

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

TIME AND DATE: 9:30 a.m., September 30, 1999

PLACE: Florida Housing Finance Corporation, Sixth Floor, Seltzer Conference Room, 227 North Bronough Street, Tallahassee, Florida 32301

COST: There is no charge for this workshop. However, because of space limitations, pre-registration of participants is requested by 5:00 p.m. on September 23, 1999. For reservations contact: Roshandra Jones, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, telephone (850)488-4197, facsimile (850)921-6060.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Chris Buswell, Housing Credit Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

Any person requesting special accommodation at this hearing because of a disability or physical impairment should contact Linda Hawthorne at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay system which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

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

Section II Proposed Rules

DEPARTMENT OF LEGAL AFFAIRS

RULE TITLES:	RULE NOS.:
Addition of Ketamine to Schedule III, Subsection 893.03(3), F.S.	2-40.003
Addition of Gamma-Hydroxybutyric Acid (GHB) to Schedule II, Subsection 893.03(2)(a), F.S.	2-40.004

PURPOSE AND EFFECT: The proposed rules are being repealed since Section 1, Chapter 99-186, Laws of Florida, addresses the scheduling of these substances.

SUMMARY: Section 1, Chapter 99-186, Laws of Florida, addresses the substances of gamma-hydroxybutyric acid (GHB) and Ketamine. As a result these rules are unnecessary and are being repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 893.035 FS.

LAW IMPLEMENTED: 893.035 FS.

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

TIME AND DATE: 4:00 p.m., October 8, 1999

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Marty Moore, Deputy General Counsel, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE FULL TEXT OF THE PROPOSED RULES IS:

2-40.003 Addition of Ketamine to Schedule III, Subsection 893.03(3), F.S.

Specific Authority 893.035 FS. Law Implemented 893.035 FS. History—New 2-2-98, Repealed.

2-40.004 Addition of Gamma-Hydroxybutyric Acid (GHB) to Schedule II, Subsection 893.03(2)(a), F.S.

Specific Authority 893.035 FS. Law Implemented 893.035 FS. History—New 2-11-99, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Marty Moore, Deputy General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Doran, Deputy Attorney General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 31, 1999

DEPARTMENT OF INSURANCE

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Standard Risk Rates	4-149, Part X
RULE TITLES:	RULE NOS.:
Purpose	4-149.200
Scope	4-149.201
Standard Risk Rate	4-149.202
Group Conversion Premium	4-149.203
Outline of Coverage	4-149.204
Indemnity Standard Risk Rates	4-149.205
Preferred Provider/Exclusive Provider	
Standard Risk Rates	4-149.206
Health Maintenance Organization	
Standard Risk Rates	4-149.207

PURPOSE AND EFFECT: Proposed Rule 4-149, Part X establishes procedures for the annual determination of standard risk rates by the Department of Insurance. These rates are used in determining the maximum rate permitted to be charged for group conversion coverage and the maximum FCHA rate to be charged.

SUMMARY: The rule is publishing the standard risk rates to be used as the maximum rate basis for group conversion major medical health insurance. This rule is required pursuant to s. 627.6675(3)(c), F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No SERC has been prepared.

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

SPECIFIC AUTHORITY: 624.308(1), 627.6675(3)(c) FS.

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

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

TIME AND DATE: 10:00 a.m., October 5, 1999

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Frank Dino, Actuary, Life & Health Forms & Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5014

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Frank Dino, (850)413-5014.

THE FULL TEXT OF THE PROPOSED RULES IS:

4-149.200 Purpose.

The purpose of this Part is to establish the standard risk rates pursuant to Section 627.6675(3), F.S., to be used as the maximum rate for group conversion insurance forms and by the Florida Comprehensive Health Association ("FCHA") in establishing rates for coverages issued by the association.

Specific Authority 624.308, 627.6675(3)(c) FS. Law Implemented 624.307(1), 627.6498(4), 627.6675(3), 627.6498(4), 641.3922(3) FS. History—New

4-149.201 Scope.

The provisions of this Part shall apply to all group conversion coverage issued or renewed in Florida on or after the effective date of this rule.

Specific Authority 624.308, 627.6675(3)(c) FS. Law Implemented 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS. History—New

4-149.202 Standard Risk Rate.

(1) Standard risk rates, pursuant to the provisions of Section 627.6675(3), F.S., are provided for the following categories of coverages:

(a) Indemnity policies;

(b) Preferred provider organization ("PPO")/exclusive provider organization ("EPO") policies; and

(c) Health maintenance organization ("HMO") contracts.

(2) The standard risk rates for a particular county is determined by multiplying the standard risk rate schedule times the appropriate county factor.

(3) Standard risk rates are provided for the benefit designs outlined in Rule 4-149.205.

Specific Authority 624.308, 627.6675(3)(c) FS. Law Implemented 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS. History—New

4-149.203 Group Conversion Premium.

(1) The maximum group conversion rates to be charged an insured shall not exceed the standard risk rate times 2.0.

(2) All rate filings shall provide a comparison table clearly identifying benefit differences from those benefits listed in Rule 4-149.205 from which the standard risk rates contained in this Part were derived.

(3) The maximum group conversion rate determined in (1) above shall be adjusted for benefit differences from those identified in Rule 4-149.205 based on a common morbidity basis of all other individual major medical forms, or if none, other major medical group forms for the same category of coverage. Such adjustment factor shall be included in the comparison table of (2) above for each benefit difference identified. For purposes of this subsection, "common morbidity" means a set of values for the frequency and intensity of claims from which claim costs for a set of benefits may be calculated.

(4) A company providing coverage issued on a family basis shall file for approval a family factor no greater than that used by the company for other individual major medical products, or if none, other similar products.

(5) Group conversion rate schedules are subject to all filing and approval requirements of Section 627.410(6), F.S. and Chapter 4-149.

Specific Authority 624.308, 627.410(6)(b), 627.6675(3)(c) FS. Law Implemented 624.307(1), 627.410(6)(a), 627.6498(4), 627.6675(3), 641.3922(3) FS. History—New

4-149.204 Outline of Coverage.

(1) This section provides an outline of the benefits considered in determining the standard risk rates.

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

	FCHA Plan (Section 627.6498)	Standard Benefit Health Plan (Section 627.6675(11))
Lifetime Limit	\$500,000	\$1,000,000
Annual Deductible	\$1,000	\$1,000
Coinsurance Amount		
Preferred Provider	<u>In-network – 80% of the first \$10,000 then 90%;</u> <u>Out-of-network – 60% of the first \$10,000 then 70%</u>	<u>In-network – 80% of the first \$10,000 then 100%;</u> <u>Out-of-network – 60% of the first \$10,000 then 100%</u>
Indemnity Plan	N/A	80% of the first \$10,000 then 100%
Maternity	Covered	Covered
Prescription Drug	Covered	Covered
In-patient	Covered	Covered
Out-patient	Covered	Covered
Out-of-Network	Covered	Covered
Emergency	Covered	Covered
	HMO	Standard Plan
	Office visit co-pat	\$10.00
	In-Patient	\$100.00
	Emergency Room co-pay (if not admitted)	\$100.00
	Rx – generic	\$5.00
	Rx – brand	\$10.00

4-149.205 Indemnity Standard Risk Rates.

(1) The table below provides the standard risk rates for indemnity plans for the Standard Benefit Plan. The 200% standard risk rate referenced in Section 627.6675(3)(a), F.S. is

determined by multiplying each value in the table by the factor 2.0.

(2) To determine the rate for a particular county, multiply the rate schedule below by the appropriate area factor.

Age	STANDARD Male	PLAN Female	County	Area Factor
0-17	\$895.82	\$1,071.29	Alachua	0.78
18	\$909.34	\$1,180.11	Baker	0.82
19	\$970.55	\$1,309.30	Bay	0.75
20	\$971.98	\$1,310.48	Bradford	0.84
21	\$977.06	\$1,318.39	Brevard	0.89
22	\$980.16	\$1,323.13	Broward	1.34
23	\$984.81	\$1,330.72	Calhoun	0.75
24	\$987.41	\$1,335.14	Charlotte	0.94
25	\$995.07	\$1,343.00	Citrus	0.78
26	\$1,047.51	\$1,390.24	Clay	0.84
27	\$1,091.33	\$1,437.35	Collier	0.92
28	\$1,125.68	\$1,479.77	Columbia	0.84
29	\$1,153.90	\$1,520.49	Dade	1.44
30	\$1,240.96	\$1,595.22	De Soto	0.77
31	\$1,271.71	\$1,659.09	Dixie	0.78
32	\$1,300.28	\$1,717.10	Duval	0.95
33	\$1,330.45	\$1,776.45	Escambia	0.76
34	\$1,357.58	\$1,839.97	Flagler	0.79
35	\$1,391.49	\$1,915.84	Franklin	0.75
36	\$1,421.12	\$1,977.83	Gadsden	0.75
37	\$1,445.99	\$1,797.67	Gilchrist	0.78
38	\$1,475.44	\$2,098.84	Glades	0.98
39	\$1,518.85	\$2,164.44	Gulf	0.75
40	\$1,580.66	\$2,251.74	Hamilton	0.82
41	\$1,640.27	\$2,309.34	Hardee	0.79
42	\$1,712.74	\$2,380.12	Hendry	0.91
43	\$1,799.61	\$2,451.37	Hernando	0.83
44	\$1,896.25	\$2,520.57	Highlands	0.79
45	\$2,014.74	\$2,624.11	Hillsborough	0.90
46	\$2,120.87	\$2,702.25	Holmes	0.75
47	\$2,227.64	\$2,783.42	Indian River	0.89
48	\$2,304.85	\$2,837.79	Jackson	0.75
49	\$2,398.20	\$2,899.69	Jefferson	0.75
50	\$2,539.16	\$2,996.29	Lafayette	0.82
51	\$2,666.69	\$3,053.70	Lake	0.89
52	\$2,814.53	\$3,113.52	Lee	0.92
53	\$2,937.01	\$3,164.19	Leon	0.75
54	\$3,091.33	\$3,215.21	Levy	0.80
55	\$3,285.18	\$3,289.53	Liberty	0.75
56	\$3,479.16	\$3,348.09	Madison	0.77
57	\$3,676.78	\$3,410.00	Manatee	0.83
58	\$3,869.15	\$3,489.58	Marion	0.78
59	\$4,053.89	\$3,589.88	Martin	0.96
60	\$4,246.50	\$3,697.84	Monroe	1.36
61	\$4,373.27	\$3,809.89	Nassau	0.84
62	\$4,456.08	\$3,924.32	Okaloosa	0.76
63	\$4,512.65	\$4,039.11	Okeechobee	0.92
64	\$4,560.88	\$4,121.81	Orange	0.90
65	\$4,714.39	\$4,246.00	Osceola	0.90
66	\$4,873.06	\$4,373.93	Palm Beach	1.00
67	\$5,037.07	\$4,521.14	Pasco	0.83
68	\$5,206.60	\$4,673.31	Pinellas	0.85
69	\$5,381.84	\$4,830.60	Polk	0.79
70	\$5,562.98	\$4,993.18	Putnam	0.82
71	\$5,750.21	\$5,161.23	St. Johns	0.82
72	\$5,943.74	\$5,334.95	St. Lucie	0.95
73	\$6,143.79	\$5,514.50	Santa Rosa	0.76
74	\$6,350.57	\$5,700.10	Sarasota	0.81
75	\$6,564.31	\$5,891.95	Seminole	0.89
76	\$6,785.25	\$6,090.26	Sumter	0.82
77	\$7,013.62	\$6,295.24	Suwannee	0.84
78	\$7,249.67	\$6,507.11	Taylor	0.77
79	\$7,493.67	\$6,726.12	Union	0.82
			Volusia	0.82
			Wakulla	0.75
			Walton	0.75
			Washington	0.75

Specific Authority 624.308, 627.6675(3)(c) F.S. Law Implemented 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) F.S. History—New _____.

