

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Forestry

RULE CHAPTER TITLE: Rural and Family Lands Protection Program
 RULE CHAPTER NO.: 5I-6

PURPOSE AND EFFECT: This rule is required by Ch. 2001-279, LOF. (SB 1922 (2001)), to implement the Rural and Family Lands Protection Act within the Division of Forestry.

SUBJECT AREA TO BE ADDRESSED: The new required rule concerns the establishment of an application process, a process and criteria for setting priorities for use of funds consistent with program purposes specified in statute, an appraisal process, and a process for title review and compliance.

SPECIFIC AUTHORITY: 570.71(10) FS.

LAW IMPLEMENTED: 570.71 FS.

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

TIME AND DATE: 9:00 a.m., Friday, February 15, 2002

PLACE: Eyster Conference Room, Conner Building, 3125 Conner Boulevard, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Ed Kuester, (850)414-9929.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ed Kuester, Division of Forestry, Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)414-9929

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE CHAPTER TITLE: Comprehensive Shellfish Control Code
 RULE CHAPTER NO.: 5L-1

RULE TITLES:	RULE NOS.:
Purpose and Intent	5L-1.001
Definitions	5L-1.002
Production and Market Standards	5L-1.004
Shellfish Processing Plant Certification License and Fees	5L-1.005

Administrative Fines, Suspension or Revocation with Respect to the Operation of Shellfish Processing Plant Certification License, Routine or Emergency Action	5L-1.006
Container Identification, Terminal Sale Date; Prohibitions	5L-1.007
Shellfish Handling	5L-1.008
Shellfish Relaying	5L-1.009
Buildings and Facilities	5L-1.010
Equipment for Shellfish Processing	5L-1.011
Sanitary Operations	5L-1.012
Plant Operation	5L-1.013

PURPOSE AND EFFECT: These amendments propose to implement shellfish processing plant facility certification license and fees, and administrative fines; change the statutory authority for the code from 370, F.S. to 597, F.S.; adopt the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish Model Ordinance 1999; add, clarify, and renumber some of the definitions; describe shellfish relaying for marine biotoxins and for public relay activities; further describe acceptable standards for lighting; require each certified dealer to have someone with adequate HACCP training, knowledge or experience to develop a HACCP plan; and replace the word should with shall in several sentences throughout the rule.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments are to implement authority granted to the Department by the 2000 session of the Florida legislature, and approved by the Governor, to license or certify, for a fee determined by rule, facilities used for processing oysters, clams, mussels, scallops, and crabs, and to levy an administrative fine up to \$1,000 per violation per day or to suspend or revoke such licenses or certificates upon satisfactory evidence of any violation of rules adopted pursuant to the newly created Section 597.020, F.S. Additional amendments propose other miscellaneous changes to the rule.

SPECIFIC AUTHORITY: 597.020 FS.

LAW IMPLEMENTED: 597.020, 597.010(15), 597.010(19) 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. – 11:30 a.m., Monday, February 18, 2002

PLACE: 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bobby Bickley, Division of Aquaculture, 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301, (850)488-5471

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Assessment of Limited English Proficient Students
 RULE NO.: 6A-1.09432

PURPOSE AND EFFECT: The purpose of this rule development is to both guarantee the participation of limited English proficient (LEP) students in the statewide assessment testing program and to establish the appropriate instructional decisions that are to follow from the test results of LEP students, collectively and individually.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the participation of limited English proficient students in the statewide assessment testing program.

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 NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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 subsection 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 EDUCATION

State Board of Education

RULE TITLE: Special Instructional Services for Students Who are Gifted
 RULE NO.: 6A-6.03019

PURPOSE AND EFFECT: The purpose of this rule development is to revise the definition of giftedness and the criteria for gifted services, and to align this rule with the other rules for exceptional student education in Florida. In addition to a revised definition of students who are gifted, the amended rule will identify screening, referral, student evaluation, and eligibility procedures; and requirements for instructional services, and educational plans. The effect of this amendment

is to ensure consideration of students from all populations for gifted services, and to align the rule with other related rules and current research and best practices in gifted education.

SUBJECT AREA TO BE ADDRESSED: Gifted education.

SPECIFIC AUTHORITY: 229.053(1), 230.23(4)(m), 236.081(1)(c) FS.

LAW IMPLEMENTED: 228.041(18),(19), 229.565(2)(b),(c), 230.23(4)(m), 236.081(1)(c) FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 2:00 p.m. – 5:00 p.m., Tuesday, February 19, 2002

PLACE: Crowne Plaza Hotel, 5555 Hazeltine Drive, Orlando, FL, (407)856-0100

TIME AND DATE: 2:00 p.m. – 5:00 p.m., Tuesday, February 26, 2002

PLACE: Department of Education, 325 West Gaines Street, Room 1706, Tallahassee, Florida, (850)488-1570

TIME AND DATE: 2:00 p.m. – 5:00 p.m., Tuesday, February 26, 2002

PLACE: Quality Inn and Suites, 1200 North Westshore Boulevard, Tampa, Florida, (813)282-3636

TIME AND DATE: 2:00 p.m. – 5:00 p.m., Wednesday, February 27, 2002

PLACE: Crowne Plaza Airport, 950 Northwest Lejeune, Miami, Florida, (305)446-9000

TIME AND DATE: 2:00 p.m. – 5:00 p.m., Wednesday, February 27, 2002

PLACE: Doubletree Club Hotel, 4700 Salisbury Road, Jacksonville, Florida, (904)281-9700

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: Shan Goff, Chief, Bureau of Instructional Support and Community Services, Division of Public Schools and Community Education, 325 West Gaines Street, Room 614, Tallahassee, Florida 32399-0400, (850)488-1570

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-6.03019 Special Instructional Services Programs for Students Who are Gifted.

Gifted services are specially designed instruction and related services provided to students who are gifted and who are achieving beyond the general curriculum provided to their same age peers. Students who are gifted exhibit superior cognitive abilities and require differentiated educational services beyond that which can be provided through the general curriculum in order to progress at levels commensurate

with their abilities. The procedures and criteria for eligibility for these services are designed to identify students who are gifted from all populations and shall be consistent with the following requirements:

(1) Definitions. Gifted. One who has superior intellectual development and is capable of high performance.

(a) Students who are gifted. Students who are gifted demonstrate superior cognitive abilities and have a need for gifted services.

(b) Need for gifted services. Need for gifted services exists where a student who is gifted requires differentiated educational services beyond that which can be provided through the general curriculum in order to progress at levels commensurate with his or her abilities.

(c) Cognitive abilities. Cognitive abilities include academic, intellectual, creative thinking, and critical thinking abilities.

(d) Academic achievement. Academic achievement is a student's level of competence with grade level knowledge, skills, and abilities.

(e) Intellectual ability. Intellectual ability is the ability to deal with cognitive complexity as measured by a test of intelligence.

(f) Creative thinking skills. Creative thinking involves encountering challenges and generating possibilities that lead to superior products, processes, or performances. Creative thinking includes the ability to generate ideas that indicate: fluency, the ability to generate many ideas; flexibility, the ability to produce varied ideas; novelty or originality, the ability to generate unique ideas; appropriateness, the ability to identify the suitability of an idea to the problem it addresses; and quality, the ability to elaborate on an idea in a way that ensures a superior product.

(g) Critical thinking skills. Critical thinking skills include, but are not limited to, analysis, evaluation, problem solving, reasoning, and logic.

(h) Superior creative thinking and critical thinking skills. Superior creative thinking and critical thinking skills are the highest skill level as defined by the test publisher on a standardized, norm-referenced test and may include additional assessments in compliance with Florida Department of Education guidelines.

