

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Historical Resources

RULE CHAPTER TITLE: Historical Museums Grants-in-Aid
RULE CHAPTER NO.: 1A-43

PURPOSE AND EFFECT: The purpose and effect of the proposed changes is to amend the applications incorporated in this rule to obtain more information for each application to streamline application review procedures and to provide for a waiver of financial matching requirements on grants for rural communities.

SUBJECT AREA TO BE ADDRESSED: The Bureau of Historical Museums proposes to amend the applications incorporated by reference into this rule to obtain more information for each application to streamline application review procedures and to provide for a waiver of financial matching requirements on grants for rural communities that have been designated in accordance with section 288.0656, Florida Statutes. Eligible communities applying for historical museum grants must request waiver of matching requirements at the time of grant application.

SPECIFIC AUTHORITY: 231.031 FS.

LAW IMPLEMENTED: 267.0619, 288.0656 FS.

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

TIME AND DATE: 9:00 a.m., October 28, 2002

PLACE: Room 307, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)487-1902, Suncom 227-1902

Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

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

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER TITLE: Florida Building Commission - Operational Procedures
RULE CHAPTER NO.: 9B-3

RULE TITLE: State Minimum Building Codes Adopted
RULE NO.: 9B-3.047

PURPOSE AND EFFECT: Amendments to the Florida Building Code adopted by reference in Rule 9B-3.047, F.A.C. Copies of the proposed amendments and comments submitted are available on the Building Code Information System at www.floridabuilding.org.

SUBJECT AREA TO BE ADDRESSED: Amendments to the Florida Building Code.

SPECIFIC AUTHORITY: 553.73(3) FS.

LAW IMPLEMENTED: 553.73(3) FS.

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

TIME AND DATE: 9:00 a.m., October 29, 2002

PLACE: Eden Roc Renaissance Resort, 4525 Collins Avenue, Miami Beach, Florida

Any person requiring special accommodations at the workshop because of a disability or physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824, at least seven days before the date of the workshop. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-6091

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

PUBLIC SERVICE COMMISSION

UNDOCKETED

RULE TITLE: Electric Utility Procedures for Generating Capacity Shortage Emergencies
RULE NO.: 25-6.0183

PURPOSE AND EFFECT: To adopt the most recent version of the Florida Reliability Coordinating Council's Generating Capacity Shortage Plan.

SUBJECT AREA TO BE ADDRESSED: Plan for electric generating capacity shortage emergencies.

SPECIFIC AUTHORITY: 350.127(2), 366.05 FS.

LAW IMPLEMENTED: 366.04(2)(c),(f),(5) 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 WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING TO: Christiana T. Moore, Office of the General Counsel, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any

person who is hearing or speech impaired should contact the Florida Public Service Commission using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jeanette Sickel, Division of Economic Regulation, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6461

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-6.0183 Electric Utility Procedures for Generating Capacity Shortage Emergencies.

The Commission adopts the Florida Reliability Coordinating Council's Florida Electrical Emergency Contingency Plan, Generating Capacity Shortage Plan Element, dated August 2002 July 1997 as the Commission's plan to address generating capacity shortage emergencies within Florida. A copy of the Generating Capacity Shortage Plan Element may be obtained from the Director, Division of Economic Regulation Safety & Electric Reliability, Florida Public Service Commission.

Specific Authority 350.127(2) 366.05 FS. Law Implemented 366.04(2)(c),(f),(5) FS. History—New 2-12-91, Amended 3-19-98, _____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: General and Procedural RULE CHAPTER NO.: 40E-1

PURPOSE AND EFFECT: The purpose and effect of the rule development is to modify and update the District's forms and application processing fees.

SUBJECT AREA TO BE ADDRESSED: Amend the water use compliance forms, water use permit application, and supporting information forms and amend the application processing fees for individual public water supply permits, individual irrigation permits, individual mining (dewatering) permits, individual industrial permits, and minor permit modifications.

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

LAW IMPLEMENTED: Parts I and II, Chapter 373 FS.

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

DATE AND TIME: 10:00 a.m., November 6, 2002 (The workshop previously scheduled for October 22, 2002 and noticed in the October 4, 2002 FAW has been cancelled)

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

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 Garrett Wallace, District Clerk, (561)682-6371, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Julie Jennison, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6294 or (561)682-6294, internet: jjennison@sfwmd.gov

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON THE DISTRICT'S WEBSITE AT http://www.sfwmd.gov/org/wsd/wateruse/b_list.html OR CONTACT RUFINO OSORIO, (561)682-6261, rosorio@sfwmd.gov.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Consumptive Use RULE CHAPTER NO.: 40E-2

PURPOSE AND EFFECT: The purpose and effect of the rule development is to modify and update the District's Water Use Rules to reflect new legislative direction, new policy development and regional water supply plan implementation.