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

(1) The table below provides the standard risk rates for PPO/EPO plans for the FCHA and Standard Benefit Plans. The 200% standard risk rate referenced in Section 627.6675(3)(a), F.S. is determined by multiplying each value in the table by the factor 2.0.

(2) To determine the rate for a particular county, multiply the rate schedule below by the appropriate area factor.

Age	FCHA Male	PLAN Female	STANDARD Male	PLAN Female	County	Area Factor
0-17	\$628.73	\$751.89	\$653.88	\$781.97	Alachua	0.78
18	\$638.22	\$828.27	\$663.75	\$861.40	Baker	0.79
19	\$681.18	\$918.93	\$708.43	\$955.69	Bay	0.77
20	\$682.19	\$919.76	\$709.47	\$956.55	Bradford	0.83
21	\$685.75	\$925.32	\$713.18	\$962.33	Brevard	0.96
22	\$687.93	\$928.64	\$715.44	\$965.79	Broward	1.34
23	\$691.19	\$933.97	\$718.84	\$971.33	Calhoun	0.77
24	\$693.02	\$937.07	\$720.74	\$974.55	Charlotte	0.98
25	\$698.39	\$942.59	\$726.33	\$980.29	Citrus	0.67
26	\$735.20	\$975.74	\$764.61	\$1,014.77	Clay	0.85
27	\$765.95	\$1,008.81	\$796.59	\$1,049.16	Collier	0.91
28	\$790.06	\$1,038.58	\$821.66	\$1,080.12	Columbia	0.81
29	\$809.87	\$1,067.16	\$842.26	\$1,109.85	Dade	1.38
30	\$870.97	\$1,119.61	\$905.81	\$1,164.39	De Soto	0.79
31	\$892.55	\$1,164.44	\$928.25	\$1,211.02	Dixie	0.77
32	\$912.61	\$1,205.15	\$949.11	\$1,253.35	Duval	0.99
33	\$933.78	\$1,246.81	\$971.13	\$1,296.68	Escambia	0.81
34	\$952.82	\$1,291.39	\$990.94	\$1,343.04	Flagler	0.80
35	\$976.62	\$1,344.64	\$1,015.68	\$1,398.42	Franklin	0.79
36	\$997.42	\$1,388.15	\$1,037.31	\$1,443.67	Gadsden	0.77
37	\$1,014.87	\$1,261.70	\$1,055.47	\$1,312.17	Gilchrist	0.74
38	\$1,035.54	\$1,473.08	\$1,076.96	\$1,532.00	Glades	0.99
39	\$1,066.01	\$1,519.12	\$1,108.65	\$1,579.88	Gulf	0.79
40	\$1,109.39	\$1,580.39	\$1,153.77	\$1,643.61	Hamilton	0.77
41	\$1,151.22	\$1,620.82	\$1,197.27	\$1,685.65	Hardee	0.81
42	\$1,202.09	\$1,670.49	\$1,250.18	\$1,737.31	Hendry	0.99
43	\$1,263.06	\$1,720.50	\$1,313.59	\$1,789.32	Hernando	0.84
44	\$1,330.89	\$1,769.07	\$1,384.12	\$1,839.84	Highlands	0.79
45	\$1,414.05	\$1,841.74	\$1,470.61	\$1,915.41	Hillsborough	0.90
46	\$1,488.54	\$1,896.59	\$1,548.08	\$1,972.45	Holmes	0.76
47	\$1,563.47	\$1,953.55	\$1,626.01	\$2,031.69	Indian River	0.99
48	\$1,617.66	\$1,991.71	\$1,682.37	\$2,071.38	Jackson	0.78
49	\$1,683.19	\$2,035.16	\$1,750.51	\$2,116.56	Jefferson	0.76
50	\$1,782.12	\$2,102.95	\$1,853.40	\$2,187.07	Lafayette	0.78
51	\$1,871.62	\$2,143.25	\$1,946.49	\$2,228.98	Lake	0.81
52	\$1,975.39	\$2,185.23	\$2,054.41	\$2,272.64	Lee	0.97
53	\$2,061.35	\$2,220.80	\$2,143.80	\$2,309.63	Leon	0.76
54	\$2,169.66	\$2,256.60	\$2,256.45	\$2,346.87	Levy	0.83
55	\$2,305.71	\$2,308.76	\$2,397.94	\$2,401.11	Liberty	0.77
56	\$2,441.86	\$2,349.87	\$2,539.53	\$2,443.86	Madison	0.81
57	\$2,580.56	\$2,393.32	\$2,683.78	\$2,489.05	Manatee	0.88
58	\$2,715.57	\$2,449.17	\$2,824.20	\$2,547.14	Marion	0.79
59	\$2,845.24	\$2,519.57	\$2,959.05	\$2,620.35	Martin	0.99
60	\$2,980.42	\$2,595.34	\$3,099.63	\$2,699.15	Monroe	1.37
61	\$3,069.39	\$2,673.98	\$3,192.17	\$2,780.94	Nassau	0.86
62	\$3,127.51	\$2,754.29	\$3,252.61	\$2,864.46	Okaloosa	0.73
63	\$3,167.22	\$2,834.86	\$3,293.91	\$2,948.26	Okeechobee	1.02
64	\$3,201.07	\$2,892.91	\$3,329.11	\$3,008.62	Orange	0.96
65	\$3,308.81	\$2,980.07	\$3,441.16	\$3,099.27	Osceola	0.95
66	\$3,420.17	\$3,069.85	\$3,556.98	\$3,192.65	Palm Beach	1.00
67	\$3,535.28	\$3,173.18	\$3,676.69	\$3,300.10	Pasco	0.85
68	\$3,654.27	\$3,279.97	\$3,800.44	\$3,411.17	Pinellas	0.89
69	\$3,777.26	\$3,390.37	\$3,928.35	\$3,525.98	Polk	0.84
70	\$3,904.39	\$3,504.48	\$4,060.57	\$3,644.66	Putnam	0.75
71	\$4,035.80	\$3,622.43	\$4,197.23	\$3,767.32	St. Johns	0.80
72	\$4,171.63	\$3,744.35	\$4,338.50	\$3,894.12	St. Lucie	1.01
73	\$4,312.04	\$3,870.37	\$4,484.52	\$4,025.18	Santa Rosa	0.80
74	\$4,457.17	\$4,000.63	\$4,635.45	\$4,160.66	Sarasota	0.77
75	\$4,607.18	\$4,135.28	\$4,791.47	\$4,300.70	Seminole	0.96
76	\$4,762.24	\$4,274.46	\$4,952.73	\$4,445.44	Sumter	0.82
77	\$4,922.53	\$4,418.33	\$5,119.43	\$4,595.06	Suwannee	0.82
78	\$5,088.20	\$4,567.04	\$5,291.73	\$4,749.72	Taylor	0.80
79	\$5,259.46	\$4,720.75	\$5,469.83	\$4,909.58	Union	0.78
					Volusia	0.84
					Wakulla	0.77
					Walton	0.77
					Washington	0.77

Specific Authority 624.308, 627.6675(3)(c) FS. Law Implemented 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS. History—New _____.

(2) To determine the rate for a particular county, multiply the rate schedule below by the appropriate area factor.

4-149.207 Health Maintenance Organization Standard Risk Rates.

(1) The table below provides the standard risk rates for HMO plans for the Standard Benefit Plan. The 200% standard risk rate referenced in Section 627.6675(3)(a), F.S. is determined by multiplying each value in the table by the factor 2.0.

Age	STANDARD Male	PLAN Female	County	Area Factor
0	\$926.02	\$926.02	Alachua	1.00
1-14	\$804.75	\$804.75	Baker	1.00
15-17	\$804.75	\$832.82	Bay	0.90
18	\$798.63	\$1,059.37	Bradford	1.00
19	\$816.92	\$1,113.72	Brevard	0.96
20	\$819.20	\$1,146.37	Broward	1.00
21	\$830.68	\$1,194.03	Calhoun	0.90
22	\$848.10	\$1,249.30	Charlotte	0.92
23	\$863.83	\$1,315.85	Citrus	0.80
24	\$883.34	\$1,379.37	Clay	1.00
25	\$928.48	\$1,444.35	Collier	0.90
26	\$945.47	\$1,505.20	Columbia	1.00
27	\$976.80	\$1,570.11	Dade	1.00
28	\$970.04	\$1,568.71	De Soto	0.90
29	\$981.55	\$1,550.03	Dixie	1.00
30	\$995.25	\$1,545.36	Duval	1.00
31	\$1,008.91	\$1,549.20	Escambia	1.02
32	\$1,015.91	\$1,545.65	Flagler	0.88
33	\$1,035.60	\$1,542.61	Franklin	0.90
34	\$1,061.08	\$1,542.11	Gadsden	0.90
35	\$1,079.30	\$1,526.97	Gilchrist	1.00
36	\$1,096.58	\$1,521.47	Glades	0.90
37	\$1,132.67	\$1,517.45	Gulf	0.90
38	\$1,152.74	\$1,521.43	Hamilton	0.90
39	\$1,172.61	\$1,542.30	Hardee	0.80
40	\$1,193.89	\$1,546.89	Hendry	0.90
41	\$1,240.94	\$1,571.94	Hernando	1.05
42	\$1,283.79	\$1,605.40	Highlands	0.80
43	\$1,340.24	\$1,631.76	Hillsborough	0.97
44	\$1,391.56	\$1,668.94	Holmes	0.90
45	\$1,460.42	\$1,710.44	Indian River	0.90
46	\$1,521.16	\$1,759.05	Jackson	0.90
47	\$1,591.71	\$1,806.77	Jefferson	0.90
48	\$1,673.09	\$1,867.95	Lafayette	0.90
49	\$1,763.52	\$1,932.40	Lake	0.90
50	\$1,856.56	\$1,996.48	Lee	0.92
51	\$1,953.64	\$2,068.08	Leon	0.90
52	\$2,061.59	\$2,143.30	Levy	1.00
53	\$2,168.14	\$2,221.94	Liberty	0.90
54	\$2,281.05	\$2,303.77	Madison	0.90
55	\$2,391.63	\$2,379.75	Manatee	0.96
56	\$2,509.70	\$2,466.21	Marion	0.88
57	\$2,637.69	\$2,557.26	Martin	1.00
58	\$2,762.98	\$2,666.02	Monroe	0.90
59	\$2,889.40	\$2,777.81	Nassau	1.00
60	\$3,023.71	\$2,895.35	Okaloosa	0.90
61	\$3,124.56	\$2,986.96	Okeechobee	0.90
62	\$3,221.24	\$3,075.34	Orange	0.96
63	\$3,277.16	\$3,131.85	Osceola	0.96
64	\$3,292.80	\$3,145.43	Palm Beach	1.00
65	\$3,424.15	\$3,307.21	Pasco	0.97
66	\$3,539.39	\$3,406.86	Pinellas	0.97
67	\$3,658.52	\$3,509.50	Polk	1.03
68	\$3,781.65	\$3,615.24	Putnam	0.96
69	\$3,908.93	\$3,724.16	St. Johns	1.00
70	\$4,080.77	\$3,887.88	St. Lucie	0.90
71	\$4,260.17	\$4,058.80	Santa Rosa	1.02
72	\$4,447.45	\$4,237.23	Sarasota	0.98
73	\$4,642.96	\$4,423.50	Seminole	0.96
74	\$4,847.07	\$4,617.96	Sumter	1.00
75	\$5,018.67	\$4,781.45	Suwannee	0.90
76	\$5,196.35	\$4,950.73	Taylor	0.90
77	\$5,380.31	\$5,126.00	Union	0.88
78	\$5,570.79	\$5,307.47	Volusia	0.98
79	\$5,768.02	\$5,495.37	Wakulla	0.90
			Walton	1.02
			Washington	0.90

