4.2.8, ERP BOR reflects the legislative revisions to the cumulative impact statute.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.413, 373.441 FS.

LAW IMPLEMENTED: 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:30 a.m., January 11, 2002

PLACE: South Florida Water Management District’s Orlando Service Center, 1707 Orlando Central Parkway, Suite 200, Orlando, FL 32809

PREVIOUS RULE DEVELOPMENT WORKSHOPS WERE HELD AT THE TIME, DATE AND PLACES SHOWN BELOW:

TIME AND DATE: 1:30 p.m., November 6, 2001

PLACE: South Florida Water Management District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

TIME AND DATE: 10:30 a.m., November 9, 2001

PLACE: South Florida Water Management District’s Ft. Myers Service Center, 2301 McGregor Blvd, Ft. Myers, FL 33901

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Penelope Bell, Office of Counsel, South Florida Water Management District, MSC 1410, 3301 Gun Club Road, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6320 or (561)682-6320, or via email at pbell@sfwmd.gov.

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

(1) The following publications, rules and interagency agreements are incorporated by reference into this chapter, Chapters 40E-40, 40E-41, and 40E-400, F.A.C.:

(a) “Basis or Review for Environmental Resource Permit Applications Within the South Florida Water Management District – _____ “January 2001”

(b) through (j) No change.

(2) No change.

Specific Authority 373.044, 373.113, 373.171, 373.413, 373.441 FS. Law Implemented 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01, _____.

(The following represents proposed amendments to Section 4.2.8 of the document entitled “Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – January 2001” incorporated by reference in Rule 40E-4.091(1)(a), F.A.C.)

4.2.8 Cumulative Impacts

Pursuant to paragraph 4.1.1(g), an applicant must provide reasonable assurances that a regulated activity will not cause unacceptable cumulative impacts upon wetlands and other surface waters within the same drainage basin as the regulated activity for which a permit is sought. The impact on wetlands and other surface waters shall be reviewed by evaluating the impacts to water quality as set forth in subsection 4.1.1(c) and by evaluating the impacts to functions identified in subsection 4.2.2. If an applicant proposes to mitigate these adverse impacts within the same drainage basin as the impacts, and if the mitigation fully offsets these impacts, the District will consider the regulated activity to have no unacceptable cumulative impacts upon wetlands and other surface water, and consequently the condition for issuance in paragraph xxx, will be satisfied. The drainage basins within the District are identified on Figure 4.2.8-1.

When adverse impacts to water quality or adverse impacts to the functions of wetlands and other surface water, as referenced in the paragraph above, are not fully offset within the same drainage basin as the impacts, then an applicant must provide reasonable assurance that the proposed system, when considered with the following activities, will not result in unacceptable cumulative impacts to water quality or the functions of wetlands and other surface waters, within the same drainage basin:

(a) through (b) No change.

Only those activities listed in paragraphs (a) and (b) which have similar types of adverse impacts to those which will be caused by the proposed system will be considered. (All citations in paragraphs (a) and (b) refer to provisions of Florida Statutes.)

Whenever mitigation located within the same drainage basin fully offsets the proposed impacts to wetland functions as described in section 4.2.2 and to water quality, then the regulated activity does not result in unacceptable cumulative impacts within the same drainage basin.

The cumulative impact evaluation is conducted using an assumption that reasonably expected future applications with like impacts will be sought, thus necessitating equitable distribution of acceptable impacts among future applications.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: Permit Thresholds

RULE NO.: 40E-40.041

PURPOSE AND EFFECT: The SFWMD is amending the existing permit thresholds for environmental resource standard general permits rule to specify that ditches and wholly owned ponds constructed in uplands and any isolated wetlands with a surface area of less than 0.5 acres will not be included in the calculation of acreage of “impacts to wetlands and other surface waters” for purposes of determining whether a project exceeds the one acre impact threshold for Standard General Permits. Additionally, the SFWMD is creating a new section in the existing permit thresholds for environmental resource standard general permits Rule (40E-40.041(3)(b)) to allow phases of a project that have a valid environmental resource/ surface water management conceptual permit to be permitted at the staff level provided that the specific phase is constructed and operated consistently with the original conceptual approval.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments will amend the existing permit thresholds for environmental resource standard general permits that are a determinative factor in size threshold calculations and eliminate the need for subsequent phased projects to be approved by the Governing Board provided that the original Conceptual Approval permit was issued by the Governing Board and the phased project is consistent with the Conceptual Permit.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.406(5), 373.413(1), 373.416 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:30 a.m., January 11, 2002