SUBJECT AREA TO BE ADDRESSED: The following topics will be discussed: Supplemental irrigation requirement, pollution remediation; interference with existing legal uses; offsite land use impacts; pasture irrigation; use of reclaimed water; wellfield operational plans; diversion/impoundment allocation; permit duration; permit renewal process; impact evaluations; local sources first; aquifer storage and recovery; wetland protection; areas with maximum developable limits; including those for the Lower West Coast region; water conservation, water shortage plan; fees and forms. The changes will also correct citations and make changes to clarify language currently in the rule.

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

LAW IMPLEMENTED: Parts I and II, Chapter 373 FS.

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

DATE AND TIME: 10:00 a.m., November 6, 2002 (The workshop previously scheduled for October 22, 2002 and noticed in the October 4, 2002 FAW has been cancelled)

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

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 Garrett Wallace, District Clerk, (561)682-6371, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Regarding procedural questions: Julie Jennison, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6294 or (561)682-6294 (internet:jjennison@sfwmd.gov); regarding substantive questions: Scott Burns, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6817 or (561)682-6817

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON THE DISTRICT'S WEBSITE AT http://www.sfwmd.gov/org/wsd/wateruse/b_list.html OR CONTACT RUFINO OSORIO, (561)682-6261, rosorio@sfwmd.gov.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Environmental Resource Permits
RULE TITLE: Publications, Rules, and Interagency

RULE CHAPTER NO.: 40E-4
RULE NO.: 40E-4.091

PURPOSE AND EFFECT: Paragraph 40E-4.091(1)(a), F.A.C., incorporates by reference the "Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – June, 2002" (ERP BOR). Included as part of the ERP BOR are Appendices 2, 3, and 6. This rulemaking initiative proposes to amend Appendix 6, entitled "Above Ground Impoundments" by revising the reporting requirements and the typical special condition language.

SUBJECT AREA TO BE ADDRESSED: Appendix 6 of the SFWMD's ERP BOR specifies for the benefit of the regulated community the appropriate criteria applicable to the construction and operation of above ground impoundments associated with surface water management systems. An above ground impoundment is defined in Section 373.403(1), F.S., as a "dam", which means "any artificial or natural barrier, with appurtenant works, raised to obstruct or impound, or which does obstruct or impound, any of the surface waters of the state." Specifically, the proposed revisions to Appendix 6 clarify that inspection reports of the conditions of such above ground impoundments must be retained by the permittee and made available to SFWMD staff upon request. Additionally, the typical special condition for all above ground impoundments sets forth with particularity that permittees must inspect on an annual basis the above ground impoundment, control structure, levee and berm for structural integrity and memorialize the inspection via a report signed

and sealed by a Florida Professional Engineer. In the event that any deficiencies are found which may impact off-site areas, the report must detail proposed techniques and schedules for repairs, as necessary, and be submitted to SFWMD staff.

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

LAW IMPLEMENTED: 373.413, 373.4135, 373.416, 373.418, 373.421, 373.426 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 (IF NOT REQUESTED, A WORKSHOP WILL NOT BE HELD).

Although Governing Board meetings, hearings and workshops are normally recorded (in the event that a workshop or workshops are held pursuant to the terms set forth above), 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 Garrett Wallace, SFWMD Clerk, (561)682-6371, at least two business days in advance to make appropriate arrangements.

WRITTEN PUBLIC COMMENTS REGARDING THE PROPOSED RULE DEVELOPMENT MUST BE RECEIVED BY THE SFWMD NO LATER THAN 14 DAYS OF THE PUBLICATION DATE OF THIS NOTICE.

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, 1(800)432-2045, Extension 6320 or (561)682-6320 or via email: pbell@sfwmd.gov.

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 – June 2002"

(b) through (j) No change.

(2) No change.

Specific Authority 373.044, 373.113, 373.171, 373.413, 373.441, 373.171 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, 6-26-02, _____.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON THE DISTRICT'S WEBSITE AT http://www.sfwmd.gov/org/wsd/wateruse/b_list.html OR CONTACT RUFINO OSORIO, (561)682-6261, rosorio@sfwmd.gov.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: General Water Use Permits
 RULE CHAPTER NO.: 40E-20

PURPOSE AND EFFECT: The purpose and effect of the rule development is to modify and update the District's Water Use Rules to reflect new legislative direction, new policy development and regional water supply plans.

SUBJECT AREA TO BE ADDRESSED: Conditions for permit issuance, conditions for permit modifications, conditions for dewatering permits, and permit durations. The changes will also correct citations and make changes to clarify language currently in the rule.

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

LAW IMPLEMENTED: Parts I and II, Chapter 373 FS.

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

DATE AND TIME: 10:00 a.m., November 6, 2002 (The workshop previously scheduled for October 22, 2002 and noticed in the October 4, 2002 FAW has been cancelled)

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

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 Garrett Wallace, District Clerk, (561)682-6371, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Julie Jennison, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6294 or (561)682-6294, jjennison@sfwmd.gov

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON THE DISTRICT'S WEBSITE AT http://www.sfwmd.gov/org/wsd/wateruse/b_list.html OR CONTACT RUFINO OSORIO, (561)682-6261, rosorio@sfwmd.gov.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Water Shortage Plan
 RULE CHAPTER NO.: 40E-21

PURPOSE AND EFFECT: The purpose and effect of the rule development is to amend and update Chapter 40E-21, F.A.C., relating to the Water Shortage Plan.