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
Frank Dino, Actuary, Life & Health Forms & Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5014

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kevin McCarty, Deputy Division Director, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0328

DATE PROPOSED RULE APPROVED BY THE AGENCY HEAD: August 26, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 25, 1998

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Rules for Community Development
Corporation Support and Assistance
Program

9B-14

RULE TITLES: RULE NOS.:

- Definitions 9B-14.001
- Funding Availability 9B-14.003
- Eligible Applicants, Grants, and Loans 9B-14.005
- Application Format, Grants 9B-14.006
- Application Process, Grants 9B-14.007
- Scoring Criteria, Administrative and Planning Grants 9B-14.009
- Application Format, Loans 9B-14.011
- Types of Loan Programs and Participation Requirements 9B-14.018
- Direct Loan Program Participation Requirements 9B-14.019
- Guaranty Loan Program Participation Requirements 9B-14.020
- Affordable Housing and Loan Program Participation Requirements 9B-14.0201
- Terms and Conditions of Loans to Participating CDC's 9B-14.021
- Ranking of Simultaneous Loan Applications 9B-14.022
- Contracts for Grants and Loans 9B-14.023
- Rights Reserved by the Department 9B-14.024
- Interagency Cooperation 9B-14.025
- Deadlines Construed 9B-14.026

PURPOSE AND EFFECT: Chapter 290.0301-290.0395, F.S., was repealed on June 30, 1998. Therefore, this rule chapter is being repealed in its entirety.

SUMMARY: This rule was the administrative rule governing the Community Development Corporation Support and Assistance Program which provided for a fund for the purpose of providing loans and grants to eligible Community Development Corporations

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 290.38 FS.

LAW IMPLEMENTED: 290.033, 290.034, 290.035, 290.036, 290.037, 290.038 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Libby Lane, Division of Housing and Community Development, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, (850)488-3581

THE FULL TEXT OF THE PROPOSED RULES IS:

9B-14.001 Definitions.

Specific Authority 290.038 FS. Law Implemented 290.033-290.038 FS. History–New 12-31-80, Amended 10-5-82, 12-20-83, 12-30-84, 5-5-85, Formerly 9B-14.01, Amended 5-4-86, 2-26-90, 12-19-90, 3-22-92, 4-27-95, 5-13-96, 5-10-98, Repealed.

9B-14.003 Funding Availability.

Specific Authority 290.038 FS. Law Implemented 290.034 FS., Chapter 82-215, Laws of Florida History–New 12-31-80, Amended 10-5-82, 12-20-83, 6-4-84, 12-30-84, 5-5-85, Formerly 9B-14.03, Amended 5-4-86, 2-26-90, 3-22-92, 4-27-95, 5-13-96, Repealed.

9B-14.005 Eligible Applicants, Grants and Loans.

Specific Authority 290.038 FS. Law Implemented 290.035 FS. History–New 12-31-80, Amended 10-5-82, 12-20-83, 12-30-84, Formerly 9B-14.05, Amended 5-4-86, Repromulgated 2-26-90, Amended 12-19-90, 3-22-92, Repealed.

9B-14.006 Application Format, Grants.

Specific Authority 290.038 FS. Law Implemented 290.036 FS. History–New 12-31-80, Amended 10-5-82, 12-20-83, 12-30-84, Formerly 9B-14.06, Amended 5-4-86, 2-26-90, 3-22-92, Repealed.

9B-14.007 Application Process, Grants.

Specific Authority 290.038 FS. Law Implemented 290.036 FS. History–New 12-31-80, Amended 3-25-81, 10-5-82, 12-20-83, 6-4-84, 9-20-84, 12-30-84, 5-5-85, Formerly 9B-14.07, Amended 5-4-86, 2-26-90, 12-19-90, 3-22-92, 5-13-96, 5-10-98, Repealed.

9B-14.009 Scoring Criteria, Administrative and Planning Grants.

Specific Authority 290.038 FS. Law Implemented 290.036 FS. History–New 12-31-80, Amended 3-25-81, 10-5-82, 12-20-83, 6-4-84, 5-5-85, 5-4-86, Formerly 9B-14.09, Amended 4-12-88, 2-26-90, 12-19-90, 3-22-92, 4-27-95, 5-13-96, 5-10-98, Repealed.

9B-14.011 Application Format, Loans.

Specific Authority 290.038 FS. Law Implemented 290.033, 290.035, 290.036, 290.037 FS. History–New 12-31-80, Amended 10-5-82, 12-20-83, 12-30-84, 5-5-85, Formerly 9B-14.11, Amended 2-26-90, 3-22-92, 5-13-96, 5-10-98, Repealed.

9B-14.018 Types of Loan Programs and Participation Requirements.

Specific Authority 290.038 FS. Law Implemented 290.037 FS. History--New 12-30-84, Amended 5-5-85, Formerly 9B-14.18, Amended 5-4-86, Repromulgated 2-26-90, Amended 3-22-92, 5-13-96, 5-10-98, Repealed.

9B-14.019 Direct Loan Program Participation Requirements.

Specific Authority 290.038 FS. Law Implemented 290.037 FS. History--New 12-30-84, Amended 5-5-85, Formerly 9B-14.19, Amended 5-4-86, 2-26-90, 12-19-90, 3-22-92, Repealed.

9B-14.020 Guaranty Loan Program Participation Requirements.

Specific Authority 290.038 FS. Law Implemented 290.037 FS. History--New 12-30-84, Amended 5-5-85, Formerly 9B-14.20, Amended 5-4-86, Repromulgated 2-26-90, Amended 3-22-92, Repealed.

9B-14.0201 Affordable Housing Loan Program Participation Requirements.

Specific Authority 290.038 FS. Law Implemented 290.037 FS. History--New 12-30-84, Formerly 9B-14.21, Amended 5-4-86, 2-26-90, 12-19-90, 3-22-92, 4-30-95, 5-13-96, 5-10-98, Repealed.

9B-14.021 Terms and Conditions of Loans to Participating CDCs.

Specific Authority 290.038 FS. Law Implemented 290.037 FS. History--New 12-30-84, Formerly 9B-14.21, Amended 5-4-86, 2-26-90, 12-19-90, 3-22-92, 4-30-95, 5-13-96, Repealed.

9B-14.022 Ranking of Simultaneous Loan Applications.

Specific Authority 290.038 FS. Law Implemented 290.037 FS. History--New 12-30-84, Formerly 9B-14.22, Repromulgated 2-26-90, Amended 12-19-90, 3-22-92, 5-13-96, 5-10-98, Repealed.

9B-14.023 Contracts for Grants and Loans.

Specific Authority 290.038 FS. Law Implemented 290.038 FS. History--New 12-30-84, Formerly 9B-14.23, Repromulgated 2-26-90, Amended 12-19-90, 3-22-92, Repealed.

9B-14.024 Rights Reserved by the Department.

Specific Authority 290.038 FS. Law Implemented 290.038 FS. History--New 12-30-84, Formerly 9B-14.24, Repromulgated 2-26-90, Amended 3-22-92, Repealed.

9B-14.025 Interagency Cooperation.

Specific Authority 290.038 FS. Law Implemented 290.038 FS. History--New 12-30-84, Formerly 9B-14.25, Repromulgated 2-26-90, Amended 3-22-92, Repealed.

9B-14.026 Deadlines Construed.

Specific Authority 290.038 FS. Law Implemented 290.038 FS. History--New 12-30-84, Formerly 9B-14.26, Repromulgated 2-26-90, 3-22-92, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Libby Lane, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Pierce, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 3, 1998

DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Copayments for Health Services RULE NO.: 33-19.013

PURPOSE AND EFFECT: The rule is being repealed as changes in the authorizing statute, 945.6037, F.S., have removed the Department's discretion as to the amount of copayments.

SUMMARY: Section 945.6037 requires that inmates make a copayment of \$4 for inmate-initiated health care visits. The statute previously allowed the Department to set the copayment by rule. The rule is no longer authorized nor necessary since this discretion has been removed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 20.315, 944.09, 945.6037 FS.

LAW IMPLEMENTED: 20.315, 944.09, 945.6037 FS.

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

TIME AND DATE: 9:00 a.m. October 7, 1999

PLACE: Law Library Conference Room, Room B-404, 2601 Blair Stone Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-19.013 Inmate Copayments for Health Services.

Specific Authority 20.315, 944.09, 945.6037 FS. Law Implemented 20.315, 944.09, 945.6037 FS. History--New 1-4-95, Amended 2-25-96, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: David Thomas

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 23, 1999

DEPARTMENT OF CORRECTIONS

RULE TITLE: Batterers' Intervention Programs
RULE NO.: 33-504.201

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the department's certification procedures and minimum standards for batterers' intervention programs and assessors.

SUMMARY: The proposed rule clarifies the department's certification procedures and minimum standards for batterers' intervention programs and assessors.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 741.325 FS.

LAW IMPLEMENTED: 741.325 FS.

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

TIME AND DATE: 9:00 a.m., October 13, 1999

PLACE: Law Library, Conference Room, Room B-404, 2601 Blair Stone Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-504.201 Batterers' Intervention Programs.

(1) Pursuant to s. 741.325, F.S., the department has established written procedures governing certification and monitoring of batterer's intervention programs. These procedures are contained in the following documents and are hereby incorporated by reference:

~~(a) Applications, Monitoring Instruments, and Forms for Assessors and Batterer's Intervention Programs, effective 9-29-96.~~

~~(b) Certification Procedures and Minimum Standards for Assessors and Batterer's Intervention Programs, effective 9-29-96.~~

(2) These documents are available from the Department of Corrections Office of Certification and Monitoring, 2601 Blair Stone Road, Tallahassee, Florida, 32399-2500.