(i) Differentiated educational services. Differentiated educational services for students who are gifted include accelerating the curriculum by modifying the pace, enriching the curriculum through greater breadth, depth, complexity, or abstractness, or a combination of the two.

(2) Screening. In order to identify potential gifted students from all cultural, linguistic, and socioeconomic groups, and among students with disabilities who may need specialized instructional services, school districts shall design and implement a system of screening in the primary elementary grades, intermediate elementary grades, and middle school

~~grades, that includes, but is not limited to, the following: Criteria for eligibility. A student is eligible for special instructional programs for the gifted if the student meets the criteria under paragraph (2)(a) or (b) of this rule.~~

~~(a) A review of existing evaluation and achievement data, which may include The student demonstrates:~~

~~1. Evaluations and information provided by the student's parents or teachers including classroom-based assessments, observations, and work samples, and Need for a special program.~~

~~2. Results of state, district, or school-wide assessments. A majority of characteristics of gifted students according to a standard scale or checklist, and~~

~~3. Superior intellectual development as measured by an intelligence quotient of two (2) standard deviations or more above the mean on an individually administered standardized test of intelligence.~~

~~(b) The training of teachers, including teachers of students who are limited English proficient, on the characteristics of gifted students. The student is a member of an under-represented group and meets the criteria specified in an approved school district plan for increasing the participation of under-represented groups in programs for gifted students.~~

~~1. For the purpose of this rule, under-represented groups are defined as groups:~~

~~a. Whose racial/ethnic backgrounds are other than white non-hispanic, Asian/Pacific Islander, or~~

~~b. Who are limited English proficient, or~~

~~e. Who are from a low socio-economic status family.~~

~~2. The Department of Education is authorized through 1999 to approve school district plans for increasing the participation of students from under-represented groups in special instructional programs for the gifted, provided these plans include the following:~~

~~a. A district goal to increase the percent of students from under-represented groups in programs for the gifted and the current status of the district in regard to that goal;~~

~~b. Screening and referral procedures which will be used to increase the number of these students referred for evaluation;~~

~~e. Criteria for determining eligibility based on the student's demonstrated ability or potential in specific areas of leadership, motivation, academic performance, and creativity;~~

~~d. Student evaluation procedures, including the identification of the measurement instruments to be used;~~

~~e. Instructional program modifications or adaptations to ensure successful and continued participation of students from under-represented groups in the existing instructional program for gifted students;~~

~~f. An evaluation design which addresses evaluation of progress toward the district's goal for increasing participation by students from under-represented groups.~~

~~(c) The provision of information to parents on the availability of these services for eligible students.~~

~~(3) Referrals for Evaluation. A referral is the process whereby a written request is made for a formal evaluation of a student who may need special instructional services for gifted students. Procedures for student evaluation. The minimum evaluations for determining eligibility are the following:~~

~~(a) Evidence of the student's need for differentiated educational services beyond those provided by the general education program shall be documented from the review of the data reviewed as part of the screening or referral process. This evidence shall include a description of the attempts made in the general educational program to meet the student's needs. Further evidence may include, but is not limited to, student work samples; anecdotal records; results of school, district, and state assessments; student interview; and parent interview. Need for a special instructional program.~~

~~(b) A referral may result from a recommendation from school personnel or the parent, or from the screening process described in subsection (2) of this rule. Characteristics of the gifted:~~

~~(e) Intellectual development, and~~

~~(d) May include those evaluation procedures specified in an approved district plan to increase the participation of students from under-represented groups in programs for the gifted.~~

~~(4) Criteria for eligibility. A student is eligible for special instructional services for students who are gifted if the student demonstrates a need for differentiated educational services beyond those provided by the general education program in accordance with subsection (3) of this rule and demonstrates superior cognitive ability by meeting the criteria under one of the following:~~

~~(a) The student demonstrates academic achievement at the 96th percentile or above in composite reading and composite math, and~~

~~1. An intelligence quotient of two standard deviations or more above the mean, or~~

~~2. An intelligence quotient of one standard deviation or more above the mean, and evidence of superior creative thinking skills or superior critical thinking skills; or~~

~~(b) The student demonstrates sustained performance for more than one school year in academic achievement at the 96th percentile or above in composite reading, composite math, or composite battery, and~~

~~1. Evidence of superior creative thinking skills, and~~

~~2. Evidence of superior critical thinking skills; or~~

~~(c) The student demonstrates academic achievement at the 96th percentile or above in composite reading, composite math, or composite battery, and~~

~~1. An intelligence quotient of two standard deviations or more above the mean; or~~

2. An intelligence quotient of one and one-half standard deviations or more above the mean and evidence of superior creative thinking skills or critical thinking skills; or

3. An intelligence quotient of one standard deviation or more above the mean, and evidence of superior creative thinking skills and superior critical thinking skills; or

(d) The student demonstrates academic achievement at the 89th percentile or above in two or more of the following: composite reading, composite math, and composite battery, and

1. An intelligence quotient of two standard deviations or more above the mean; or

2. An intelligence quotient of one and one-half standard deviations or more above the mean and evidence of superior creative thinking skills or superior critical thinking skills; or

(e) The student demonstrates an intelligence quotient of two standard deviations or more above the mean and evidence of superior creative thinking skills or superior critical thinking skills.

(5) Procedures for Student Evaluation. Students are evaluated to document their superior abilities beyond the general curriculum, and provide data that will inform the educational planning process.

(a) Tests and other evaluation materials used to assess a student are selected and administered so as not to be discriminatory and are provided and administered in a student's native language or other mode of communication, unless it is clearly not feasible to do so. The use of non-verbal tests or tests designed to be administered in the student's preferred language are viable alternatives. Test selection shall be based on the unique characteristics of the student, the technical adequacy of the test, the recency of the norming process, and the recommended administration options available to the examiner.

(b) Materials and procedures used to assess a student with limited English proficiency are selected and administered to ensure they measure the extent to which the student is gifted and needs specialized instructional services, rather than measuring the student's English language skills.

(c) Any standardized assessments that are given have been validated for the specific purposes for which they are used and are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the assessment.

(d) If an assessment tool is not conducted under standard conditions, a description of the extent to which it varied from standard conditions must be included in the evaluation report.

(e) Assessments are selected and administered so as best to ensure that if an assessment is administered to a student with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the student's aptitude or achievement level or whatever factors the assessment purports to measure,

rather than reflecting the student's sensory, manual, or speaking skills unless those are the factors the assessment purports to measure.

(f) No single assessment is used as the sole criterion for determining whether a student is eligible for gifted services and for determining an appropriate educational program for the student.

(g) The school district uses assessment tools and strategies that provide the most recent and relevant information that directly assists persons in determining the educational needs of the student.

(h) Appropriate accommodations must be provided for students with disabilities and students with limited English proficiency in accordance with Rules 6A-1.0943, 6A-6.0331, and 6A-6.09091, FAC.

(i) In accordance with subsection (4) of this rule, the minimum evaluations shall include a standardized test of academic achievement and one other assessment.

(6) Determination of eligibility for a student who is gifted.

(a) In interpreting evaluation data for the purpose of determining if a student is gifted and identifying the educational needs of the student, the staffing committee shall:

1. Draw upon information from a variety of sources, including, but not limited to, achievement tests, parent input, teacher recommendations, physical condition, and social or cultural background;

2. Ensure that the information obtained from all of these sources is documented and carefully considered; and

3. Determine eligibility in accordance with the criteria required in subsection (4) of this rule and procedures in Rule 6A-6.03411, FAC.