SUBJECT AREA TO BE ADDRESSED: Water Shortage Restrictions and water shortage basin boundaries. The changes will also correct citations and make changes to clarify language currently in the rule.

SPECIFIC AUTHORITY: 120.54, 373.044, 373.113 FS.

LAW IMPLEMENTED: 120.54, 373.026, 373.042, 373.0421, 373.103, 373.119, 373.175, 373.246, 373.603, 373.609 FS.

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

DATE AND TIME: 10:00 a.m., November 6, 2002 (The workshop previously scheduled for October 22, 2002 and noticed in the October 4, 2002 FAW has been cancelled)

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

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 Garrett Wallace, District Clerk, (561)682-6371, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Julie Jennison, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6294 or (561)682-6294, jjennison@sfwmd.gov

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON THE DISTRICT'S WEBSITE AT http://www.sfwmd.gov/org/wsd/wateruse/b_list.html OR CONTACT RUFINO OSORIO, (561)682-6261, rosorio@sfwmd.gov.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Regional Water Shortage Plans
 RULE CHAPTER NO.: 40E-22

PURPOSE AND EFFECT: The purpose and effect of the rule development is to amend and update the Regional Water Shortage Plans.

SUBJECT AREA TO BE ADDRESSED: Basin specific water shortage criteria for aquifers in the Lower West Coast region and basin boundaries for the Lake Istokpoga/Indian Prairie Area.

SPECIFIC AUTHORITY: 120.54, 373.044, 373.113 FS.

LAW IMPLEMENTED: 120.54, 373.026, 373.042, 373.0421, 373.103, 373.119, 373.175, 373.246, 373.603, 373.609 FS.

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

DATE AND TIME: 10:00 a.m., November 6, 2002 (The workshop previously scheduled for October 22, 2002 and noticed in the October 4, 2002 FAW has been cancelled)

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

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 Garrett Wallace, District Clerk, (561)682-6371, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Regarding procedural questions: Julie Jennison, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6294 or (561)682-6294, jjennison@sfwmd.gov; regarding substantive questions: Scott Burns, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6817 or (561)682-6817

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON THE DISTRICT'S WEBSITE AT http://www.sfwmd.gov/org/wsd/wateruse/b_list.html OR CONTACT RUFINO OSORIO, (561)682-6261, rosorio@sfwmd.gov.

FLORIDA LAND AND WATER ADJUDICATORY COMMISSION

Town Center at Palm Coast Community Development District

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Town Center at Palm Coast Community Development District	42II-1
RULE TITLES:	RULE NOS.:
Creation	42II-1.001
Boundary	42II-1.002
Supervisors	42II-1.003

PURPOSE AND EFFECT: The purpose of this proposed rule is to establish a community development district (CDD), the Town Center at Palm Coast Community Development District

("District"), pursuant to Chapter 190, F.S. The petition to establish the District, filed by Florida Landmark Communities, Inc., and Mardem, LLC, requests that the Commission establish by rule the Town Center at Palm Coast CDD in Flagler County. The land to be served by the District consists of approximately 1,600 acres generally bounded on the north by a major drainage canal; bounded on the south by State Road 100; bounded on the west by Belle Terre Parkway; and bounded on the east by Interstate 95. The Petitioner has written consent to establish the District from the owner of 100% of the real property located within the proposed District. The proposed District is designed to provide community infrastructure, services, and facilities along with certain ongoing operations and maintenance. The development plan for the proposed lands within the District includes the construction of approximately 2,500 single family and multi-family residential dwelling units, 1,460,000 square feet of office space, 2,400,000 square feet of retail space, 1,400,000 square feet of non-retail commercial space, and 625,000 square feet of institutional space (a movie theater, lodging units and nursing home).

SUBJECT AREA TO BE ADDRESSED: Establishment of the Town Center at Palm Coast Community Development District.

SPECIFIC AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 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, Monday, October 28, 2002

PLACE: Room 1703G, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)487-1884, at least 2 business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michael D. Chiumento, III, Chiumento & Associates, 4 Old Kings Road North, Suite B, Palm Coast, Florida 32137, (386)445-8900 or Barbara Leighty, Senior Governmental Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, (850)487-1884

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Part I, Hospital and Other Licensed Facilities	59A-3

PURPOSE AND EFFECT: The proposed Rule reorganizes Chapter 59A-3, F.A.C., to present a more logical flow of the licensing requirements and creates sections from numerous subsections in the existing Rule for easier location and use.