Specific Authority 741.325 FS. Law Implemented 741.325 FS. History--New 9-29-96, Formerly 33-20.008, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Barbara Carter

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 30, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 19, 1999

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 99-30R

RULE CHAPTER TITLE: Hazardous Waste
RULE CHAPTER NO.: 62-730

RULE TITLES: Definitions
RULE NOS.: 62-730.020

References, Variances and Case-by-Case Regulations 62-730.021

Identification of Hazardous Waste Standards Applicable to Generators of Hazardous Waste 62-730.030 62-730.160

Standards Applicable to Transporters of Hazardous Waste 62-730.170

Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities 62-730.180

Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities 62-730.181

Land Disposal Restrictions 62-730.183

Adoption of Federal Procedures for Decision Making 62-730.184

Standards for Universal Waste Management Applications for Permits 62-730.185 62-730.220

PURPOSE, EFFECT AND SUMMARY: The proposed rule amendments incorporate by reference changes made between July 1, 1997 and June 30, 1998 to the federal hazardous waste regulations by the U.S. Environmental Protection Agency. The Department is authorized by the federal government to administer parts of the hazardous waste program. As a result of that authorization, the Department must adopt changes that make its rules equivalent to the existing federal regulations. These amendments serve to make the state rules equivalent to the existing federal regulations.

SPECIFIC AUTHORITY: 403.061, 403.087, 403.704, 403.72, 403.721, 403.722, 403.724, 403.8055 FS.

LAW IMPLEMENTED: 403.061, 403.151, 403.704, 403.707, 403.72, 403.721, 403.722, 403.723, 403.7255, 403.724 FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 403.8055, FS.

SUBSTANTIALLY AFFECTED PERSONS MAY FILE OBJECTIONS WITH THE ENVIRONMENTAL REGULATION COMMISSION AT THE FOLLOWING ADDRESS: 3900 Commonwealth Boulevard, Mail Station 18, Tallahassee, Florida 32399-3000, Attention Jackie McGorty.

Objections must be received within 14 days of publication of this notice and must specify the portions of the proposed rule to which the person objects and the reasons for the objection. Objections that are frivolous will not be considered sufficient to prohibit adoption of the rule as published.

WRITTEN COMMENTS: The Secretary of the Department of Environmental Protection will consider any written comments received within 21 days after publication of this notice. Comments shall be submitted to Mr. David Crowley, Office of General Counsel, Mail Station 35, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

THE FULL TEXT OF THE PROPOSED RULES IS:

62-730.020 Definitions.

(1) The Department adopts by reference the definitions contained in 40 CFR Section 260.10 revised as of July 1, 1998 ~~1997~~.

(2) through (4) No change.

Specific Authority 403.704, 403.721, 403.8055 FS. Law Implemented 403.72, 403.721, 403.704 FS. History--New 5-28-81, Amended 9-8-81, 12-6-81, 11-25-82, 5-19-83, 1-5-84, 8-24-84, 7-5-85, Formerly 17-30.02, Amended 9-19-86, 10-31-86, 5-3-88, 1-25-89, Formerly 17-30.020, Amended 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.020, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98,_____.

62-730.021 References, Variances and Case-by-Case Regulations.

(1) The Department adopts by reference the following sections of 40 CFR Part 260 revised as of July 1, 1998 ~~1997~~:

(a) through (d) No change.

(2) The Department adopts by reference 40 CFR Section 270.6 revised as of July 1, 1998 ~~1997~~, which lists the referenced publications.

Specific Authority 403.704, 403.721, 403.8055 FS. Law Implemented 403.704, 403.721 FS. History--New 7-5-85, Formerly 17-30.021, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.021, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98,_____.

62-730.030 Identification of Hazardous Waste.

(1) The Department adopts by reference 40 CFR Part 261 revised as of July 1, 1998 ~~1997~~, and all appendices except for the following optional amendments: the amendments in the Federal Registers dated May 20, 1992 (57 FR 21524 and July 1, 1992 (57 FR 29220)):

(a) The amendments in the Federal Register dated May 20, 1992 (57 FR 21524);

(b) The amendments in the Federal Register dated July 1, 1992 (57 FR 29220);

(c) The amendments in the Federal Register dated May 6, 1998 (63 FR 24963); and

(d) The amendments to 40 CFR 261.2 and 261.4 in the Federal Register dated May 26, 1998 (63 FR 28555).

For the optional amendments in (a) through (d) above, the language in effect immediately prior to the effective date of the referenced Federal Registers remains in effect. 40 CFR Part 261 contains EPA's rules on the identification and listing of hazardous waste. No delisting is effective until it is adopted by the Department.

(2) through (4) No change.

Specific Authority Section 403.72, 403.721, 403.8055 FS. Law Implemented 403.72, 403.721 FS. History--New 5-28-81, Amended 9-8-81, 12-6-81, 3-4-82, 11-25-82, 1-5-84, 8-24-84, 12-18-84, 7-5-85, 10-3-85, Formerly 17-30.03, Amended 5-5-86, 8-25-86, 9-19-86, 10-31-86, 3-31-87, 4-13-88, Formerly 17-30.030, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.030, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98,_____.

62-730.160 Standards Applicable to Generators of Hazardous Waste.

(1) The Department adopts by reference 40 CFR Part 262 revised as of July 1, 1998 ~~1997~~, including the Appendix with the exception of 40 CFR 262.34(e).

(2) through (7) No change.

Specific Authority 403.704, 403.721, 403.8055 FS. Law Implemented 403.704, 403.72, 403.721 FS. History--New 15-19-82, Amended 5-20-82, 3-31-83, 2-2-84, 8-24-84, 7-5-85, 10-3-85, Formerly 17-30.16, Amended 9-19-86, 10-31-86, 3-31-87, 5-26-87, 6-28-88, Formerly 17-30.160, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.160, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98,_____.

62-730.170 Standards Applicable to Transporters of Hazardous Waste.

(1) The Department adopts by reference 40 CFR Part 263 revised as of July 1, 1998 ~~1997~~.

(2) through (3) No change.

Specific Authority 403.704, 403.721, 403.724, 403.8055 FS. Law Implemented 403.704, 403.721, 403.724 FS. History--New 11-8-81, Amended 5-31-84, 9-13-84, Formerly 17-30.17, Amended 9-19-86, 3-31-87, 5-26-87, 6-28-88, Formerly 17-30.170, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.170, Amended 1-5-95, 4-30-97, 8-19-98,_____.

62-730.180 Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities.

(1) The Department adopts by reference 40 CFR Part 264 revised as of July 1, 1998 ~~1997~~, including all appendices; except for the following optional amendments: ~~the amendments to:~~

(a) The amendments to 40 CFR 264.141(h), 264.147(g)(1), 264.151(g) and 264.151(h)(2) in the Federal Register dated September 1, 1988 (53 FR 33938); and

(b) The amendments to 40 CFR 264.143(f)(10), 264.145(f)(11), 264.151(f), 264.151(g), 264.151(h)(1) and 264.151(h)(2) in the Federal Register dated September 16, 1992 (57 FR 42832); and

(c) The amendments in the Federal Register dated September 28, 1988 (53 FR 37912).

For the optional amendments in (a) through (c) above, the language in effect immediately prior to the effective date of the referenced Federal Registers remains in effect.

(2) The Department adopts by reference 40 CFR Part 265 revised as of July 1, ~~1998~~ 1997, including all appendices, with the exception of:

(a) Subpart R; and

(b) The amendments in the Federal Registers dated September 1, 1988 (53 FR 33938) and September 28, 1988 (53 FR 37912).

For the optional amendments in (b) above, the language in effect immediately prior to the effective date of the referenced Federal Registers remains in effect.

(3) through (9) No change.

Specific Authority 403.704, 403.721, 403.724, 403.8055 FS. Law Implemented 403.704, 403.721, 403.724 FS. History—New 5-19-82, Amended 3-4-82, 5-20-82, 7-14-82, 8-30-82, 10-7-82, 11-25-82, 2-3-83, 3-31-83, 5-19-83, 1-5-84, 2-2-84, 11-7-84, 7-5-85, 10-3-85, Formerly 17-30.18, Amended 5-5-86, 9-19-86, 10-31-86, 3-31-87, 4-13-88, 6-28-88, Formerly 17-30.180, Amended 1-15-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.180, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98,_____.

62-730.181 Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities.

(1) The Department adopts by reference 40 CFR Part 266 revised as of July 1, ~~1998~~ 1997 and the amendments in the Federal Register dated April 12, 1996 (61 FR 16289).

(2) through (3) No change.

Specific Authority 403.704, 403.721, ~~403.7255~~, 403.8055 FS. Law Implemented 403.704, 403.721, 403.7255 FS. History—New 7-5-85, Amended 10-3-85, 5-5-86, 4-13-88, 4-15-86, 5-3-88, Formerly 17-30.181, Amended 1-25-89, 8-13-90, 10-14-92, 10-7-93, Formerly 17-730.181, Amended 1-5-95, 9-7-95, 2-25-96, 4-30-97, 8-19-98,_____.

62-730.183 Land Disposal Restrictions.

The Department adopts by reference 40 CFR Part 268 revised as of July 1, ~~1998~~ 1997, and all appendices, with the exception of:

(1) ~~40 CFR~~ 268.5, 268.6, 268.42(b) and 268.44. The authority for implementing these excluded sections remains with EPA; and

(2) The amendments to 40 CFR 268.2(k), 268.7(a), 268.7(b), 268.7(e), and 268.49 in the Federal Register dated May 26, 1998 (63 FR 24963), which are optional. The language in effect immediately prior to the effective date of this Federal Register remains in effect.

Specific Authority 403.704, 403.721, 403.8055 FS. Law Implemented 403.704, 403.721 FS. History—New 1-25-89, Formerly 17-30.183, Amended 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.183, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98,_____.

62-730.184 Adoption of Federal Procedures for Decision Making.

The Department will follow the procedures set forth in these sections of 40 CFR Part 124 revised as of July 1, ~~1998~~ 1997: 124.3(a); 124.5(a), (c), and (d); 124.6(a), (d), and (e) except (d)(4)(ii) through (v); 124.8(a) and (b) except (b)(3) and (b)(8); 124.10(a) except (a)(1)(i) and (a)(1)(iv) through (a)(3); 124.10(b); 124.10(c) except (c)(1)(iv) through (viii); 124.10(d)

except (d)(1)(vii) through (viii) and (d)(2)(iv); 124.11; 124.12(a); and 124.17 except (b); 124.31 except for two sentences in 124.31(a) which include the phrase “over which EPA has permit issuance authority”; 124.32 except for two sentences in 124.32(a) which include the phrase “over which EPA has permit issuance authority”; and 124.33 except for 124.33(a); which are hereby adopted by reference. Sections 124.31, 124.32, 124.33 apply to all applicants seeking permits for hazardous waste management units.

Specific Authority 403.704, ~~403.721~~, 403.722, 403.8055 FS. Law Implemented 403.704, ~~403.721~~, 403.722 FS. History—New 10-7-93, Formerly 17-730.184, Amended 1-5-95, 4-30-97, 8-19-98,_____.

62-730.185 Standards for Universal Waste Management.

(1) The Department adopts by reference 40 CFR Part 273 revised as of July 1, ~~1998~~ 1997.

(2) No change.

Specific Authority 403.704, 403.721, 403.8055 FS. Law Implemented 403.061, 403.704, 403.721 FS. History—New 9-7-95, Amended 4-30-97, 8-19-98,_____.

62-730.220 Applications for Permits.

(1) through (2) No change.

(3) The Department adopts by reference the following sections of 40 CFR Part 270 revised as of July 1, ~~1998~~ 1997: 270.1(c), 270.2, 270.3, 270.4, 270.6, 270.10, 270.11, 270.12 through 270.27, 270.30, 270.31, 270.32(b)(2), 270.33, 270.51, 270.61, 270.62, 270.66, and 270.72).

(4) through (11) No change.