(b) A minimum of three (3) professional personnel, one (1) of whom shall be the district administrator of exceptional student education or designee, shall meet as a staffing committee. Parents of the student shall be invited to participate as members of the staffing committee. Additional personnel may be involved in determining eligibility by providing information or by attending staffing committee meetings.

(c) If through the review of the screening and evaluation data, as described in subsections (2) and (5) of this rule, it is determined that the results of these assessments do not accurately reflect the student's superior abilities, the staffing committee may recommend the collection and consideration of additional data.

(7) Instructional Services. Instructional services are specially designed instruction and related services provided to students who are gifted to enable academic progress at levels commensurate with their abilities.

(a) Educational Plans (EP) or Individual Educational Plans (IEP) shall be developed in accordance with Rule 6A-6.030191, FAC., for each student determined eligible for these services.

(b) Services shall be designed to enable the student to advance toward attaining the goals determined by the student's strengths, affective needs, and goals as documented on the Educational Plan (EP) or Individual Educational Plan (IEP).

(c) Each district shall provide gifted services district-wide that address students' curriculum and social-emotional needs. Districts must provide service delivery options with varying intensity at the elementary, middle, and high school levels.

(d) Curricula for students identified as gifted shall be differentiated from the general education curricula and shall incorporate the state standards.

(8) Students who are eligible for special services for gifted students and have a current Educational Plan (EP) or Individual Educational Plan (IEP) prior to the effective date of this rule continue to remain eligible to receive services for gifted students.

Specific Authority 229.053(1), 230.23(4)(m) FS. Law Implemented 228.041(18),(19), 229.565(2)(b),(c), 230.23(4)(m) FS. History—New 7-1-77, Formerly 6A-6.3019, Amended 10-10-91, 5-19-98, _____.

DEPARTMENT OF REVENUE

RULE TITLES:	RULE NOS.:
Scope	12-28.001
Definitions	12-28.002
Enrollment Procedures	12-28.003
Method of Transferring Funds and Associated Remittance Information	12-28.004
Means of Communication to Report Payment Information	12-28.005
Remittance or Transmission Problems	12-28.006
Procedures for Payment	12-28.007
Due Date; General Provisions	12-28.008
Distribution of Funds Received by the Department	12-28.009

PURPOSE AND EFFECT: A) Rule 12-28.001, F.A.C. (Scope) – explains that these new rules contain the Department's procedures for implementing the electronic remittance requirements of s. 213.13, F.S. B) Rule 12-28.002, F.A.C. (Definitions) – defines terms that are used in these new rules. C) Rule 12-28.003, F.A.C. (Enrollment Procedures) – provides that each Clerk must enroll with DOR, and specifies the information that DOR must provide each Clerk upon completion of the enrollment procedures. D) Rule 12-28.004, F.A.C. (Method of Transferring Funds and Associated Remittance Information) – requires Clerks to remit funds using an "e-cash presentment" system, which will be processed using the ACH debit method, which is the method already required by DOR's electronic funds transfer rules (Part I, Rule Chapter 12-24, F.A.C.). E) Rule 12-28.005, F.A.C. (Means of Communication to Report Payment Information) – states that Clerks must use a personal computer entry system to

communicate the payment information required by these rules and the statute. F) Rule 12-28.006, F.A.C. (Remittance or Transmission Problems) – explains how a Clerk should handle remittance problems, and whom in DOR a Clerk can contact to receive assistance with such problems. G) Rule 12-28.007, F.A.C. (Procedures for Payment) – establishes the procedures for how Clerks must remit funds and associated remittance information to DOR, including when each Clerk must initiate the transaction, and the specific items of information that must accompany the remittance. H) Rule 12-28.008, F.A.C. (Due Date; General Provisions) – requires the Clerks to remit funds and submit associated remittance information on the next business day if the normal date for initiating the remittance occurs on a weekend or a legal holiday. I) Rule 12-28.009, F.A.C. (Distribution of Funds Received by the Department) – states that the Department will verify the remitted funds and associated remittance information submitted by each Clerk, provides that DOR will distribute the remitted funds to the appropriate agency within two business days of receiving a correct remittance from a Clerk, and explains that DOR will not electronically distribute the remitted funds until it has verified that all information has been submitted and that it is correct.

The effect of creating these new rules is to ensure compliance with the requirement that the Florida Association of Court Clerks and DOR jointly develop procedures to implement the provisions of s. 213.13, F.S.

SUBJECT AREA TO BE ADDRESSED: These rules deal with the implementation of the new Clerk of Court electronic remittance program enacted by the 2001 Legislature.

SPECIFIC AUTHORITY: 213.06(1) FS.

LAW IMPLEMENTED: 213.13, 213.131 FS.

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

TIME AND DATE: 11:00 a.m., February 19, 2002

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Jamie Phillips, (850)488-0717. If you are hearing or speech impaired, please contact the Department by calling 1(800)DOR-TDD1 (1(800)367-8331).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Larry Green, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4830

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12-28.001 Scope.

This rule chapter sets forth the rules to be used in the administration of s. 213.13, F.S., which provides for the electronic remittance of all moneys collected by the Clerks of the Court on behalf of the state or on behalf of the Court for distribution to the state, and the electronic submission of associated remittance information, to the Department of Revenue for further disbursement to the various trust funds and agencies as designated in the applicable statutes.

Specific Authority 213.06(1) FS. Law Implemented 213.13, 213.131 FS. History—New

12-28.002 Definitions.

For the purposes of this rule chapter, the following terms and phrases when used in this rule chapter shall have the meanings ascribed to them in this rule, except where the context clearly indicates a different meaning:

(1) “ABA” means the American Banking Association.

(2) “ACH” or “Automated Clearing House” means a central distribution and settlement point for the electronic clearing of debits and credits between financial institutions rather than the physical movement of paper items.

(3) “ACH credit” means the electronic transfer of funds generated by a Clerk, cleared through the ACH for deposit to the State Treasury.

(4) “ACH debit ” means the electronic transfer of funds from a Clerk’s account, which is generated upon the Clerk’s instruction and cleared through the ACH for deposit to the State Treasury.

(5) “Addenda record” means that information as provided in Rule 12-24.008 (2), F.A.C.

(6) “Associated remittance information” means that information required by statute or rules adopted by agencies that administer the programs for which the funds are collected.

(7) “Department” means the Florida Department of Revenue.

(8) “E-cash presentment” means the conversion of an electronic check into an EFT payment.

(9) “EFT” means an electronic funds transfer, electronic payment, or E-cash presentment.

(10) “Payment information” means the data that a Clerk must submit when making an e-cash presentment and that must be communicated to the Department.

(11) “FLAIR” means the Florida Accounting Information Resource.

Specific Authority 213.06(1) FS. Law Implemented 213.13, 213.131 FS. History—New

12-28.003 Enrollment Procedures.

(1) Each Clerk of the Court or authorized designee who is required to electronically remit funds pursuant to Section 213.13, F.S., must enroll with the Department by completing an Internet Registration/Authorization Agreement (Form DR-653W).

(2) Within 30 consecutive calendar days of receiving the completed DR-653W form, the Department will issue the Clerk an acknowledgement letter that includes the following:

(a) The Clerk’s LOGIN Identification number.

(b) The Clerk’s password.

(c) Instructions for signing onto the Internet Clerk of Court Remittance System.

(d) The telephone number of the Department’s e-Services Unit, which will assist the Clerks in complying with the requirements of this program and s. 213.13, F.S.