Rules 59A-3.007-.081, F.A.C., proposed Rule development adds sections dealing with failure and external emergency communications; revises references to codes and standards for the review of freestanding emergency facilities; revises documentation for plans submission and the restrictive location of ambulatory surgical centers and other medical facilities attached to hospitals; deletes all design and construction requirements for hospitals buildings; and, revises code and reference standards for the review of intensive residential treatment facilities.

Rules 59A-3.201 through 59A-3.232, F.A.C., proposed Rule development deletes definitions not used in the Rule; corrects definition citations; clarifies the hospital licensing procedures and imposes financial penalty for late filing of a renewal application; expands infectious diseases control, prevention and surveillance; adds criteria when a full licensing survey will be conducted; provides for a plan of correction on areas of non-compliance; provides that the agency shall have full access to patient medical records and the right to review all hospital employee and contract personnel files, including board certified personnel with hospital privileges; deletes the quarterly report on organ donation requests; replaces the existing Patient Rights and Care with a new section; adds off-site emergency department criteria; adds a requirement to update the emergency services inventory at renewal; requires resubmission of an approved exemption request biennially; breaks out the Departments and Services section into separate sections for each department and service; adds processes to the nutritional care plan; clarifies Pharmacy and Medication Services; adds disaster and emergency recovery requirements to Health Information Management; eliminates agency assistance with training for organ procurement organizations, tissue and eye banks, and the requirement that copies of ACHA Form 3130-8006 be forwarded to the agency; and, adds adult to the requirement to report abuse and neglect.

The proposed Rule combines the intensive residential treatment facility sections into one area of the Rule and adds to the staffing requirements.

SUBJECT AREA TO BE ADDRESSED: Hospitals and other licensed facilities.

SPECIFIC AUTHORITY: 408.15(8) FS.

LAW IMPLEMENTED: 395 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., Thursday, October 24, 2002

PLACE: AHCA, 2727 Mahan Drive, Building 3, Rooms C and D, Tallahassee, Florida

THE PERSONS TO BE CONTACTED REGARDING PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT ARE: Plans & Construction, Rules 59A-3.007-.081, F.A.C. – Skip Gregory, AHCA, 2727 Mahan Drive, Bldg. 1, First Floor, Mail Stop #24, Tallahassee, Florida 32308; Hospital and Outpatient Services, Rule 59A-3.201 and .232, F.A.C. – Laura MacLafferty, AHCA, 2727 Mahan Drive, Bldg. 1, Second Floor, Mail Stop #31, Tallahassee, Florida 32308

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE TITLE: Long-Term Care Hospital Beds

RULE NO.: 59C-1.045

PURPOSE AND EFFECT: The agency is developing a rule for use in certificate of need (CON) review of proposals to establish or expand long-term care hospitals. There is no current CON rule that deals exclusively with this subject. At a minimum, the new rule will describe the type of patients served in long-term care hospitals, the type of services provided, geographic service planning areas, agency preferences among competing applicants, and required content of a CON application. Service-specific rules like the one proposed are used in conjunction with statutory review criteria in evaluation of applications for a CON. A preliminary draft of the rule is included in this Notice.

A previous version of the proposed rule, published on August 30, 2002, has been withdrawn. The Notice of Withdrawal appears elsewhere in this edition of the F.A.W.

SUBJECT AREA TO BE ADDRESSED: Specific requirements for certificate of need review of proposed long-term care hospital beds.

SPECIFIC AUTHORITY: 408.15(8), 408.034(6) FS.

LAW IMPLEMENTED: 408.036(1)(a),(b),(c),(d),(g) 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: 2:00 p.m., October 29, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: John Davis, Certificate of Need, 2727 Mahan Drive, Building 1, Tallahassee, Florida

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59C-1.045 Long-Term Care Hospital Beds.

(1) Agency Intent. This rule implements the provisions of Section 408.034(3), and Section 408.036(1)(a), (b), (c), (d), (f), and (g), Florida Statutes, to regulate proposals subject to comparative review for the establishment of new long-term care hospitals, the addition of beds to existing long-term care hospitals, and the conversion of licensed hospital beds to long-term care hospital beds. Long-term care hospitals do not provide a tertiary health service as defined in Section 408.032(17), Florida Statutes, and are not subject to review under Section 408.036(1)(h), Florida Statutes.

(2) Definitions.

(a) “Agency.” The Agency for Health Care Administration.

(b) “Approved Long-Term Care Hospital Bed.” A proposed long-term care hospital bed for which a certificate of need, a letter of intent to grant a certificate of need, a signed stipulated agreement, or a final order granting a certificate of need was issued, consistent with the provisions of paragraph 59C-1.008(2)(b), Florida Administrative Code, as of the most recent published deadline for agency initial decisions prior to the letter of intent deadline, as specified in paragraph 59C-1.008(1)(g), Florida Administrative Code.