Specific Authority 403.061, 403.087, 403.704, ~~403.721~~, 403.722 FS. Law Implemented 403.151, 403.704, 403.707, ~~403.721~~, 403.722, 403.723 FS. History—New 7-9-82, Amended 1-5-84, 8-19-84, 7-22-85, Formerly 17-30.22, Amended 9-23-87, 6-28-88, 12-12-88, Formerly 17-30.220, Amended 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.220, Amended 1-5-95, 4-30-97, 8-19-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: John Ruddell, Director, Division of Waste Management, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David B. Struhs, Secretary, Department of Environmental Protection, Marjory Stoneman Douglas Building, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 31, 1999

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 99-34R

RULE CHAPTER TITLE: Florida Petroleum Liability and Restoration Insurance Program

RULE CHAPTER NO.: 62-769

RULE TITLES: Abandoned Tank Restoration Program Forms

RULE NOS.: 62-769.800 62-769.900

PURPOSE, EFFECT AND SUMMARY: The remaining two sections of Chapter 62-769, which includes the Abandoned Tank Restoration Program (ATRP) and the Forms for ATRP and Florida Petroleum Liability and Restoration Insurance Program (FPLRIP), are obsolete. The deadline to apply to both programs has passed so no forms are needed for either program. Pursuant to the ATRP rule orders granting eligibility for ATRP require a \$500 deductible; thus it is unnecessary to maintain the ATRP rule merely to provide notice of the continuing obligation to pay the \$500 deductible. Those who qualify for the indigent ATRP are governed entirely by the language contained in §376.305(6), F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 120.54, 120.74, 376.305 376.3072 FS.

LAW IMPLEMENTED: 120.74 FS.

IF REQUESTED WITHIN 21 DAYS OF DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., October 14, 1999

PLACE: 2600 Blair Stone Rd, Rm. 609, Tallahassee, FL

If an accommodation is needed for a disability in order to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel, (850)488-2996 or 1(800)955-8771 (TDD), at least seven days prior to the event.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Rebecca Grace, Office of General Counsel, 3900 Commonwealth Blvd, MS 35, Tallahassee, FL 32399-3000, Phone (850)921-9623, Facsimile (850)921-3000 or e-mail Rebecca.Grace@dep.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULES IS:

62-769.800 Abandoned Tank Restoration Program.

Specific Authority 376.303, 376.3072 FS. Law Implemented 376.305 FS. History--New 2-20-91, Amended 2-22-93, Formerly 17-769.800, Repealed.

62-769.900 Forms.

Specific Authority 376.303, 376.3072 FS. Law Implemented 376.305, 376.3072 FS. History--New 2-27-89, Amended 2-20-91, Formerly 17-769.999, Amended 2-22-93, Formerly 17-769.900, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Sole, Chief, Bureau of Petroleum Storage Systems

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael Sole, Chief, Bureau of Petroleum Storage Systems

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 20, 1999

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Office of the Secretary

DOCKET NO.: 99-25R

RULE CHAPTER TITLE: Florida Greenways and Trails Program

RULE CHAPTER NO.: 62S-1

RULE TITLES: Purpose and Scope
Definitions

RULE NOS.: 62S-1.100
62S-1.200

Solicitation, Evaluation and Selection Process for Department Acquisition of Greenways and Trails

62S-1.400

Modification of Approved Acquisition Projects

62S-1.450

Objectives of Designation Process

62S-1.600

Designation of Public Conservation or Recreation Lands and Waterways

62S-1.620

Designation Process for Private Lands and Waterways

62S-1.640

PURPOSE AND EFFECT: To interpret and implement the Florida Greenways and Trails Act by establishment of standards and procedures by which lands and waterways will be acquired and designated as part of the statewide system of greenways and trails.

SUMMARY: Chapter 260, F.S., authorizes the Department to establish and expand a statewide system of greenways and trails for recreational and conservation purposes. The primary tools for Department implementation of Chapter 260 are the land acquisition and designation programs administered by the Office of Greenways and Trails. The proposed rules establish the eligibility standards, evaluation criteria, selection, methodology and forms necessary for Department solicitation, selection and prioritization of proposed acquisition projects, as well as the procedures and forms required for its designation of lands and waterways as part of the Florida Greenways and Trails System.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 260.016(1)(c) FS.

LAW IMPLEMENTED: 163.3244(1), 253.03, 253.034, 253.04, 253.05, 253.781-253.782, 253.7829, 259.03, 259.032, 259.04, 259.041, 259.101, 259.105, 259.1051, 260.012-260.018, 375.045, 380.05(22) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel, (850)488-2996 or 1(800)955-8771 (TDD), at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Samantha Browne, Office of Greenways and Trails, MS 795, Tallahassee, FL 32399-2400, Phone (850)488-3701, Fax (850)922-6302

THE FULL TEXT OF THE PROPOSED RULES IS:

62S-1.100 Purpose and Scope.

To interpret and implement the legislative intent and statutory directives of the Florida Greenways and Trails Act (Sections 260.011-.018, Florida Statutes), the Department adopts the rules of Chapter 62S-1, F.A.C., as the standards and procedures by which lands and waterways of the Florida Greenways and Trails System will be acquired, designated, administered, used and maintained. The two principal procedural rules describe the criteria and processes by which the Department of Environmental Protection will acquire or designate lands and waterways as part of the statewide system of greenways and trails. Primary funding for the land acquisition program is provided by the Florida Forever Trust Fund under the program described in Section 259.105, Florida Statutes (1999). Title to lands and waterways acquired under the Florida Greenway and Trail Program vests in the Board of Trustees of the Internal Improvement Trust Fund, which is responsible for the administration, management, control, protection, and disposition of state-owned lands under Chapter 253, Florida Statutes.

Specific Authority 260.016(1)(c) FS. Law Implemented 253.03, 253.034, 253.04, 253.05, 253.781, 253.782, 253.7829, 259.03, 259.032, 259.04, 259.041, 259.101, 259.105, 260.012-.018 FS. History—New

62S-1.200 Definitions.

Whenever used in this chapter or in the forms prescribed for use with this chapter, the words defined in Section 260.013, F.S., shall have the same meaning and the following terms (whether or not capitalized) shall have the meanings stated below unless the context clearly indicates otherwise:

(1) "Act" means the Florida Greenways and Trails Act, Chapter 260, Florida Statutes.

(2) "Council" means the Florida Greenways and Trails Council described in Section 260.0142, Florida Statutes.

(3) "Cross Florida Greenways State Recreation and Conservation Area" means the network of greenways and trails created by Section 253.781, Florida Statutes, including those portions of the Oklawaha River Valley and other lands and interests previously acquired by the state or federal government for construction and operation of the Cross Florida Barge Canal, the original corridor of which is specified in the Greenway Management Plan prepared by the University Planning Team of the University of Florida.

(4) "Designation Agreement" means a binding written contract between the Department and the owner of lands upon or over which a designated greenway or trail is located (or will be located), providing the terms and conditions upon which the

owner agrees to have his, her or its lands or waterways designated as part of the Florida Greenways and Trails System. At a minimum, the Designation Agreement shall address the items described in Section 62S-1.620(5) and Section 62S-1.640(6), F.A.C.

(5) "Florida Forever Funds" means moneys from the Florida Forever Trust Fund created by Section 259.1051, Florida Statutes (1999), and distributed to the Department pursuant to Section 259.105(3)(g), Florida Statutes (1999), for the acquisition of lands under the Florida Greenways and Trails Program.

(6) "Florida Greenways and Trails System" means the statewide aggregation of individual, interconnected or interrelated greenways and trails established by Chapter 260, Florida Statutes, to provide open space for the benefit of environmentally sensitive lands and wildlife and to provide people with access to healthful outdoor activities.

(7) "Greenways and trails support organization" means a formal or informal group, whether incorporated or unincorporated, tax-exempt or non-tax-exempt, that conducts programs or activities that directly support the establishment, development, maintenance or management of a greenway or trail.

(8) "Implementation Plan" means the five-year implementation plan entitled "Connecting Florida's Communities with Greenways and Trails," prepared by the Florida Department of Environmental Protection and the Florida Greenways Coordinating Council and dated September 1998.

(9) "Landowner" or "owner" means the legal and equitable owner(s) of fee simple title in and to real property.

(10) "Less-than-fee acquisition" means the purchase of an interest in property that is less than the entire fee simple estate (which is one in which the owner is entitled to the entire property with the unconditional power of disposition during the owner's life and which will descend to his or her heirs and legal representatives upon the owner's death intestate). The most common less-than-fee acquisition alternatives are purchase of development rights, conservation easements, land protection agreements, life estates, and purchase of specific rights or interests.

(11) "Management plan" means a written document that describes the management goals for a project; conditions that will affect the intensity of management; an estimate of the revenue-generating potential of the project, if applicable; a description of potential multiple-use activities as described in Sections 259.032 and 253.034, Florida Statutes (1999); a timetable for implementing the various stages of management and for providing access to the public, if applicable; provisions for protecting existing infrastructure and for ensuring the security of the project upon acquisition; the anticipated costs of management and projected sources of revenue to fund management needs (including legislative appropriations);

recommendations on the number of employees necessary to manage the project; and recommendations for management involvement by local governments, greenways and trails support groups, prior landowners or other interested parties.

(12) "Managing entity" means the agency, governmental entity, corporation, organization or other authority that has undertaken and is responsible for the day-to-day operation, protection, maintenance and stewardship of a specified greenway or trail, or network of greenways or trails, under a management plan or designation agreement with the holder of the ownership, proprietorship, or other beneficial interest in the property upon or over which the greenway or trail segment is located.

(13) "Multiple use" means the harmonious and coordinated management of timber, recreation, conservation of fish and wildlife, forage, archaeological and historic sites, habitat and other biological resources, or water resources so that they are utilized in the combination that will best serve the people of the state, making the most judicious use of the land for some or all of these resources and giving consideration to the relative values of the various resources. In this chapter, the term "multiple use" can also refer to and shall be deemed to include the use of land or resources by more than one state agency, or by one or more state agencies and private sector land managers. In any case, lands identified as multiple-use lands in the land management plan shall be managed to enhance and conserve the lands and resources for the enjoyment of the people of the state.

(14) "Person" means any individual, corporation, partnership, firm, association, joint venture, estate, trust, business trust, syndicate, fiduciary, commission, county, municipality or political subdivision of a state, any interstate body, the federal government or any subdivision thereof and all other groups or combinations, whether public or private.

(15) "Planned project corridor" means the proposed path of a greenway or trail described in an Application for Acquisition of Land and comprised exclusively of those parcels of real property for which Willing Owner Certificates have been executed by parcel owner(s) and submitted with the Application.

(16) "Project" means a discrete and identifiable plan or undertaking which describes in detail the acquisition, development, designation, use or management of certain lands or waterways within the Florida Greenways and Trails System.

(17) "Project boundary" means a conceptual outline or drawing that depicts the maximum physical boundaries for a proposed greenway or trail. The project boundary will incorporate not only the planned project corridor, but also any adjacent lands or waterways that could be included within the greenway or trail if one or more parcels within the planned project corridor cannot be acquired in the precise configuration delineated in its legal description.

(18) "Proposal" means the application and supporting documentation submitted to the Department for consideration in one or more of the procedures established by this chapter for the evaluation, selection, acquisition, designation, use or management of lands or waterways within the Florida Greenways and Trails System.