PLACE: South Florida Water Management District’s Orlando Service Center, 1707 Orlando Central Parkway, Suite 200, Orlando, FL 32809

PREVIOUS RULE DEVELOPMENT WORKSHOPS WERE HELD AT THE TIME, DATE AND PLACES SHOWN BELOW:

TIME AND DATE: 1:30 p.m., November 6, 2001

PLACE: South Florida Water Management District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

TIME AND DATE: 10:30 a.m., November 9, 2001

PLACE: South Florida Water Management District’s Ft. Myers Service Center, 2301 McGregor Blvd, Ft. Myers, FL 33901

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Penelope Bell, Office of Counsel, South Florida Water Management District, MSC 1410, 3301 Gun Club Road, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6320 or (561)682-6320, or via email at pbell@sfwmd.gov.

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-40.041 Permit Thresholds.

(1) No change.

(2) Threshold conditions are as follows:

(a) The construction or alteration of a surface water management system, including dredging and filling, is proposed in, on, or over a total of one acre or more of wetlands or other surface waters; ~~or~~ however, calculation of the one acre area shall not include:

1. Ditches and wholly owned ponds that were constructed in uplands;

2. Any isolated wetlands with a surface area of less than 0.5 acres;

(b) through (c) No change.

(3) Notwithstanding the provisions of subsection (2), phases within a conceptually approved project shall be processed as standard general permits 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);

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

Specific Authority 373.044, 373.113 FS. Law Implemented 373.406(5), 373.413(1), 373.416 FS. History—New 4-20-94, Amended 10-3-95, 5-28-00, _____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: RULE NO.:

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

PURPOSE AND EFFECT: The SFWMD is amending the existing noticed general permit for work within FDOT rights-of-way to allow for the stabilization and repair 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 will be more appropriately regulated under a noticed general permit.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments will amend the existing noticed general permit to governmental entities for the construction of minor activities in existing rights-of-way or easements to include ditch stabilization projects in 40E-400.447, F.A.C.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118 FS.

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

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:30 a.m., January 11, 2002

PLACE: South Florida Water Management District’s Orlando Service Center, 1707 Orlando Central Parkway, Suite 200, Orlando, FL 32809

PREVIOUS RULE DEVELOPMENT WORKSHOPS WERE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 1:30 p.m., November 6, 2001

PLACE: South Florida Water Management District, Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

TIME AND DATE: 10:30 a.m., November 9, 2001

PLACE: South Florida Water Management District’s Ft. Myers Service Center, 2301 McGregor Blvd, Ft. Myers, FL 33901

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Penelope Bell, Office of Counsel, South Florida Water Management District,

MSC 1410, 3301 Gun Club Road, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6320 or (561)682-6320, or via email at pbell@sfwmd.gov.

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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

(1)(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 and must not diminish permitted water quality treatment capacity. This general permit shall not be applicable within one-quarter mile along the length of an area, within the same ditch, which has been stabilized under this general permit within a three year period.

(2) through (3) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95, Amended _____.

LAND AND WATER ADJUDICATORY COMMISSION

Indigo Community Development District

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Indigo Community Development District 42U-1

RULE TITLE: RULE NO.:
Boundary 42U-1.002

PURPOSE AND EFFECT: The purpose of this proposed rule amendment is to amend the boundaries of the Indigo Community Development District (“District”), a community development district (CDD) established pursuant to Chapter 190, F.S. The petition to amend the boundaries submitted by the Indigo CDD requests that the Florida Land and Water Adjudicatory Commission (the “Commission”) amend Florida Administrative Code Chapter 42U-1 by deleting approximately 38.7 acres (the contraction parcel) from the existing boundaries. After contraction, the proposed amended District

will consist of approximately 2,513 acres. The contraction parcel is generally located East of Tomoka River and South of the 234 foot Florida Power & Light easement recorded in official records of Volusia County at Book 511, page 86, and Book 1335, Page 500. There are no out parcels within the contraction parcel, or the proposed amended boundaries of the District, that are to be excluded from the Indigo CDD as a result of the contraction. The filing of the contraction petition by the Board of Supervisors of the Indigo CDD constitutes consent of the landowners within the District. Additionally, the District has written consent to amend the District from the owners of 100% of the real property to be deleted from the District.