(c) “Charity Care.” That portion of hospital charges reported to the agency for which there is no compensation for care provided to a patient whose family income for the 12 months preceding the determination is less than or equal to 200 percent of the federal poverty level, unless the amount of hospital charges due from the patient exceeds 25 percent of the annual family income. However, in no case shall the hospital charges for a patient whose family income exceeds four times the federal poverty level for a family of four be considered charity. Charity care does not include bad debt, which is the portion of health care provider charges for which there is no compensation for care provided to a patient who fails to qualify for charity care; and does not include administrative or courtesy discounts, contractual allowances to third-party payers, or failure of the hospital to collect full charges due to partial payment by government programs.

(d) “District.” A district of the agency defined in Section 408.032(5), Florida Statutes.

(e) “Freestanding Facility.” For purposes of this rule, a long-term care hospital that is not the hospital within hospital described in paragraph (2)(g).

(f) “Local Health Council.” The council referenced in section 408.033, Florida Statutes.

(g) “Long-Term Care Hospital.” A hospital licensed under Chapter 395, F.S., which meets the requirements of Part 412, subpart B, paragraph 412.23(e), Code of Federal Regulations; and, where applicable, also meets the requirements for a

hospital within hospital specified under paragraph 412.22(e) of that subpart. A long-term care hospital is exempt from the Medicare acute care prospective payment system. A long-term care hospital has an average length of inpatient stay greater than 25 days for all hospital beds. Long-Term care hospitals are designed to provide extended care to patients who are clinically complex and have multiple acute or chronic conditions. Long-Term care hospitals typically provide programs in one or more of the following areas: respiratory care, particularly for ventilator-dependent patients; treatment of patients with multiple illnesses or multiple systems failure; treatment of wounds caused by disease or accident; and treatment for patients requiring interdisciplinary rehabilitation services who are unable to tolerate the more intensive treatments provided in a comprehensive medical rehabilitation hospital.

(3) General Provisions.

(a) Conformance with the Criteria for Approval. A certificate of need for the establishment of a new long-term care hospital, or the expansion of existing services by the addition of beds, shall not normally be approved unless the applicant meets the applicable review criteria in Section 408.035, F.S., and the standards and need determination criteria set forth in this rule.

(b) Minimum Hospital Size. Freestanding long-term care hospitals established after the effective date of this rule shall have a minimum of 60 licensed beds. Long-Term care hospitals designated as hospitals within hospitals established after the effective date of this rule shall have a minimum of 25 licensed beds.

(c) Required Services. Long-Term care hospital services, as provided by the hospital or by contract, shall include at a minimum:

1. Pre-admission screening.
2. Care for patients with multiple complex diagnoses.
3. Care for patients with multi-system failure.
4. Services for difficult-to-wean ventilator-dependent patients.
5. Services for patients who cannot be weaned from ventilator dependence.
6. Respiratory/pulmonary care.
7. Airway restoration.
8. Intensive wound care.
9. Nutrition services, including metabolic analysis, invasive enteral tube placement, and total parenteral nutrition.
10. Infusion therapy.
11. Daily physician assessments.
12. An average of at least 8 direct patient care nursing hours per patient per day.
13. Physical therapy, occupational therapy, speech therapy, and respiratory therapy.
14. Laboratory, radiology, and pharmacy.

(4) Criteria for Determination of Need.

(a) New Provider. In determining the need for a new long-term care hospital, the agency shall consider the proposed facility within the context of licensed and approved long-term care hospital beds in the applicable district, and the licensed acute care beds, comprehensive medical rehabilitation beds, hospital-based skilled nursing unit beds, and nursing home beds in that district. The applicant proposing a new long-term care hospital shall provide documentation that the other licensed inpatient beds in the district do not meet the need for the proposed service.

(b) Limitation on Approvals. The agency will not approve more than one new long-term care hospital for a district during a review cycle. No additional long-term care hospital will be approved for a district that has an approved new provider not yet licensed.

(c) Additional Beds at Existing Long-Term Care Hospitals.

1. Need for additional beds at an existing long-term care hospital is demonstrated if the average occupancy rate of the hospital was at least 80 percent for the 12-month period ending 1 month prior to the letter of intent deadline.

2. For the purpose of calculating occupancy under this paragraph, the 12-month total of patient days shall be divided by 365 to determine an average daily census, and the average daily census shall then be divided by the facility's total of licensed and approved beds as of the end of the 12-month period.

(d) Consistency with Local Plans. Applicants shall provide evidence in their applications that a proposed long-term care hospital is consistent with the needs of the community and other criteria contained in Local Health Council Plans.

(e) Preferences Among Applicants for Long-Term Care Hospital Beds. In weighing and balancing statutory and rule review criteria, the agency will give preference to an applicant who agrees that award of a CON will be predicated on one or more of the following conditions that are subject to annual monitoring under subsection 59C-1.013(4), F.A.C.:

1. An applicant who provides or proposes to provide Medicaid days as a percentage of their total patient days equal to or greater than the statewide average percentage of Medicaid patient days provided by all long-term care hospitals, as determined in the Agency's most recent "Hospital Financial Data" report.