(19) "Public Conservation or Recreation Lands or Waterways" means lands or waterways owned by a national, state, regional or local governmental entity. The following categories of public lands and waterways would typically qualify for designation as part of the Florida Greenways and Trails System:

(a) National parks, forests and trails, preserves, seashores, wildlife refuges, wild and scenic rivers, military reservations and Native American lands;

(b) State park units, forests, recreation areas, submerged lands, wildlife management areas, historic and archaeological sites, ornamental and botanical gardens, university system properties, museums and other special feature sites, public game areas, preserves and reserves;

(c) Lands owned by any port authority, flood control district, water management district, navigation district or other agency created by general or special act; and

(d) Local government conservation and recreation lands and urban open space areas.

(20) "Quorum" means the minimum number of members legally necessary to conduct official business of an elected or appointed body when duly assembled.

(21) "Resource-based recreation" means activities or diversions dependent on a particular resource, feature or element (or a combination thereof) in the natural or cultural environment. Examples of resource-based recreation include canoeing, swimming, sailing, horseback riding, hiking, bicycling, jogging, fishing, off-road cycling and riding (whether motorized or non-motorized), or driving, cross-country agility or endurance competition, camping, hunting, boating, diving, birding, nature study, or historical and archeological interpretation.

(22) "Single use" means management for one particular purpose to the exclusion of all other purposes; provided, however, that single-use properties may be managed for compatible secondary purposes which will not detract from or interfere with the primary management purpose. Examples of single use management include the use of agricultural lands for production of food and livestock, the use of improved sites and grounds for institutional purposes, and the use of lands for parks, preserves, wildlife management, archaeological or historic sites, or wilderness areas where the maintenance of essentially natural conditions is important. All submerged lands shall be considered single-use lands and shall be managed primarily for the maintenance of essentially natural

conditions, the propagation of fish and wildlife, and public recreation, including hunting and fishing where deemed appropriate by the managing agency.

(23) "Sponsor" means the person, organization, coalition or government agency (or any combination thereof) that submits to the Office of Greenways and Trails a proposal or application for the Department's acquisition or designation of lands or waterways as components of the Florida Greenways and Trails System, with the intent of being responsible for the planning, establishment, development, maintenance and/or management of the proposed project. The Sponsor of a project can be the Owner or Managing Entity of the lands or waterways proposed for acquisition or designation.

(24) "User-Oriented Recreation" means activities or diversions that can be provided in a variety of locations and are not dependent on a particular resource, feature or element (or combination thereof) in the natural or cultural environment. Examples of user-oriented recreation include basketball, soccer, tennis, baseball, golf, archery, target shooting, model hobbyist and playground activities.

Specific Authority 260.016(1)(c) FS. Law Implemented 253.034, 253.781, 259.032, 259.041, 259.101, 259.105, 259.1051, 260.011, 260.012, 260.013, 260.0142, 260.015, 260.016, 375.045 FS. History—New

62S-1.400 Solicitation, Evaluation and Selection Process for Department Acquisition of Greenways and Trails.

Section 260.015, Florida Statutes, authorizes the Department to acquire the fee simple title or any lesser interest in land for the purpose of facilitating the establishment of a statewide system of greenways and trails. Funding for the Department's acquisition of lands for the Florida Greenways and Trails System is provided through the sale of bonds under the "Florida Forever Act" (Section 259.105, Florida Statutes). Section 260.016, Florida Statutes, authorizes the Department to adopt rules for the evaluation, selection, designation, operation and maintenance of greenways and trails. Accordingly, the Department will follow the guidelines established by this rule to solicit, evaluate and select lands to be acquired for the Florida Greenways and Trails System.

(1) Minimum Eligibility. Only those projects that meet the definition of a "greenway" or "trail" in s. 260.013, Florida Statutes, are eligible for acquisition funding under the Florida Greenways and Trails program.

(2) Voluntary Nature of Acquisitions. The acquisition of lands for the Florida Greenways and Trails program is accomplished through voluntary arms-length transactions, based on a landowner's willingness to sell his or her property to the state for its fair market value. The Florida Greenways and Trail Act does not authorize the Department to acquire lands through the use of condemnation proceedings (eminent domain). Therefore, the owners of real property upon or over which a proposed greenway or trail would pass must be willing

to negotiate with representatives of the Department (or its designee) regarding the potential sale of their lands to the State of Florida.

(3) Funding Limitations. Acquisition funding for the Florida Greenways and Trails program is limited to one and five-tenths percent (1.5%) of the annual bond proceeds deposited in the Florida Forever Trust Fund. To ensure that the best possible value is obtained for each funding dollar, the Department must carefully weigh and compare the individual and relative values of all proposed acquisition projects. In some cases, the exemplary natural resources or multiple-use recreational opportunities offered by one or two projects could result in large awards that could effectively preclude funding of other projects for a particular year.

(4) Solicitation and Submission of Project Proposals. The Department will solicit and accept applications for acquisition funding in the following manner:

(a) To initiate each acquisition funding cycle, the Department will publish a "Notice of Project Solicitation" in the Florida Administrative Weekly to announce a period of not less than sixty (60) consecutive days during which it will accept applications for acquisition funding under the Florida Greenways and Trails program. The notice shall state the commencement and deadline dates for application acceptance, the approximate amount of funds available for acquisition projects and any limitation applicable to individual funding awards. The amount of available funds stated in the notice shall be based on the anticipated allocation from the Florida Forever Trust Fund to the Florida Greenways and Trails program reflected in the most recent Trust Fund Status and Activity Reports of the Department's Bureau of Finance and Accounting.

(b) The Department's "Application for Acquisition of Land," DEP Form #OGT-1, effective [effective date of rule] (the "Application"), is prescribed for use with these rules and is hereby incorporated by reference. The Application may be obtained by writing to the Office of Greenways and Trails at the address stated in paragraph (c) below, by telephoning (850) 488-3701 (SunCom 278-3701), or by e-mail to <http://www.dep.state.fl.us/gwt>.

(c) Applications, together with attached and supporting documentation, must be mailed or delivered to the following address: Office of Greenways and Trails, Department of Environmental Protection, Mail Station 795, Tallahassee, FL 32399-2400. To obtain a precise office location for document delivery, applicants should call the Office of Greenways and Trails at (850)488-3701 (SunCom 278-3701). Faxed copies of the Application, attachments or other supporting documentation will not be accepted, and only those documents received by 5:00 p.m. on the deadline date stated in the published notice will be considered during the project evaluation and selection process.

(d) Applicants must submit an original Application, one (1) original set of the items listed in paragraph (5)(j) below and any other supporting documentation, together with twenty-four (24) first-generation copies of the Application, required attachments and supporting documentation.

(5) Contents of Application and Required Attachments. All requests for land acquisition funding under the Florida Greenways and Trails program must be submitted on the Department's Application. To receive full consideration, each Application package must include the following information and documentation at the time of submittal:

(a) Project Description. Provide a general narrative description of the project, including features and characteristics that qualify the project as a greenway or trail as defined in s. 260.013, Florida Statutes.

(b) Project Funding. Estimate the total purchase price of the project and explain how it was determined; if matching, alternative or additional funds for the project have been requested under any other program, describe the type of other funding requested and to whom and when the application was made; and if there is potential for partnering with a local government to acquire or develop the project, identify the potential partners and describe any previous attempts to discuss or coordinate project acquisition or development with them.

(c) Project Location. If other publicly owned lands are located in the vicinity and the proposed greenway or trail could be located on such other lands, describe the location, present ownership and current uses of such other public lands; delineate the planned project corridor and project boundaries on county property appraiser maps; state whether any portion of the project lies within a railroad corridor or right-of-way or the Florida National Scenic Trail planning corridor; state the approximate acreage and mileage of the project and the number of separate parcels involved in acquisition of the planned project corridor; describe alternative routes or alignments that may be possible in the event all parcels cannot be acquired; and identify critical parcels that must be acquired to make the project viable.

(d) Type of Interest to be Acquired. Explain whether and why fee simple acquisition is necessary to achieve the recreation and conservation purposes of the project; describe alternative acquisition options that may be available in the event fee simple acquisition is not possible for particular parcels; if less-than-fee acquisition is proposed, describe any rights the owner wishes to retain and the effect that retention of those rights will have on proposed uses of the project; and list of the types of interests to be acquired (such as fee simple, conservation easement, purchase of development rights, lease, license or life estate).

(e) Encumbrances and Improvements. To the extent known by the owner or managing entity or visible on the ground, identify the following: all existing and proposed

encumbrances or encroachments on project parcels (such as hunting, grazing and timbering leases; roadway and utility easements; or other leases, licenses or interests in land); all improvements (such as buildings, sheds, fences, roadways and culverts) located on project parcels, together with a description of the condition, current and proposed uses and estimated value of each improvement.

(f) Recreational Opportunities. Specify the outdoor recreational opportunities to be provided within the project and mark the location of each type on the attached county property appraiser maps.

(g) Ecological, Historical and Cultural Features. Describe the ecological characteristics of lands and waterways within the project, including intact or partial ecosystems, wetlands and wildlife habitat, and the quantity and quality of wetlands; describe the current condition of lands and waterways (whether cleared, timbered, replanted, dredged, filled or otherwise altered); identify the types of wildlife on the project site and ways in which ecological features of project parcels support or enhance adjacent lands; describe historical, archeological and cultural features within the project (if any); identify exotic plants on the project site and describe the extent of coverage and control or eradication efforts; if dumping of trash is a common practice on the project site, identify hazardous wastes or toxins present on or adjacent to the site, the location of each identified waste or toxin, and any past or present efforts or future plans to control or clean the site.

(h) Project Planning. Describe any facilities currently on the project site and any plans for future infrastructure development; state whether the project provides connections (or potential for future connections) with other public lands; explain how the project will further specific goals, policies and objectives of local government comprehensive plan elements; describe planned or potential public access points within the project and clearly mark their locations on attached maps; describe the types of alternative transportation uses within the project and clearly label the location of each type on attached maps.

(i) Project Management and Support. Attach a letter of intent from each local government with jurisdiction over any part of the project, stating that the project can be adequately accessed by safety and emergency personnel and equipment and that the local government will provide law enforcement or other security after project completion; identify public safety issues or concerns that may arise in connection with operation and maintenance of the project and how they could be addressed; describe measures that will be taken to protect, conserve and enhance the project's recreational, ecological, historical, archeological and cultural features during project acquisition, development and operation; and describe community support for the project and specify how it will enhance the project's development and management.

(j) Required Application Attachments. The following items must be attached to the Application at the time of submittal:

1. A "Willing Owner Certificate," DEP Form #OGT-2, effective [effective date of rule] and hereby incorporated by reference, must be completed and signed by the owner(s) of parcels that comprise at least eighty percent (80%) of the total acreage within the planned project corridor, except for parcels to be acquired under Sections 253.781-782, Florida Statutes. The certificate confirms a landowner's willingness to negotiate with representatives of the Department (or its designee) regarding the potential sale of the owner's lands.

2. A "Willing Management Certificate," DEP Form #OGT-3, effective [effective date of rule] and hereby incorporated by reference, must be completed and signed by the proposed managing entity of the project. The certificate verifies that a governmental entity, nonprofit corporation, greenways and trails support organization or other group has agreed to be responsible for the day-to-day operation, protection, maintenance and stewardship of the proposed project.