(3)(a) If for any reason a Clerk or his or her authorized designee is replaced or is unable to perform the activities required by s. 213.13, F.S., the successor must notify and enroll with the Department within 30 consecutive calendar days of taking office or being hired.

(b) However, all regularly-scheduled fund remittances must continue without interruption during any transition period.

(4)(a) The Department prescribes Form DR-653W, Internet Registration/Authorization Agreement, as the form to be used for the purpose of this chapter and hereby incorporates this form by reference. Copies of this form may be obtained without cost by one or more of the following methods: 1) writing the Florida Department of Revenue, Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Distribution Center at (850)922-2208; or 3) using a fax machine telephone handset to call the Department’s automated Fax on Demand system at (850)922-3676; or 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or 6) downloading selected forms from the Department’s Internet site at the address shown inside the parentheses (<http://www.myflorida.com/dor/>). Persons with hearing or speech impairments may call the Department’s TDD at (800)367-8331.

(b) The Department will accept facsimile transmissions of the completed DR-653W at telephone number (850)922-5088.

Specific Authority 213.06(1) FS. Law Implemented 213.13, 213.131 FS. History—New

12-28.004 Method of Transferring Funds and Associated Remittance Information.

(1) The prescribed method for remittance of funds by the Clerks of the Court to the Department shall be the e-cash presentment, which will be processed by the ACH debit method.

(2) The Executive Director or the Executive Director's designee will authorize a Clerk to use the ACH credit method only under the following circumstances:

(a) The Clerk was using the ACH credit method to remit the funds affected by s. 213.13, F.S., prior to the effective date of this rule; and,

(b) The Clerk agrees in writing with the Department that he or she will shift all fund remittances subject to s. 213.13, F.S., to the ACH debit method no later than January 1, 2003.

(3) The Department reserves the right to revoke the ACH credit method payment privilege of any Clerk who:

(a) Does not consistently transmit error-free payments; or,

(b) Substantially varies from the requirements and specifications of the applicable state statutes or of this rule chapter regarding each revenue source collected by the Clerk; or,

(c) Repeatedly fails to make timely electronic payments or fails to timely provide associated remittance information and payment information; or,

(d) Repeatedly fails to provide the required addenda record with the electronic payment.

Specific Authority 213.06(1) FS. Law Implemented 213.13, 213.131 FS. History--New _____.

12-28.005 Means of Communication to Report Payment Information.

Clerks of the Court shall use a PC entry communication of payment information with a computer or other communication device as the means of communication to report payment information through the ACH debit method.

Specific Authority 213.06(1) FS. Law Implemented 213.13, 213.131 FS. History--New _____.

12-28.006 Remittance or Transmission Problems.

(1) If a Clerk of the Court makes an incorrect remission of funds or associated remittance information, such Clerk shall, on the nearest business day after the date on which the error is discovered:

(a) Contact the e-Services Unit at (850)487-7972 for specific instructions, if the Department has not yet disbursed the funds to the recipient agency; or,

(b) Contact the recipient agency for further instructions, if the Department has already disbursed the funds to the recipient agency.

(2)(a)1. For remittances that have a statutorily-designated due date, if a Clerk using the ACH debit method communicates payment information after 3:45 p.m., Eastern Time, on the

business day before the due date, the payment shall be posted to the Clerk's account on the next business day following the due date and shall constitute late payment.

2. For all other remittances, the payment information must be submitted at least once each month, no later than the 25th day of the month following the month in which the remittance was collected.

(b) To help the Clerks comply with all requirements for timely remittance by EFT of funds due, the Department will annually develop and distribute form DR-659, as adopted by Rule 12-24.007, F.A.C., which provides the final time and date for each month of the upcoming calendar year by which each Clerk must initiate a timely EFT remittance for each fund remitted subject to s. 213.13, F.S.

Specific Authority 213.06(1) FS. Law Implemented 213.13, 213.131 FS. History--New _____.

12-28.007 Procedures for Payment.

(1) The Clerks of the Court must report payment information and associated remittance information to the Department by the approved means of communication, no later than 3:45 p.m., Eastern Time, as provided in Rule 12-28.006, F.A.C. The Department must be contacted during the communication period specified in the acknowledgment letter provided to the Clerks of the Court. The Department will bear the costs of processing e-cash presentments by the ACH debit method. Contact by the Clerk during the communication period is mandatory to assure the timely posting of the Clerk's payment on the following business day.

(2) After establishing contact with the Department, the Clerk must initiate payment information and associated remittance information for each remittance. The following information is required:

(a) Payor information number, which consists of the:

1. Bank account number; and,

2. Financial routing and transit number as issued by the ABA;

(b) Payment amount;

(c) Payment period;

(d) Name of the Clerk or his or her authorized designee initiating the e-cash presentment.

(3) A confirmation number will be issued at the conclusion of the communication of the payment information for each remittance and associated remittance information. This number provides a means of verifying the accuracy of the recorded payment and serves as the Clerk's receipt for the transaction.

(4) Clerks who are temporarily authorized to use the ACH credit method pursuant to Rule 12-28.004, F.A.C., must contact their own financial institutions and make arrangements to transfer the remittance to the State Treasurer's account using an ACH credit transfer. The Department will not bear the costs for Clerks who are temporarily authorized to use the ACH credit method.

Specific Authority 213.06(1) FS. Law Implemented 213.13, 213.131 FS. History–New _____.

12-28.008 Due Date: General Provisions.

The Clerks of the Court who are required to remit funds through EFT must initiate the transfer so that the amount due is deposited as collected funds to the State Treasurer’s account on or before the due date required by applicable statute or Rule 12-28.006, F.A.C. If a remittance due date falls on a Saturday, a Sunday, a legal holiday as defined in Chapter 683, F.S., or on a legal holiday of the jurisdiction in which the Clerk’s financial institution is located, the deposit by electronic funds transfer is required on or before the next succeeding banking day after the due date. For the purposes of these rules, “banking day” has the meaning prescribed in s. 674.104 (1), F.S. If the date on which the Clerk is required to initiate an ACH debit transfer falls on a Saturday, Sunday, or a business or banking holiday, the Clerk must initiate the transaction on the next succeeding business day.

Specific Authority 213.06(1) FS. Law Implemented 213.13, 213.131 FS. History–New _____.

12-28.009 Distribution of Funds Received by the Department.

(1) Upon receiving a Clerk’s payment information and associated remittance information, the Department shall verify that the funds for subsequent distribution reconcile with the associated remittance information provided by the Clerk.

(2) The Department shall cause such funds to be electronically distributed in accordance with the associated remittance information to the appropriate trust fund or agency as designated in statute, within two business days of receiving an accurate payment from the Clerk.

(3) If the Department determines that there is information missing, or that there has been an error made in the submission of the payment amount, payment information, or associated remittance information, the Department shall hold the funds in the Department of Revenue Clerks of the Court Trust Fund until the Clerk has been contacted and the error has been corrected.