2. An applicant who has or proposes to have a ratio of charity care deductions to net patient service revenue equal to or greater than the statewide average ratio for all long-term care hospitals, as determined in the Agency's most recent "Hospital Financial Data" report.

(5) Quality of Care. Long-Term care hospital services shall comply with the agency standards for long-term care hospital licensure described in Chapter 59A-3, Florida Administrative Code. Applicants who include a statement in

their certificate of need application that they will meet applicable agency licensure standards are deemed to be in compliance with this provision.

(6) Services Description. An applicant for long-term care hospital beds shall provide a detailed program description in its certificate of need application including:

(a) Characteristics of age groups to be served by age and diagnosis.

(b) Specialty programs to be provided.

(c) Proposed staffing, including qualifications of the medical director, a description of staffing appropriate for any specialty program, and a description of the training and experience requirements for all staff who will provide direct patient care.

(d) Expected sources of patient referrals. Applicants shall include evidence of transfer agreements with local hospitals indicating an intent to discharge appropriate patients to the proposed long-term care hospital.

(e) Expected average length of stay for discharges by age group.

(f) Expected discharge destination by age group.

(g) Projected number of patient days by payer type, including Medicare, Medicaid, private insurance, self-pay and charity care patient days for the first 2 years of operation after completion of the proposed project.

(h) Admission policies of the facility with regard to charity care patients.

(7) Applications from Licensed Long-Term Care Hospitals. A licensed long-term care hospital seeking approval for additional inpatient beds shall provide the following information in addition to the information required by subsection (6):

(a) Number of admissions and patient days by age group and diagnosis for the 12-month period ending 1 month prior to the letter of intent deadline.

(b) Number of patient days by payer type, including Medicare, Medicaid, private insurance, self-pay and charity care patient days, for the 12-month period ending 1 month prior to the letter of intent deadline.

(c) Gross revenues by payer source for the 12-month period ending 1 month prior to the letter of intent deadline.

(d) Current staffing.

(e) Current specialized treatment programs.

(8) Quarterly Reports. Licensed long-term care hospitals shall report to the agency or its designee, within 45 days after the end of each calendar quarter, the number of admissions and patient days by age and primary diagnosis that occurred within the quarter.

Specific Authority 408.15(8), 408.034(6) FS. Law Implemented 408.034(3), 408.036(1)(a),(b),(c),(d),(f),(g) FS. History—New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Building Code Inspectors and Administrators

RULE TITLE: Definitions
 RULE NO.: 61G19-1.009
 PURPOSE AND EFFECT: The Board proposes to review the existing text to see if any amendments are necessary.
 SUBJECT AREA TO BE ADDRESSED: Definitions.
 SPECIFIC AUTHORITY: 468.606, 468.607 FS.
 LAW IMPLEMENTED: 468.603 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: Anthony Spivey, Executive Director, Board of Building Code Administrators and Inspectors, 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 Building Code Administrators and Inspectors

RULE TITLE: Application for Provisional Certification
 RULE NO.: 61G19-6.0035
 PURPOSE AND EFFECT: The Board proposes to review the existing text to see if amendments are necessary.
 SUBJECT AREA TO BE ADDRESSED: Application for Provisional Certification.
 SPECIFIC AUTHORITY: 468.606, 468.609(7)(a) FS.
 LAW IMPLEMENTED: 468.609(7)(a) 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: Anthony Spivey, Executive Director, Board of Building Code Administrators and Inspectors, 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 Building Code Administrators and Inspectors

RULE TITLE: Application for Standard Certification
 RULE NO.: 61G19-6.008
 PURPOSE AND EFFECT: The Board proposes to review the existing text to see if additional amendments are necessary.
 SUBJECT AREA TO BE ADDRESSED: Application for Standard Certification by Examination; Reexamination.
 SPECIFIC AUTHORITY: 468.606, 468.609 (1),(2),(3) FS.
 LAW IMPLEMENTED: 468.609 (1),(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 AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Spivey, Executive Director, Board of Building Code Administrators and Inspectors, 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 Building Code Administrators and Inspectors

RULE TITLE: Florida Principles and Practice
 RULE NO.: 61G19-6.0085
 PURPOSE AND EFFECT: The Board proposes to review the existing text to see if additional amendments are necessary.
 SUBJECT AREA TO BE ADDRESSED: Florida Principles and Practice.
 SPECIFIC AUTHORITY: 468.606 FS.
 LAW IMPLEMENTED: 455.217(7), 468.609(5) 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: Anthony Spivey, Executive Director, Board of Building Code Administrators and Inspectors, 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.: 02-46R

RULE CHAPTER TITLE: Domestic Wastewater Residuals
 RULE CHAPTER NO.: 62-640

The Department announces rule development for the above rule chapter. On November 21, 2002, the Department of Environmental Protection will hold a Rule Development Workshop on potential regulatory changes to Chapter 62-640, F.A.C. This rulemaking activity will address concerns with the land application of domestic wastewater residuals. The Department will be taking public input on permitting of residuals land application sites and other potential regulatory concepts that may reduce related public concerns and improve program management such as further requirements on all residuals including minimum treatment to Class A pathogen reduction standards.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices," under the wastewater program area. For information on this workshop call Maurice Barker at telephone number (850)245-8614.