3. An accurate, to-scale sketch of the project site depicted in relation to other area greenways or trails, county roadways, major topographic features (such as rivers, lakes and power lines) and local government boundaries (if any). The sketch must be sized to 8.5" x 14" paper, and the planned project corridor proposed for state acquisition must be clearly identified.

4. Photographs of various sites and features within the project that show typical landscape characteristics, labeled with location and orientation and cross-referenced to the project site sketch.

5. A list of the owners of all parcels of land lying within the planned project corridor, together with the name of each owner's agent (if any) and the mailing address and telephone number of each party. Within the list, indicate the priority order in which parcels should be acquired and identify any "critical" parcels that must be acquired to assure project viability.

6. If available for parcels lying within the planned project corridor, copies of any existing surveys, appraisals, environmental audits, or conceptual or other site plans.

7. A copy of the county property appraiser's assessment statement or computer printout for each parcel of land in the planned project corridor, which should reflect the parcel's tax identification number, owner's name, applicable tax exemptions, market value for both improved and unimproved portions of the parcel, and the amount of taxes assessed for the most recent taxable year.

8. A copy of county property appraiser maps, clearly depicting the location of each parcel within the planned project corridor and labeled with any other information required by Section 62S-1.400(5), F.A.C.

9. A letter from the planning office of each local government with jurisdiction over any part of the project, stating that the proposed development of the project, together with the uses to be made of the project upon completion, are or will be in compliance with the local government's comprehensive plan upon completion.

10. From the comprehensive plan of each local government that has jurisdiction over any part of the project, copies of plan elements that include the full text of all goals, policies and objectives cited in the Application (see Paragraph 62S-1.400(5)(h), F.A.C.).

11. Evidence of support by community groups or greenways and trails support organizations (such as letters, resolutions or petitions).

(6) Review for Completeness. Within thirty (30) days after the Application submission deadline, Department staff will review all timely submitted Applications and provide each applicant with a Notice of Completeness by first class mail. The determination of completeness will be based on the inclusion of all items described in Section 62S-1.400(5), F.A.C. If Department staff determines that a timely submitted Application is incomplete, the Notice of Completeness will list the deficiencies, and the applicant will have twenty-one (21) days from the date of the Notice within which to mail or deliver omitted information to the Department. An applicant's failure to timely provide the information requested in the Notice of Completeness shall be deemed a request to withdraw the Application from further consideration for the advertised acquisition funding cycle. No additional information will be accepted after the deadline stated in the Notice of Completeness, unless specifically requested by the Department staff for purposes of clarification.

(7) Evaluation and Selection Criteria and Scoring. Within one hundred twenty (120) days after the Application submission deadline, Department staff will evaluate all timely submitted Applications for conformity with the criteria set forth in this section and determine the individual and relative merits of proposed acquisition projects. During the 120-day evaluation period, Department staff may conduct site visits or request technical advisory comments from other state agencies, regional planning councils, water management districts, nonprofit conservation or recreation organizations, or other public or private groups generally recognized as authorities on issues related to the acquisition, development and management of greenways and trails. For scoring purposes, Department staff will utilize the information contained within the Application and its attachments, unless such information is contradicted or superseded by data obtained during a site visit or documentary evidence received from one of the technical advisory bodies mentioned above. If a particular criterion does not apply to a proposed project, the applicant should indicate "Not Applicable" in response to the criterion on the Application. Because projects only accumulate points during

the evaluation process, no points will be deducted if a particular criterion does not apply to a project. Since some criteria relate to features or activities that would be mutually exclusive within the same project, it is highly unlikely that a project can achieve points in every category.

(a) Importance and Function of Project Within Statewide System. The Florida Greenways and Trails System was established to conserve, develop and use the state's natural resources for healthful and recreational purposes. The relative importance of proposed greenways and trails corridors within the statewide system and the conservation and recreation functions to be served by proposed projects are factors that must be considered in the evaluation of Applications for the limited funds available under the Florida Greenways and Trails program. A maximum of fifty (50) points can be awarded to a proposed project on the basis of the following factors that relate to the importance and function of the project within the statewide system of greenways and trails:

1. Whether the project provides a critical link in the statewide system of greenways and trails, or is depicted as a greenway or trail opportunity on maps included in the Implementation Plan.

2. Whether the project is a planned phase of an existing or ongoing greenways or trails project, or whether acquisition of the project was modified by the Florida Greenways and Trails Council under Section 62S-1.400(10)(c)2.b., F.A.C.

3. Whether the project creates, enhances or encourages the development, extension or connection of local, regional or national greenways or trails and, if so, whether the project is being pursued in conjunction and collaboration with other state, federal, local or non-profit agencies that will provide part of the funding necessary to acquire, develop, operate or maintain the project. Preference shall be given to projects that connect multiple jurisdictions, serve low income or other disadvantaged populations, or promote the six principles of sustainability described in Section 163.3244(1), Florida Statutes.

4. Whether the lands proposed for acquisition lie within an area of critical state concern designated under Section 380.05(1), Florida Statutes, or qualify for designation by the Board of Trustees as an "acquisition for conservation purposes" under Paragraph 253.034(6)(b), Florida Statutes (1999).

5. Whether the project permits public access to all or substantially all of the site or provides enhanced public access to other publicly-owned or publicly accessible natural areas such as water bodies, saltwater beaches or conservation and recreation areas.

6. Whether adjacent private landowners will allow public access across their lands (if necessary) or designation of their property as part of the Florida Greenways and Trails System.

(b) Potential for Cost-Sharing in Project Acquisition, Development, Operation or Maintenance. Due to the limited amount of funding available for the acquisition of lands under the Florida Greenways and Trails program, the funding formulas for proposed projects will be carefully evaluated to ensure that the best possible value is obtained for each funding dollar. Although the physical characteristics of one project may be substantially similar to those of another, an applicant's efforts to obtain matching funds or other cost-sharing commitments from public or private entities could make one project more economically viable than another. Preference shall be given to projects that incorporate multi-jurisdictional cost-sharing features among public agencies, nonprofit organizations, private entities or public-private partnerships. A maximum of thirty-five (35) points can be awarded to a project on the basis of the following factors related to shared financial support for the project:

1. The extent to which the applicant or sponsor has obtained matching funds, grants, loans or other cost-sharing commitments from governmental or private entities for the acquisition, development, operation or maintenance of the project. Cost-sharing can include in-kind services provided by governmental entities or greenways and trails support organizations, such as commitments to remove existing improvements, obstructions or other undesirable features located on project lands. Scoring for this criterion will be directly related to the degree that project cost-sharing has been maximized by the applicant or sponsor.

2. Whether any portion of the project will consist of lands owned by the applicant or donated by a party other than the applicant. To be eligible for consideration as a cost-sharing commitment, real property owned by the applicant must have been acquired through a voluntary arms-length transaction within one (1) year prior to the Application deadline or within one hundred eighty (180) days after the Application deadline for the funding cycle during which the project was submitted. Any real property utilized by a local government as a local-match contribution must be included in the Application as part of the project site and will be subject to the same conditions placed on the remainder of the project site.

3. Whether funding sources for at least the first two (2) years of project development and operation have been identified and assured.

4. The extent to which the project will generate income from public access fees or the lease, license or other grant of use rights to other parties.

(c) Costs of Project Acquisition, Development, Operation and Maintenance. The estimated acquisition costs and proposed budgets for the development, operation and maintenance of each project will be carefully scrutinized by Department staff. Questionable or unsupported figures or calculations will be so noted by Department staff in the evaluation report prepared for the Florida Greenways and

Trails Council. Some of the factors that influence total project cost are the number of parcel owners, approximate land values based on county tax assessment values, the availability of less-than-fee acquisition alternatives, and whether existing improvements on the site could be used by the project or would have to be demolished and removed. A maximum of thirty-five (35) points can be awarded to a proposed project on the basis of the following cost-related factors:

1. Whether fee simple acquisition is necessary to achieve the recreational and conservation purposes for which the project is being established and if not, the type(s) of less-than-fee acquisition alternatives available for the project. Preference shall be given to projects that can be acquired, in whole or in part, using less-than-fee acquisition alternatives such as the purchase of development rights, the lease of hunting, agricultural, silvicultural or mineral rights or the granting of conservation or flowage easements.

2. If less-than-fee acquisition is proposed for all or part of the project, whether the current owner(s) will retain certain rights and how retention of those rights will affect the proposed uses of the project.

3. Whether acquisition of the project would create a more manageable boundary configuration when added to adjacent publicly owned lands.

4. Whether the continuation of capital improvement activities that relate to the acquisition, restoration, public access or recreational use of the proposed project will be necessary to accomplish the purposes for which the project would be acquired.

(d) Environmental Protection and Ecosystem Management. The Florida Greenways and Trails System not only provides open space to benefit environmentally sensitive lands and wildlife, but also serves as an implementation tool for concepts of ecosystems management. The manner and extent to which a proposed project conserves important natural resources and protects or enhances existing ecosystems within or adjacent to the project site are indicators of the project's value to the statewide system. A maximum of fifty (50) points can be awarded to a proposed project on the basis of the following factors that relate to environmental benefits to be derived from the project:

1. The extent to which acquisition of the project will: protect, conserve, maintain, restore or enhance natural areas, ecosystems, and finite or renewable resources; or ensure the survival of native vegetative communities, listed animal species, or habitats of listed species within the project boundaries or adjacent lands.

2. Whether the project will protect, conserve, restore or enhance surface or groundwater quality or quantity, and whether any portion of the project site could be used for water resource development projects, water supply development projects, or stormwater management projects.

3. The extent to which the project will protect, conserve, enhance or restore native vegetation through the control or eradication of nonnative invasive plant species.

(e) Recreational/Educational/Historical/Cultural Opportunities. A primary purpose of the Florida Greenways and Trails Act is to improve the health and welfare of people by providing healthful outdoor recreational opportunities such as horseback riding, hiking, bicycling, canoeing, jogging and historical or archaeological interpretation. To that end, a maximum of fifty (50) points can be awarded to a proposed project on the basis of the following factors that relate to recreational, educational, historical and/or cultural opportunities that would be provided by acquisition of the project for the statewide system of greenways and trails:

1. Whether the project will create or enhance public access to outdoor recreational activities not otherwise available in the area.

2. The extent to which the project will provide or permit a variety of recreational opportunities, whether resource-based or user-oriented recreation.

3. Whether the project will include facilities for passive outdoor recreational or educational pursuits such as picnic areas, nature trails or boardwalks, waterway trails, interpretive displays, instructional programs or wildlife observation areas.

4. The extent to which the project will ensure the protection of unique natural features or significant historical, archaeological or cultural sites recognized by an appropriate governmental entity.

(f) Project Management. All state lands managed under the provisions of Chapter 259 and Section 253.034, Florida Statutes, must be "managed for public outdoor recreation which is compatible with the conservation and protection of public lands . . . and the purposes for which the lands were acquired." Similarly, the Florida Forever Act provides that all lands acquired under the Act must be managed for multiple-use purposes where compatible with the land's resource values and management objectives. While all greenways and trails projects are not expected to provide a full complement of conservation and recreational opportunities – indeed, some projects may be managed for only one or two activities – preference shall be given to projects that provide multiple uses. A maximum of fifty (50) points can be awarded to a proposed project based on the following management-related factors:

1. The extent to which the proposed project management maximizes outdoor recreational opportunities for people while minimizing environmental impacts on natural resources.