Specific Authority 213.06(1) FS. Law Implemented 213.13, 213.131 FS. History–New _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Consumptive Use of Water	40D-2
RULE TITLES:	RULE NOS.:
Publications Incorporated by Reference	40D-2.091
Conditions for Issuance of Permits	40D-2.301
Standard Permit Conditions	40D-2.381

PURPOSE AND EFFECT: The purpose of the proposed amendments is to remove several provisions in the District’s water use permitting rules and the Basis of Review for Water

Use Permit Application that have been determined to be invalid and where necessary revise related rule language. The effect of the proposed amendment to Rule 40D-2.301, F.A.C., is to delete the requirement that applicants provide reasonable assurance that they will utilize local water resources as a condition for issuance of permits. The proposed amendments to Rule 40D-2.381, F.A.C., will revise the standard permit conditions that require permittees to mitigate any adverse impacts to existing legal uses and environmental features to eliminate the requirement that such mitigation be to the satisfaction of the District. The proposed amendments to the Basis of Review will delete the technical criteria for permit issuance that address existing offsite land uses and development of local resources and also delete presumptions, including the presumptions that applicants could previously rely upon to meet certain of the District’s other technical criteria.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments will repeal or amend paragraph (1)(j) of Rule 40D-2.301, F.A.C., paragraphs (3)(l) and (m) of Rule 40D-2.381, F.A.C., and sections 4.2 A. 5., 4.2 B. 2., 4.2 C. 2., 4.5 2., 4.7, 4.9 and a portion of section 4.8 and 7.2 8. of the Basis of Review for Water Use Permit Application which Rule 40D-2.091, F.A.C., incorporates into the District’s rules by reference.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.149, 373.171, 373.216 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243, 373.244 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: Jack R. Pepper, Office of General Counsel, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-2.091 Publications Incorporated by Reference.
The “Basis of Review for Water Use Permit Application” _____ ~~April 18, 2001~~ is hereby incorporated by reference into this Chapter and is available from the District upon request.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS. History—New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, 8-3-00, 9-3-00, 4-18-01, _____.

40D-2.301 Conditions for Issuance of Permits.

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

~~(j) Will utilize local water resources to the greatest extent practicable;~~

(k) through (n) renumbered (j) through (m) No change.

(2) through (3) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.219, 373.223, 373.229 FS. History—Readopted 10-5-74, Amended 12-31-74, 2-6-78, 7-5-78, Formerly 16J-2.11, 16J-2.111, Amended 1-25-81, 10-1-89, 2-10-93, 8-3-00, _____.

40D-2.381 Standard Permit Conditions.

(1) through (3)(k) No change.

(l) The Permittee shall mitigate, ~~to the satisfaction of the District,~~ any adverse impact to existing legal uses caused by withdrawals. When adverse impacts occur or are imminent, the District may require the Permittee to mitigate the impacts. Adverse impacts include:

1. A reduction in water levels which impairs the ability of a well to produce water;

2. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams or other watercourses; or

3. Significant inducement of natural or manmade contaminants into a water supply or into a usable portion of an aquifer or water body.

(m) The Permittee shall mitigate, ~~to the satisfaction of the District,~~ any adverse impact to environmental features or offsite land uses as a result of withdrawals. When adverse impacts occur or are imminent, the District shall require the Permittee to mitigate the impacts. Adverse impacts include the following:

1. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams, or other watercourses;

2. Sinkholes or subsidence caused by reduction in water levels;

3. Damage to crops and other vegetation causing financial harm to the owner; and

4. Damage to the habitat of endangered or threatened species.

(n) through (q) renumbered (l) through (o) No change.

(4) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171, 373.216 FS. Law Implemented 373.219, 373.223, 373.244 FS. History—New 6-7-78, Amended 9-9-80, 10-21-80, Formerly 16J-2.112, Amended 10-1-89, 2-10-93, 5-2-93, _____.

The Basis of Review for Water Use Permit Applications is incorporated into Rule 40D-2.091.

BASIS OF REVIEW

The following changes are made to Chapter 4.0:

4.1 No change.

4.2 A.1. through 4. No change.

~~5. Presumption~~

~~The District presumes that a withdrawal of water will not cause unacceptable environmental impacts if the withdrawal of water, combined with other withdrawals, does not lower the water table at the wetland by more than 1 foot.~~

B.1. No change.

~~2. Presumption~~

~~a. The District presumes that a surface water withdrawal will not cause unacceptable environmental impacts if the total annual withdrawal, combined with other surface withdrawals, does not exceed the volume contained within the top foot of water at average lake area.~~

~~For lakes with adopted levels, average lake area is the average of the area at maximum desirable stage and the area at low management level. (See Part C of this Manual.) For lakes without adopted levels, average lake area will be determined by District staff.~~

~~b. The District presumes that a surface water withdrawal will not cause unacceptable environmental impacts if the withdrawal of water, combined with other surface withdrawals, does not exceed a rate of one quarter inch per day over a 30-day period. A quarter inch lowering shall be equivalent to the volume contained in the top quarter inch of water at average lake area.~~

~~c. The District presumes that a ground water withdrawal will not cause unacceptable environmental impacts if the withdrawal of water, combined with other ground water withdrawals, does not lower the water table at the lake by more than 1 foot.~~

C.1. No change.

~~2. Presumption~~

~~a. The District presumes that the withdrawal of water will not cause unacceptable environmental impacts if the withdrawal, combined with other withdrawals, does not reduce the rate of daily flow by more than 10 percent at any point in the drainage system at the time of withdrawal. The effects of water retention in instream impoundments will be included in the determination of flow reductions. Estimated available yield will be determined based on historical flow records or best available data and existing permitted use.~~

4.3 through 4.4 No change.

4.5 1. No change.

~~2. Presumption~~

In addition to the significant saline water intrusion defined in the Performance Standards, above, the District presumes that proposed new quantities of ground water applied for after March 30, 1993, from confined aquifers from areas outside the Most Impacted Area (MIA) of the Eastern Tampa Bay Water Use Caution Area as identified in Figure 7.2-2 and as delineated in Section 7.2, 8.F., that cause a potentiometric surface drawdown of 0.2 feet or greater within the MIA will significantly induce saline water intrusion. Applicants may demonstrate compliance with regard to the significant saline water intrusion standard by affirmatively showing that the potentiometric surface drawdown at the MIA boundary would be less than 0.2 feet, based on site specific information, using scientifically acceptable flow modeling, or that significant saline water intrusion, as defined in the Performance Standards, Section 4.5, subsection 1, will not be caused within the MIA, using scientifically acceptable solute transport modeling. The drawdown impacts of successive withdrawal requests will be aggregated in applying this presumption to any permit issued pursuant to this rule. This presumption does not apply to surface water, surficial aquifer, and desalination sources. This presumption also does not apply to the renewal of previously permitted quantities. This provision will remain in effect for a period of two years from March 30, 1993, except that if a rule incorporating permanent standards for the Southern Groundwater Basin Water Use Caution Area is noticed for adoption during the two year period, this provision will remain in effect during the pendency of any Section 120.54(4), F.S., rule challenge and final disposition of the proposed rule by the Governing Board.

4.6 No change.

4.7 (Reserved)

4.7 EXISTING OFF-SITE LAND USES

A permit application shall be denied if the withdrawal of water would cause an unmitigated adverse impact on an adjacent land use that existed at the time the initial permit was approved or that exists at the time a modification is requested. If withdrawal locations remain the same but quantities are increased, only the increased amount would be considered in addressing impacts to existing legal off-site land uses. Adverse impacts on land uses include:

1. Significant reduction in water levels in an adjacent surface water body, including impoundments, to the extent that utilization of the water body is impaired;
2. Significant damage to crops or other types of vegetation.

4.8 INTERFERENCE WITH EXISTING LEGAL WITHDRAWALS

Performance Standards

A permit application shall be denied if the withdrawal of water together with other withdrawals would cause an unmitigated adverse impact on a legal water withdrawal existing at the time

of the application. An adverse impact is considered to occur when the requested withdrawal would impair the withdrawal capability of an existing legal withdrawal to a degree that the existing withdrawal would require modification or replacement to obtain the water it was originally designed to obtain. If withdrawal locations remain the same but quantities are increased, only the increased amount would be considered in addressing the impacts to existing users.