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: Continuing Professional Education
 RULE NO.: 64B13-5

PURPOSE AND EFFECT: The Board proposes to review this chapter to determine whether any amendments and/or new rules are necessary.

SUBJECT AREA TO BE ADDRESSED: Continuing Professional Education.

SPECIFIC AUTHORITY: 463.005(1), 463.007(3),(4), 456.013(7) FS.

LAW IMPLEMENTED: 463.007, 456.013(7) 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: 3:00 p.m., November 6, 2002

PLACE: Double Tree Suites, 3050 North Rocky Point Drive, West, Tampa, FL 33607, (813)888-8800

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: Fees
 RULE NO.: 64B13-6.001

PURPOSE AND EFFECT: The Board proposes to amend this rule to remove paragraphs (1) and (10) as the Board no longer has the responsibility for setting the examination and re-examination fees. By statute this responsibility is now delegated to the Department.

SUBJECT AREA TO BE ADDRESSED: Fees.

SPECIFIC AUTHORITY: 456.013(2), 456.025(7), 456.036, 463.005, 463.0057, 463.006, 463.007, 463.008 FS.

LAW IMPLEMENTED: 456.013(2), 456.025, 456.036, 463.0057, 463.006, 463.007, 463.008 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., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-6.001 Fees.

The following fees are prescribed by the Board:

~~(1) The examination or reexamination fee shall be \$325.00.~~

(2) through (9) renumbered (1) through (8) No change.

~~(10) The examination fee for certification as a certified optometrist shall be \$250.00.~~

(11) through (22) renumbered (9) through (20) No change.

Specific Authority 456.013(2), 456.025(7), 456.036, 463.005, 463.0057, 463.006, 463.007, 463.008 FS. Law Implemented 456.013(2), 456.025, 456.036, 463.0057, 463.006, 463.007, 463.008 FS. History—New 12-13-79, Amended 2-14-82, 8-18-82, 12-2-82, 5-6-84, 7-29-85, Formerly 21Q-6.01, Amended 11-20-86, 7-21-88, 2-5-90, 5-29-90, 7-10-91, 4-14-92, 7-1-93, Formerly 21Q-6.001, Amended 1-24-94, Formerly 61F8-6.001, Amended 12-22-94, 2-13-95, 4-5-95, 5-29-95, 12-31-95, Formerly 59V-6.001, Amended 12-24-97, 3-21-00, 11-18-01, 5-9-02,_____.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE CHAPTER TITLE: Nursing Scholarship Program
 RULE CHAPTER NO.: 64E-24

PURPOSE AND EFFECT: To implement 2002 statutory amendments requiring changes to rules and forms to administer the Nursing Scholarship Program (NSP) and to amend current rules to change the timeframe for return of NSP Agreements to the Department of Health.

SUBJECT AREA TO BE ADDRESSED: Nursing Scholarship Program.

SPECIFIC AUTHORITY: 1009.67 FS.
 LAW IMPLEMENTED: 1009.67 FS.
 A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:
 TIME AND DATE: 9:00 a.m., October 28, 2002
 PLACE: Department of Health, 4025 Esplanade Way, Room 301, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Caroline Roth, Program Administrator, Division of Emergency Medical Services and Community Health Resources, 4052 Bald Cypress Way, Bin C-15, Tallahassee, Florida 32399-1735, (850)245-4440, Ext. 2711
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.
 P.O. B00829

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Reef Fish	68B-14
RULE TITLES:	RULE NOS.:
Purpose and Intent, Repeal of Section 370.11(2)(a)8., F.S., Designation as Protected Species, Designation as Restricted Species	68B-14.001
Definitions	68B-14.002
Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper	68B-14.0035
Size Limits for Importation and Sale	68B-14.00355
Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Exception, Wholesale/Retail Purchase Exemption	68B-14.0036
Commercial Harvest Requirements; Licenses, Seasonal Closures, Special Restrictions	68B-14.0045
Regulation and Prohibition of Certain Harvesting Gear: Allowable Gear, Incidental Bycatch, Violation, Black Sea Bass Traps	68B-14.005

PURPOSE AND EFFECT: The purpose of this rule development effort is to implement minimum size limits for the possession and sale of imported reef fishes, and to develop consistent minimum size limits for red snapper and scamp caught in state and federal waters of the Gulf of Mexico. The effect will be to clarify existing regulations regarding the possession of imported fish that are less than state and/or federal minimum size limits and to develop minimum size limits that are consistent with federal regulations.