SUBJECT AREA TO BE ADDRESSED: Contraction of the boundaries of the Indigo Community Development District.

SPECIFIC AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 FS.

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

TIME AND DATE: 10:00 a.m., Monday, January 14, 2002

PLACE: Room 1702A, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)488-7793, at least 5 business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jonathan Johnson, Hopping Green & Sams, P.A., Post Office Box 6526, Tallahassee, Florida 32314, telephone (850)222-7500, or Barbara Leighty, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1701, Tallahassee, Florida 32399-0001, telephone (850)488-7793

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE TITLE: Disciplinary Guidelines RULE NO.: 61G5-30.001

PURPOSE AND EFFECT: The Board proposes the development of an amendment to address Disciplinary Guidelines.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 455.2273, 477.016, 477.029(2) FS.

LAW IMPLEMENTED: 455.2273, 477.029(2) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Julie Baker, Executive Director, Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE TITLE: Citations RULE NO.: 61G18-30.003

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text.

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 455.224, 474.206 FS.

LAW IMPLEMENTED: 455.224 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sherry Landrum, Executive Director, Board of Veterinary Medicine, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 01-53R

RULE CHAPTER TITLE: Wastewater Facility and Activities Permitting RULE CHAPTER NO.: 62-620

RULE TITLE: General Conditions for All Permits RULE NO.: 62-620.610

PURPOSE AND EFFECT: To amend language in Rule 62-620.610(20), F.A.C., to provide that certain unauthorized discharges be reported to the State Warning Point to facilitate communication and enable immediate response action where necessary.

SUBJECT AREA TO BE ADDRESSED: Certain unauthorized releases or spills of treated or untreated wastewater would be reported to the Department using the State Warning Point Toll Free Number so that these spills can

be responded to on an expedited basis in order to protect public health and the environment. Previously, these were reported directly to the Department.

SPECIFIC AUTHORITY: 403.061, 403.087 FS.

LAW IMPLEMENTED: 403.051, 403.061, 403.087, 403.088, 403.0885 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: John Coates, P.E., Environmental Administrator, 2600 Blair Stone Road, M.S. #3550, Tallahassee, Florida 32399-2400, (850)488-4520

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE TITLE: Standards for Approval of Continuing Education Credit
 RULE NO.: 64B1-6.005

PURPOSE AND EFFECT: To amend the existing rule to require that continuing education programs contribute to licensee’s knowledge and skills related to the safe and beneficial use of laboratory test and imaging findings.

SUBJECT AREA TO BE ADDRESSED: Continuing education credits.

SPECIFIC AUTHORITY: 457.104, 457.107(3), 456.033 FS.

LAW IMPLEMENTED: 457.107(3), 456.033 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Karen Eaton, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE: Continuing Education for Biennial Renewal
 RULE NO.: 64B15-13.001

PURPOSE AND EFFECT: The purpose of the rule amendments is to update the rule text for continuing education for biennial renewal.

SUBJECT AREA TO BE ADDRESSED: Continuing education for biennial renewal.

SPECIFIC AUTHORITY: 456.013(5),(6), 459.005, 459.008(4) FS.

LAW IMPLEMENTED: 456.013(5),(6), 459.008, 459.008(4) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen Eaton, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin # C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-13.001 Continuing Education for Biennial Renewal.

(1)(a) Every person licensed pursuant to Chapter 459, F.S., except those licensed as physician assistants pursuant to Section 459.022, F.S., shall be required to complete forty (40) hours of continuing medical education courses approved by the Board in the twenty-four (24) months preceding each biennial renewal period as established by the Department. Seven ~~Five~~ of the continuing medical education hours required for renewal shall be one hour HIV/AIDS course, one hour Domestic Violence, or End of Life and Palliative Health Care, one hour Risk Management Course, one hour Florida Laws and Rules, ~~and~~ one hour Managed Care Course, and two hours Prevention of Medical Errors Course.

(b) No change.

(2) No change.

(3)(a) No change.

(b) The seven (7) ~~five (5)~~ hours of continuing medical education found in 64B15-13.001(1)(a), F.A.C., shall be obtained by the completion of live, participatory attendance courses, as provided in (4) of this rule.

(c) through (e) No change.

(f) For purposes of this rule, a two hour Prevention of Medical Errors course shall include a study of root cause analysis, error reduction and prevention, and patient safety. The course shall address medication errors, surgical errors, diagnostic inaccuracies, and system failures, and shall provide recommendations for creating safety systems in health care organizations.