If other legal uses come into existence after a permit is issued and the permit is subsequently modified, District staff will evaluate the modification such that impacts to the subsequent uses are only assessed in terms of the modified quantities.

Presumption

The District presumes that an adverse impact does not occur if:

1. The Applicant's withdrawals do not lower the potentiometric surface more than 5 ft at an affected well, or
2. The Applicant's withdrawal does not lower the water table more than 2 feet at an affected well.

The evaluation of impacts will be made taking into account the type(s) of pumping equipment installed and water-level fluctuations.

Staff will not recommend approval of a requested quantity that will cause adverse impact unless the adverse impact is mitigated by the Applicant. Mitigation may include mitigation prior to withdrawals as well as mitigation after the withdrawal. It is the Applicant's responsibility to investigate and mitigate adverse impacts on presently existing legal withdrawals. Mitigation may include pumpage reduction, replacement of the impacted individual's equipment to enable greater withdrawals, or placement of wells farther away from the impacted well.

4.9 (Reserved)

4.9 DEVELOPMENT OF THE LOCAL RESOURCE

The local water resource shall be utilized to the maximum extent possible prior to the consideration of remote alternate sources. Applicants for water sources remote from the local area of use shall demonstrate that water sources near the demand source are not feasible. Items to be addressed in assessing this feasibility include but are not limited to:

1. Impacts to the water resources and associated environmental resources of the local versus remote area of withdrawal;
2. Economic factors, such as distribution and maintenance costs, land purchasing, condemnation, and development costs, and other costs; and
3. Use of the lowest quality of water available to fulfill all or a portion of the demand.

4.10 through 4.13 No change.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Regulation of Wells
 RULE CHAPTER NO.: 40D-3

RULE TITLE: Special Well Construction Standards
 RULE NO.: 40D-3.600

PURPOSE AND EFFECT: The purpose of the proposed rule is to prevent impacts to water wells from periodic high water use by requiring minimum casing depths for new potable water wells constructed in the area of the Dover community.

SUBJECT AREA TO BE ADDRESSED: Water well construction standards.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.308 FS.

LAW IMPLEMENTED: 373.308, 373.309 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: Jack R. Pepper, Office of General Counsel, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4655

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-3.600 Special Well Construction Standards.

To prevent impacts to water wells from periodic high water use, in addition to complying with the other construction requirements of this chapter, the construction of potable water wells in the area of the Dover community shall also comply with the requirements set forth below.

(1) Potable water wells constructed in the Dover area north of Interstate 4 (North Dover), as identified in paragraph (2) below, shall be cased to a minimum depth of 105 feet below land surface.

(2) The area of North Dover is as follows:

Township 28, Range 20, Sections 12 through 14, 23, 24 and those portions of 25 and 26 lying north of Interstate 4;

Township 28, Range 21, Sections 1 through 19 and those portions of 20 through 24 and 30 lying north of Interstate 4; and

Township 28, Range 22, Sections 2 through 10, 15 through 18 and that portion of 20 lying north of Interstate 4.

(3) Potable water wells constructed in the Dover area south of Interstate 4 (South Dover), as identified in paragraph (4) below, shall be cased to a minimum depth of 147 feet below land surface.

(4) The area of South Dover is as follows:

Township 28, Range 20, those portions of Sections 25 and 26 lying south of Interstate 4 and Sections 35 and 36;

Township 28, Range 21, those portions of Sections 20 through 24 and 30 lying south of Interstate 4 and Sections 25 through 29 and 31 through 36;

Township 28, Range 22, that portion of Section 20 lying south of Interstate 4;

Township 29, Range 20, Sections 1, 2, 11 through 13 and 24;

Township 29, Range 21, Sections 1 through 29, 33 and 34; and

Township 29, Range 22, Sections 4 through 9 and 15 through 21.

Specific Authority 373.044, 373.113, 373.171, 373.308 FS. Law Implemented 373.308, 373.309 FS. History—New.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE CHAPTER TITLE: Hospice
 RULE CHAPTER NO.: 58A-2

RULE TITLE: Administration of the Hospice
 RULE NO.: 58A-2.005

PURPOSE AND EFFECT: The proposed amendment to Rule 58A-2.005 will provide emergency management plans for hospices as specified in paragraph (j) of Section 400.605, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Emergency Management Plan.

SPECIFIC AUTHORITY: 400.605 FS.

LAW IMPLEMENTED: 400.605 FS.

IF REQUESTED IN WRITING BY 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: 12:00 p.m. – 1:00 p.m., February 15, 2002

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conf. Rm. 225F, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Linda Macdonald, Assisted Living Program, Division of Community Based Services, or Pat Dunn, Office of General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2113

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Managed Care and Health Quality

RULE TITLE: Gold Seal Financial Requirements
 RULE NO.: 59A-4.203

PURPOSE AND EFFECT: The Agency proposes to amend Rule 59A-4.203, Florida Administrative Code, consistent with provisions of s. 400.235(9), F.S., that became effective June 21, 2000. The legislation provides for development of rules

regarding specific criteria involving the financial requirements that relates to the Gold Seal Award. The proposed amendment specifies that the licensee of the facility shall submit certified public accountant audited financial statements in order to demonstrate financial soundness and stability prior to the date of the publication.

SUBJECT AREA TO BE ADDRESSED: The proposed change to Rule 59A-4.203, Florida Administrative Code, involves the submission of certified public accountant audited financial statements of the licensee in order to demonstrate financial soundness and stability relating to the Gold Seal program.

SPECIFIC AUTHORITY: 400.23 FS.

LAW IMPLEMENTED: 400.11, 400.022, 400.141, 400.23 FS.

IF REQUESTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, A WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS WORKSHOP WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m., February 15, 2002

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, FL 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Richard Kelly, Long-Term Care Unit, 2727 Mahan Drive, Tallahassee, Florida, (850)488-5861

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Payment Methodology for Nursing Home Services

RULE NO.: 59G-6.010

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Long-term Care Reimbursement Plan (the Plan) payment methodology. In compliance with Section 63 and 64 of Senate Bill 1202, 2001-02 legislative session, the Agency is amending the Florida Title XIX Long-Term Care Reimbursement Plan to incorporate a standard chart of accounts to govern the content and manner of presentation of financial information to be submitted by Medicaid long-term care providers in their cost reports and shall implement use of this standard chart of accounts effective for cost reports filed for the periods ending on or after December 31, 2002. The cost reports shall contain detailed information on the salary, benefits, agency, and overtime costs and corresponding hours for direct care staffing for registered nurses, licensed practical nurses, and certified nursing assistants. The standard chart of accounts shall include

specific accounts for each component of direct care staff by type of personnel and may not be revised without the written consent of the Auditor General.

The effect of the proposed amendment is the creation of a standard chart of accounts to govern the content and manner of presentation of financial information to be submitted by Medicaid long-term care providers in their cost reports and the implementation of this standard chart of accounts effective for cost reports filed for the periods ending on or after December 31, 2002.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is a standard chart of accounts to govern the content and manner of presentation of financial information to be submitted by Medicaid long-term care providers in their cost reports and shall implement use of this standard chart of accounts effective for cost reports filed for the periods ending on or after December 31, 2002.

SPECIFIC AUTHORITY: 409.909 FS.

LAW IMPLEMENTED: 409.908 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., March 5, 2002

PLACE: The Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Owens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail stop 21, Tallahassee, Florida 32308, (850)414-2756

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE TITLE: Guidelines for the Disposition of Disciplinary Cases

RULE NO.: 61G14-17.004

PURPOSE AND EFFECT: The purpose of this rule development is to substantially reword this rule to clarify the guidelines for the disposition of disciplinary cases.