SUBJECT AREA TO BE ADDRESSED: Minimum size limits for the possession of imported reef fishes. Size limit changes for Gulf of Mexico red snapper and scamp. State water closure notices. Possession limits for mutton snapper, red porgy, and amberjack during commercial trips. Technical and organizational changes to the rule.
 SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.
 IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Cindy Hoffman, ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Shrimp	68B-31
RULE TITLE:	RULE NO.:
Northwest Region Food Shrimp Production Gear Specifications	68B-31.010

PURPOSE AND EFFECT: The purpose of this rule development effort is to allow the use of skimmer trawls throughout the northwest shrimp harvesting region. The effect will be to expand the area in which skimmer trawls may be deployed from a specified location in Apalachicola Bay to all inshore waters of the region where shrimp trawling is now permitted.

SUBJECT AREA TO BE ADDRESSED: Shrimping in the Northwest Region.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.
 IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 5 calendar days before the workshop/meeting by contacting Cindy Hoffman, ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-31.010 Northwest Region Food Shrimp Production Gear Specifications.

Each person harvesting shrimp in the Northwest Region as a food shrimp producer shall comply with the requirements specified in this rule.

(1) Allowable Gear – No person shall harvest shrimp in the nearshore and inshore Florida waters of the region as a food shrimp producer with any type of gear other than:

(a) A roller frame trawl meeting the following specifications:

1. Neither the upper nor lower horizontal beam on a roller frame trawl so used is greater than 16 feet in length.

2. The vertical bars shielding the trawl opening are spaced no further than 3 inches apart.

3. No more than two such trawls, unconnected, shall be towed by a single vessel at any time.

4. The netting of the trawl shall be no larger in mesh area than specified by subsection 68B-31.0035(2), F.A.C.

(b) No more than two unconnected otter trawls, each with a perimeter around the leading edge of the net not greater than 66 feet and a net no larger in mesh area than specified by Rule 68B-31.0035(2), F.A.C. The two otter trawls allowed in the nearshore and inshore Florida waters of this region shall include any try net being towed.

(c) ~~No Only in the area of the Northwest Region specified herein, no more than two unconnected skimmer trawls meeting the following specifications:~~

1. The perimeter around the leading edge of any skimmer trawl shall not exceed 56 feet.

2. No more than two skimmer trawls, unconnected other than being attached to the same vessel, shall be deployed from a single vessel at any time.

3. The netting of a skimmer trawl shall be no larger in mesh area than specified by subsection 68B-31.0035(2), F.A.C.

~~4. No skimmer trawl shall be used to harvest shrimp except in the following described area in Apalachicola Bay in the Northwest Region: All waters of Apalachicola Bay in Franklin County bounded on the north by the John Gorrie~~

~~Memorial Bridge, on the west by the Apalachicola Shipping Channel to Channel Marker No. 2, on the south by ICWW Channel, and on the east by the Bryant Patton Bridge.~~

(2) No trawl shall be used for food shrimp production in the inshore waters of the Northwest Region that has a mesh size less than 3/4 inch bar measurement in the body of the net and 5/8 inch bar measurement in the cod end. In any trawl with a rigid turtle excluder device (TED), the section of netting surrounding the device shall have a mesh size no smaller than 1/2 inch bar measurement and shall be no more than 50 meshes in total length.

(3) No otter or skimmer trawl shall be used for food shrimp production in the Northwest Region that is not in compliance with Rule 68B-31.004, F.A.C.

(4) In the Northwest Region, no person harvesting shrimp as a food shrimp producer shall operate or fish any otter or skimmer trawl, or possess any otter or skimmer trawl that is rigged for fishing aboard any vessel, which trawl does not have a bycatch reduction device (BRD) installed therein meeting the requirements of Rule 68B-31.0045, F.A.C.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 1-1-92, Amended 1-1-96, 8-17-98, 6-1-99, Formerly 46-31.010, Amended 5-2-01 _____.

Section II Proposed Rules

DEPARTMENT OF INSURANCE

<p>RULE CHAPTER TITLE:</p> <p>Actuarial Opinion and Memorandum</p> <p>RULE TITLES:</p> <p>Purpose</p> <p>Scope</p> <p>Definitions</p> <p>General Requirements</p> <p>Required Opinions</p> <p>Statement of Actuarial Opinion Not Including An Asset Adequacy Analysis</p> <p>Statement of Actuarial Opinion Based on Asset Adequacy Analysis</p> <p>Description of Actuarial Memorandum Including an Asset Adequacy Analysis and Regulatory Asset Adequacy Issues Summary</p> <p>Additional Considerations for Analysis</p> <p>PURPOSE, EFFECT AND SUMMARY: To adopt the same changes made by the NAIC: the elimination of non-asset adequacy opinions, greater reliance on revised actuarial standards of practice and guidelines to permit an alternative to a state of filing opinion.</p> <p>SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.</p>	<p>RULE CHAPTER NO.:</p> <p>4-138 III</p> <p>RULE NOS.:</p> <p>4-138.040</p> <p>4-138.041</p> <p>4-138.042</p> <p>4-138.043</p> <p>4-138.044</p> <p>4-138.045</p> <p>4-138.046</p> <p>4-138.047</p> <p>4-138.048</p>
--	--