(4) Continuing education credit shall be awarded only for educational experiences that are specifically appropriate for and contain useful information directly pertinent to the practice

of Osteopathic Medicine, and only if received through the following methods: ~~The following courses are approved by the Board:~~

(a) By participating in courses offered by a Board-approved continuing education provider; or

(b) By participating in:

(a) through (i) renumbered 1. through 9. No change.

(5) Home study hours up to a maximum of eight (8) hours per biennium may be utilized toward continuing education requirements for renewal excluding the ~~seven~~ five hours listed in Rule 64B15-13.001(1)(a), F.A.C. In order to be acceptable, said home study hours must be approved by the AOA, the AMA, the Board, or approved for credit as a college or university extension course with approved grading and evaluation standards.

(6) No change.

(7) ~~All As of July 1, 1995, all~~ licensees shall, as part of their biennial continuing education requirements, successfully complete a one-hour continuing education course on domestic violence as required by section 456.031, F.S. In lieu of the domestic violence course, a licensee may complete a course in end of life care and palliative health care if the licensee has completed an approved domestic violence course in the immediately preceding biennium.

(8) All applicants for an initial license, reactivation or reinstatement of their licensee who obtained the required domestic violence, end of life and palliative health care, or HIV/AIDS course for initial licensure, reactivation or reinstatement within six (6) months immediately preceding licensure renewal may use the same domestic violence, end of life palliative health care, or HIV/AIDS hours obtained for initial licensure, reactivation or reinstatement to meet the requirements for licensure renewal.

Specific Authority 459.005, 459.008(4) FS. Law Implemented 456.013(5),(6), 459.008, 459.008(4) FS. History--New 10-23-79, Amended 1-29-86, Formerly 21R-13.01, Amended 12-5-89, 4-8-91, 2-16-92, Formerly 21R-13.001, Amended 1-10-94, Formerly 61F9-13.001, Amended 10-25-95, Formerly 59W-13.001, Amended 1-19-98, 6-3-98, 4-14-99,_____.

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Application Forms
RULE NO.: 64B19-11.012

PURPOSE AND EFFECT: The Board proposes to promulgate a new rule entitled "Application Forms."

SUBJECT AREA TO BE ADDRESSED: Application Forms.

SPECIFIC AUTHORITY: 490.004(4) FS.

LAW IMPLEMENTED: 490.005, 490.006(1)(b) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Notice to the Department of Mailing
Address and Place of Practice
of Licensee
RULE NO.: 64B19-13.0025

PURPOSE AND EFFECT: The Board promulgate a new rule entitled "Notice to the Department of Mailing Address and Place of Practice of Licensee."

SUBJECT AREA TO BE ADDRESSED: Notice of change of address.

SPECIFIC AUTHORITY: 456.035 FS.

LAW IMPLEMENTED: 456.035 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Continuing Psychological Education Credit
RULE NO.: 64B19-13.003

PURPOSE AND EFFECT: The Board proposes to update the above rule.

SUBJECT AREA TO BE ADDRESSED: Continuing Psychological Education Credit.

SPECIFIC AUTHORITY: 490.004(4), 490.0085(4) FS.

LAW IMPLEMENTED: 490.007(2), 490.0085(1),(3) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Reactivation of Inactive Licenses

RULE NO.: 64B19-15.003

PURPOSE AND EFFECT: The Board proposes to update the above rule.

SUBJECT AREA TO BE ADDRESSED: Reactivation of Inactive Licenses.

SPECIFIC AUTHORITY: 490.004(5), 456.036 FS.

LAW IMPLEMENTED: 456.036 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Disciplinary Guidelines

RULE NO.: 64B19-17.002

PURPOSE AND EFFECT: The Board proposes to update the above rule.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 456.079, 490.009(4) FS.

LAW IMPLEMENTED: 456.072, 456.079, 490.009 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Citations

RULE NO.: 64B19-17.004

PURPOSE AND EFFECT: The Board proposes to update the above rule.

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 456.077 FS.

LAW IMPLEMENTED: 456.077 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Use of Test Instruments

RULE NO.: 64B19-18.004

PURPOSE AND EFFECT: The Board proposes to update the above rule.

SUBJECT AREA TO BE ADDRESSED: Use of Test Instruments.

SPECIFIC AUTHORITY: 490.004(4) FS.

LAW IMPLEMENTED: 490.003(4), 490.009(2)(s),(v),(w) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.