SUBJECT AREA TO BE ADDRESSED: Guidelines for the Disposition of Disciplinary Cases.

SPECIFIC AUTHORITY: 310.101, 310.185, 455.2273 FS.

LAW IMPLEMENTED: 455.2273 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: Anthony Spivey, Executive Director, Board of Pilot Commissioners, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 61G14-17.004 follows. See Florida Administrative Code for present text.)

61G14-17.004 Guidelines for the Disposition of Disciplinary Cases.

(1) Sanctions to be imposed by the board for misconduct, inattention to duty, negligence or willful violation of any law or rule applicable to licensed state pilots or certified deputy pilots shall be divided into classes of sanctions in descending order of severity as follows:

- (a) Class 1. Revocation of the license or certificate or refusal to certify to the department an application for license or certification.
- (b) Class 2. Suspension of the license or certificate.
- (c) Class 3. Restriction of the practice of the violator.
- (d) Class 4. Placement of the licensed state pilot or certified deputy pilot on probation for such period of time and subject to such conditions as the board may specify, including, but not limited to, requiring the pilot to submit to treatment, submit to additional or remedial training, submit to reexamination, or undergo a complete physical examination.
- (e) Class 5. Imposition of an administrative fine not to exceed \$5,000 for each count or separate offense of which the offender is guilty.
- (f) Class 6. Issuance of a reprimand.

(2) Guidelines for the imposition of sanctions for those guilty of acts or omissions proscribed by chapter 310, Florida Statutes are as follows:

(a) If the offense is:

- 1. Willful violation of any law or rule, including board rules and rules of the road, applicable to a licensed state pilot or certified deputy pilot; or
- 2. Failure to make allowances for the foreseeable effects of wind, current, and tide; or
- 3. Failure to obtain or properly use information available to the pilot; or
- 4. Failure to navigate with caution in restricted visibility;

or

5. Navigating in channels where the depth of water under the keel is less than the prescribed bottom clearances as recommended by the licensed state pilots of that port and approved by the board; or

6. Causing the vessel under his/her command to operate at an excessive speed; or

7. Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities that the pilot knows or has reason to know he or she is not competent to perform; or

8. Delegating professional responsibilities to a person when the pilot delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or license to perform them; or

9. Engaging in any practice which does not meet acceptable standards of safe piloting; the following sanctions shall apply:

a. If the offense is the first piloting offense of which the pilot or deputy pilot has been found to be guilty and it results in no personal injury and no damage to property or to the ecology, the sanction shall be class 6, 5, 4, or 3 or any combination thereof.

b. If the offense is a second piloting offense of which the pilot or deputy pilot has been found to be guilty or if it results in personal injury or damage to property or to the ecology, the sanction shall be class 5, 4, 3, 2, or 1 or any combination thereof.

c. If the offense is a third piloting offense of which the pilot or deputy pilot has been found to be guilty, the sanction shall be class 2 or 1.

(b) If the offense is:

1. Having a license or certificate to practice piloting revoked, suspended, restricted, placed on probation, or in any way acted against, including, but not limited to, the relinquishing or depositing of the license or certificate in lieu of further disciplinary action, in anticipation of the filing of charges, or in lieu of prosecution, by the regulatory authority of another state, the Federal Government, a territory, or another country for an act which would constitute a ground for discipline if the act had occurred while piloting under authority of the Florida state pilot's license or deputy pilot's certificate;

or
2. Failure to maintain a valid United States Coast Guard first-class unlimited pilot's license covering the waters of the port in which the state pilot's license was issued;

The sanction shall be class 2 or 1.

(c) If the offense is:

1. Making or filing, or inducing another person to make or file, a report which the pilot knows to be false or intentionally or negligently failing to file, or willfully impeding or obstructing the filing of, a report or record required by state law or by rule of the board or the department. Such reports or

records include only those which are signed by the pilot in his or her capacity as a licensed state pilot or certified deputy pilot; or

2. Having a license to operate a motor vehicle revoked, suspended, or otherwise acted against by any jurisdiction, including its agencies or subdivisions, for operating the vehicle under the influence of alcohol or drugs. The jurisdiction's acceptance of a relinquishment of license, stipulation, consent order, plea of nolo contendere, penalty in any form, or other settlement offered in response to or in anticipation of the filing of charges related to the license to operate a motor vehicle shall be construed as action against the license;

The following sanctions shall apply:

a. If the offense is the first or second piloting offense of which the pilot or deputy pilot has been found to be guilty, the sanction shall be class 5, 4, 3, 2, or 1 or any combination thereof.

b. If the offense is a third piloting offense of which the pilot or deputy pilot has been found to be guilty, the sanction shall be class 2 or 1.

(d) If the offense is:

Being unable to performed the duties of a pilot with reasonable skill and safety by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition such as, but not limited to, poor eyesight or hearing, heart disease, or diabetes;

The sanction shall be class 4, 3, 2 or 1 or any combination thereof.

(e) If the offense is:

Regardless of adjudication, having ever been found guilty of, or pled guilty or nolo contendere to (i) a charge which was a felony or first degree misdemeanor which directly related to the navigation or operation of a vessel, or (ii) a felony involving the sale of or trafficking in, or conspiracy to sell or traffic in, a controlled substance as defined by chapter 893, Florida Statutes, or an offense under the laws of any state or country which, if committed in this state, would constitute the felony of selling or trafficking in, or conspiracy to sell or traffic in, such controlled substance;

The sanction shall be class 1.

(3) Aggravating or mitigating circumstances to be considered if there is to be a deviation from penalties provided herein shall include:

(a) The danger to the public;

(b) The length of time since the date of the last violation(s);

(c) The length of time the licensee has been licensed;

(d) The deterrent effect of the penalty imposed;

(e) The effect of the penalty upon the licensee's livelihood;

(f) Efforts by the licensee toward rehabilitation;

(g) Efforts by the licensee to correct or stop violations or evidence that the licensee has failed to correct or stop violations;

(h) Any other mitigating or aggravating circumstances.

(4) In addition to the conditions specified in paragraph (1)(d), any or all of the following conditions may be imposed as terms of probation:

(a) Restitution of the cost of probation;

(b) Payment of fine(s);

(c) Consent to Department access to all business records;

(d) Fulfilling continuing education requirements;

(e) Consent to indirect or direct supervision by board-approved supervisor;

(f) Consent to restriction of practice; including hours, days or type of practice;

(g) Submission of reports by licensee and consent to submission of reports by supervisor and/or helping professional;

(h) Consent to urine and blood testing;

(i) Fulfilling requirements of making personal appearance(s) before the board;

(j) Other conditions as are appropriate to the offense.

Specific Authority 310.101, 310.185, 455.2273 FS. Law Implemented 455.2273 FS. History—New 2-11-87, Formerly 21SS-7.005, 21SS-17.004, Amended 9-27-94,_____.

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE TITLE: Application Fee and Licensure and Certification Examination Fees

RULE NO.: 64B2-12.002

PURPOSE AND EFFECT: The Board proposes to delete a portion of the existing rule.

SUBJECT AREA TO BE ADDRESSED: Application Fee and Licensure and Certification Examination Fees.

SPECIFIC AUTHORITY: 460.405, 460.406(1) FS.

LAW IMPLEMENTED: 460.406 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: Joe Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-12.002 Application Fee and Licensure and Certification Examination Fees.

(+) The application fee shall be one hundred dollars (\$100.00), which shall be nonrefundable.

(2) ~~The examination fee for the licensure examination taken in one administration period shall be five hundred dollars (\$500.00). The examination fee for the Acupuncture Certification Examination shall be seventy five dollars (\$75.00).~~

Specific Authority 460.405, 460.406(1) FS. Law Implemented 460.406 FS. History—New 1-10-80, Formerly 21D-12.02, Amended 2-24-86, 5-10-87, 4-19-89, 10-9-90, 10-15-92, Formerly 21D-12.002, 61F2-12.002, 59N-12.002, Amended 1-18-98, 6-7-00, _____.

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE: Disciplinary Guidelines RULE NO.: 64B32-5.001

PURPOSE AND EFFECT: The Board proposes to correct and update existing rule text.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 468.365(4) FS.

LAW IMPLEMENTED: 468.365 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: Kaye Howerton, Board Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Division of Environmental Health and Statewide Programs

RULE CHAPTER TITLE: Food Hygiene RULE CHAPTER NO.: 64E-11

PURPOSE AND EFFECT: The purpose of the proposed rule change is to incorporate technical and scientific advancements and emerging pathogen barriers that promote the protection of the public from foodborne illnesses. The majority of these changes are indicated in the 1999 edition of the FDA Model Food Code. Additionally, the purpose of the proposed change is to clarify identified standards of the existing rule as requested by the regulated community and regulatory officials.

SUBJECT AREA TO BE ADDRESSED: The changes will define terms used in statute and rule that have been identified as confusing; incorporate food safety changes and personnel standards to better safeguard the public against foodborne illnesses; clarify equipment methods of approval and uses, further delineate the fee structure.

SPECIFIC AUTHORITY: 381.0072 FS.

LAW IMPLEMENTED: 381.0072 FS.

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

TIME AND DATE: 10:00 a.m., February 22, 2002

PLACE: 4042 Bald Cypress Way, Conference Room 240P, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ric Mathis, Program Coordinator, Bureau of Facility Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1710, (850)245-4277

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Manatees

RULE CHAPTER TITLE: Manatees RULE CHAPTER NO.: 68C-22

RULE TITLE: Hillsborough County Zones RULE NO.: 68C-22.013

PURPOSE AND EFFECT: In April 2001, the Florida Fish and Wildlife Conservation Commission (FWC) agreed to consider the need to adopt or amend manatee protection regulations in several specific locations around the state. One of the areas currently under review by the FWC (the Alafia River) is located in Hillsborough County. The Commission is considering what (if any) regulations are needed to protect manatees or manatee habitat in this area. No other areas in Hillsborough County are being considered at this time. What effect the regulations would have depends on what zones (if any) are proposed. Options being considered include regulations that would limit allowable motorboat speed and operation.

SUBJECT AREA TO BE ADDRESSED: Manatee protection in a portion of Hillsborough County.

SPECIFIC AUTHORITY: 370.12(2)(f),(m),(n) FS.

LAW IMPLEMENTED: 370.12(2)(d),(f),(j),(m),(n) FS.

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

TIME AND DATE: 11:00 a.m., Friday, February 22, 2002

PLACE: Riverview Recreation Center, 7807 Capitano Drive, Riverview, Florida

This workshop will be held in two distinct parts. Between 11:00 a.m. and 12:30 p.m., FWC staff members will be available to discuss manatee protection issues, to answer questions about the preliminary recommendations and the information that is being used to evaluate manatee protection needs, and to accept suggestions regarding what regulations (if any) attendees believe are needed. Verbal comments will be taken starting at 12:30 p.m. via the more traditional public hearing setting. The amount of time allotted for individual speakers will likely be limited to three minutes, depending on how many attendees want to speak. Written comments will be accepted throughout the workshop. This will be an information-gathering workshop only. No final decisions will be made at the workshop.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mr. Scott Calleson, Environmental Specialist III, Bureau of Protected Species Management, Fish and Wildlife Conservation Commission (OES-BPS), 620 South Meridian Street, Tallahassee, Florida 32399, telephone (850)922-4330

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE. No text has been developed. Maps depicting preliminary recommendations will be displayed at the workshop.

FISH AND WILDLIFE CONSERVATION COMMISSION

Manatees

RULE CHAPTER TITLE: Manatees
 RULE CHAPTER NO.: 68C-22

RULE TITLE: Manatee County Zones
 RULE NO.: 68C-22.014

PURPOSE AND EFFECT: In April 2001, the Florida Fish and Wildlife Conservation Commission (FWC) agreed to consider the need to adopt or amend manatee protection regulations in several specific locations around the state. One of the areas currently under review by the FWC (Terra Ceia Bay) is located in Manatee County. The Commission is considering what (if any) regulations are needed to protect manatees or manatee habitat in this area. No other areas in Manatee County are being considered at this time. What effect the regulations would have depends on what zones (if any) are proposed. Options being considered include regulations that would limit allowable motorboat speed and operation.

SUBJECT AREA TO BE ADDRESSED: Manatee protection in a portion of Manatee County.

SPECIFIC AUTHORITY: 370.12(2)(m),(n) FS.

LAW IMPLEMENTED: 370.12(2)(d),(j),(m),(n) FS.

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

TIME AND DATE: 5:00 p.m., Thursday, February 21, 2002

PLACE: Board Chamber Room, 1112 Manatee Avenue, West, Bradenton, Florida

This workshop will be held in two distinct parts. Between 5:00 p.m. and 6:30 p.m., FWC staff members will be available to discuss manatee protection issues, to answer questions about the preliminary recommendations and the information that is being used to evaluate manatee protection needs, and to accept suggestions regarding what regulations (if any) attendees believe are needed. Verbal comments will be taken starting at 6:30 p.m. via the more traditional public hearing setting. The amount of time allotted for individual speakers will likely be limited to three minutes, depending on how many attendees want to speak. Written comments will be accepted throughout the workshop. This will be an information-gathering workshop only. No final decisions will be made at the workshop.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mr. Scott Calleson, Environmental Specialist III, Bureau of Protected Species Management, Fish and Wildlife Conservation Commission (OES-BPS), 620 South Meridian Street, Tallahassee, Florida 32399, telephone (850)922-4330

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE. No text has been developed. Maps depicting preliminary recommendations will be displayed at the workshop.

FISH AND WILDLIFE CONSERVATION COMMISSION

Manatees

RULE CHAPTER TITLE: Manatees
 RULE CHAPTER NO.: 68C-22

RULE TITLE: Charlotte County Zones
 RULE NO.: 68C-22.015

PURPOSE AND EFFECT: In April 2001, the Florida Fish and Wildlife Conservation Commission (FWC) agreed to consider the need to adopt or amend manatee protection regulations in several specific locations around the state. Three of the areas currently under review by the FWC (Lemon Bay, the Peace River, and Turtle Bay) are located in Charlotte County. The Commission is considering what (if any) regulations are needed to protect manatees or manatee habitat in these areas. No other areas in Charlotte County are being considered at this time. What effect the regulations would have depends on what zones (if any) are proposed. Options being considered include regulations that would limit allowable motorboat speed and operation, as well as regulations that would prohibit some human activities in limited portions of these areas.

SUBJECT AREA TO BE ADDRESSED: Manatee protection in portions of Charlotte County.

SPECIFIC AUTHORITY: 370.12(2)(m),(n) FS.

LAW IMPLEMENTED: 370.12(2)(d),(j),(m),(n) FS.

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

TIME AND DATE: 4:30 p.m., Tuesday, February 19, 2002