2. Whether the managing entity of the proposed project has prior experience in the administration of public lands and if so, whether any adverse audits or other similarly reliable reports related to fiscal or operational matters on other properties operated by the managing entity have been issued.

3. The extent to which management of the project will enhance or facilitate the management of other properties already under public ownership.

4. Whether use restrictions or access prohibitions will apply to certain areas of the project, and the extent to which the use of or public access to any part of the project presents public safety concerns.

5. The extent to which management of the project will protect, enhance and/or restore natural resources on the project site.

6. Whether the project will promote innovative management techniques or facilitate the coordinated management of multi-jurisdictional greenways and trails.

7. Whether the proposed project would permit or support any of the following additional uses upon authorization by the Board of Trustees under Section 253.034(10), Florida Statutes: water resource development projects, water supply development projects, stormwater management projects, linear facilities or sustainable agricultural and forestry activities.

(8) Project Evaluation Report. Upon completion of the project evaluation process, but within the 120-day evaluation period, Department staff shall prepare a written evaluation report for consideration by the Florida Greenways and Trails Council. Upon completion, a copy of the evaluation report shall be provided to members of the Council, the applicant and sponsor of each evaluated project, and other interested persons or entities listed on the acquisition program mailing list maintained by the Office of Greenways and Trails. The report shall state the total amount of funds available for acquisition in the current Application cycle and any restrictions (time or otherwise) on the expenditure of said funds. In addition, the report shall provide the following information for each evaluated project, plus any supplementary data relevant to a particular acquisition proposal:

(a) A general description of the project (including proposed uses) and an area map depicting its location, size, configuration, and connections with other greenways, trails, parks or corridors (if any).

(b) An identification of essential or critical parcel(s) within the project without which the project cannot be properly managed.

(c) A statement indicating whether the owners of all parcels within the planned project corridor are willing to negotiate with Department representatives regarding the potential conveyance of their lands, and naming the managing entity that has agreed to operate and maintain the project.

(d) Where applicable, an identification of parcel(s) within the planned project corridor which should or could be available for less-than-fee acquisition.

(e) The current value of each parcel in the planned project corridor based on the most recent county tax assessment, an estimate of the amount of funding necessary to acquire the project, and an identification of any matching funds available

or committed to the project. If an appraisal has been furnished for any parcel(s) within the project, the appraised value(s) of the parcel(s) shall also be stated in the report.

(f) An assessment of the project's ecological and recreational values, forest and wildlife resources, and the results of any previous environmental audit(s) conducted on the project site.

(g) The total point score achieved by the project under the evaluation criteria described in Section 62S-1.400(7), F.A.C.

(h) Any condition(s) that Department staff believes should be imposed on the project to protect or sustain the purposes for which the project would be acquired or managed.

(9) Project Ranking. Upon completion of the project evaluation report, Department staff shall prepare a prioritized list of the evaluated projects for consideration by the Florida Greenways and Trails Council. The prioritized list of evaluated projects shall be based on the total point score achieved by each project under the evaluation criteria contained in Section 62S-1.400(7), F.A.C. Projects shall be listed in descending order, with the first project on the list being the one that achieved the highest number of points. Starting at the top of the prioritized list and moving downward, Department staff shall identify projects for which funding appears to be available from the Florida Forever Trust Fund, as reflected in the most current Trust Fund Status and Activity Reports prepared by the Department's Bureau of Finance and Accounting (the "Primary Projects"). After identifying the Primary Projects, Department staff shall continue down the list in priority order to identify additional projects for which funding could become available as a result of interest accruals, favorable price negotiations, or if one or more Primary Projects fail to obtain or qualify for funding subsequent to ranking (the "Contingent Projects"). The number of Contingent Projects to be identified will be based on an available funding multiplier provided by the Division of State Lands, based on anticipated negotiation success and trust fund accruals. Upon completion, a copy of the prioritized list of evaluated projects shall be provided to members of the Council, the applicant and sponsor of each evaluated project, and other interested persons and entities listed on the acquisition program mailing list maintained by the Office of Greenways and Trails.

(10) Council Review and Recommendation of Projects. Although the Department is charged with the responsibility of evaluating acquisition projects and compiling a prioritized list of greenways and trails suitable for acquisition, the Florida Greenways and Trails Council is directed by statute to review project applications and recommend to the Secretary of the Department the projects that should be acquired. Accordingly, within sixty (60) days after its receipt of the project evaluation report and prioritized list of evaluated projects from Department staff, the Council shall prepare its recommendation to the Secretary in accordance with the following provisions:

(a) The Council shall hold at least one public meeting to discuss the evaluated acquisition projects, during which the public can submit written or verbal testimony in support of or in opposition to any project. Notice of each meeting shall be mailed to the sponsors of all evaluated projects and published in the Florida Administrative Weekly at least fourteen (14) days in advance of the meeting date.

(b) At the noticed meeting(s), Department staff will present to Council members a verbal summary of the relevant information submitted for each evaluated project and respond to members' questions. Thereafter, the Council shall permit oral or written testimony by project sponsors, supporters and members of the general public, which testimony shall be limited in duration if necessary to ensure equal time for all interested parties.

(c) Following the close of testimony at the final public meeting held for purposes of project review, the Council shall consider the information submitted and either:

1. Endorse the prioritized list prepared by Department staff; or

2. Modify the prioritized list based on the Council's review of all project Applications submitted and evaluated during the current funding cycle, oral presentations by Department staff, and written or verbal testimony by project sponsors, supporters or the general public.

a. The Council may award up to fifteen (15) additional points to any project whose characteristics may not have been adequately addressed under the evaluation criteria stated in Section 62S-1.400(7), F.A.C. The Council must itemize any additional characteristics or features contemplated under this paragraph and state with particularity the reason(s) for awarding the additional points.

b. The Council may recommend a higher or lower funding level than requested by the sponsor of a project and it may also determine that a large project should be acquired or developed in phases to permit a broader allocation of available acquisition funds among projects.

c. Each Council modification of a project's total point score or level of funding must be supported by an affirmative majority vote of Council members present and voting at the public meeting; a quorum must be present when each modification vote occurs. Any condition(s) recommended by Department staff in its written evaluation report shall be deemed ratified by the Council unless deleted or amended by the modification process described herein.

(d) The Council's recommended priority list of acquisition projects must be ratified by a majority of members present and voting at the Council's final public meeting held for purposes of project review; a quorum must be present when the ratification vote is taken. Department staff shall forward the Council's recommendation to the Secretary of the Department for approval.

(11) Secretary Approval of Acquisition Projects. Following receipt of the Council's recommendation, the Secretary shall either approve the prioritized list of acquisition projects recommended by the Council or modify and thereafter approve a prioritized list of acquisition projects, citing with particularity the reason(s) for any modification. Department staff shall provide a copy of the final prioritized list of acquisition projects to the sponsors of all evaluated projects and to the Division of State Lands. Upon approval of the prioritized list by the Secretary, the Division of State Lands shall proceed with the acquisition of listed Primary Projects in accordance with the acquisition procedures of Chapter 259, Florida Statutes.

(12) Funding of Contingent Projects. From time to time, additional funding for project acquisition may become available as a result of trust fund interest accruals, favorable price negotiations, or the failure of one or more Primary Projects to obtain or qualify for funding subsequent to ranking. Such additional acquisition funds may be allocated to the next-ranked Contingent Project on the prioritized list for that funding cycle, upon which allocation the project shall become a Primary Project. Each project that gains Primary Project status prior to commencement of the next acquisition funding cycle shall remain eligible for funding as a Primary Project until it has been successfully acquired or terminated by the Department or landowner. Contingent Projects for which acquisition funds have not been encumbered by commencement of the next acquisition funding cycle may remain on the approved acquisition list to await possible funding. In addition, a Contingent Project sponsor may also elect to submit another Application package for Department evaluation and ranking during a subsequent acquisition funding cycle. If a re-submitted Contingent Project ranks higher on a subsequent acquisition list, the project sponsor must withdraw the project from the earlier list to take advantage of the higher prioritization on the subsequent list.

Specific Authority 260.016(1)(c) FS, Law Implemented 163.3244(1), 253.034, 253.781-253.782, 253.7829, 259.03, 259.032, 259.04, 259.101, 259.105, 260.012, 260.0125, 260.013, 260.0142, 260.015, 260.016, 380.05(22) FS, History—New.

62S-1.450 Modification of Approved Acquisition Projects.

Modification of approved greenways and trails projects shall be considered by the Department in accordance with the criteria and procedures established by this rule.

(1) Eligibility. To be eligible for modification, a project must be identified and ranked as either a "Primary Project" or "Contingent Project" on an approved acquisition list at the time that the modification notice or proposal is submitted (see Sections 62S-1.400(9)-(11), F.A.C.). Changes described in Section 62S-1.450(3), F.A.C., only require written notice to the Department, but the types of project modifications described in Section 62S-1.450(4), F.A.C., shall be submitted to and approved by the Department. Changes to projects that have

been evaluated by the Department but are not ranked as either a Primary Project or a Contingent Project on an approved acquisition list shall be incorporated in a new application package and re-submitted to the Department for evaluation and ranking during an advertised funding cycle.

(2) Prescribed Forms. The following forms are prescribed for use with Section 62S-1.450, F.A.C., and are incorporated herein by this reference:

(a) The Department's "Notice of Change," DEP Form #OGT-4, effective [effective date of rule], shall be used for notifying the Department of project modifications described in Section 62S-1.450(3), F.A.C.; and

(b) The Department's "Request for Modification," DEP Form #OGT-5, effective [effective date of rule] ("RFM"), shall be used for submitting requests for Primary and Contingent Project modifications described in Section 62S-1.450(4), F.A.C.

The forms may be obtained by writing to the Office of Greenways and Trails, Department of Environmental Protection, Mail Station 795, Tallahassee, Florida 32399-2400. Alternatively, interested parties can request the forms by telephone to (850)488-3701 (SunCom 278-3701) or by e-mail to <http://www.dep.state.fl.us/gwt>. To obtain a precise office location for document delivery, applicants should call the Office of Greenways and Trails at (850)488-3701 (SunCom 278-3701).

(3) Changes Requiring Notice to Department. Written notice of the following types of changes to Primary and Contingent Projects shall be provided to the Department within ten (10) days after the event:

(a) Substitution or addition of a managing entity or project sponsor;

(b) Any change in ownership, parcel identification number or tax exemption status of parcels lying within the planned project corridor;

(c) Any structural or regulatory changes to partnerships involved in the acquisition, development or management of the project;

(d) Change from fee-simple acquisition to less-than-fee acquisition alternatives for one or more parcels within the planned project corridor, or vice versa; or

(e) Addition or deletion of greenways and trails support organizations or other community groups that promote or otherwise assist with the establishment, development, maintenance or management of the project.

The Notice of Change shall be mailed or delivered to the Office of Greenways and Trails at the address stated in Section 62S-1.450(2), F.A.C., and shall include a description of each modification being made to the project, the reason(s) for each change and the effective date thereof (if any). If the modification includes substitution of the project's managing entity, a "Willing Management Certificate," DEP Form

#OGT-3, effective [effective date of rule], shall be completed and signed by the new managing entity and submitted with the Notice of Change.

(4) Modifications Requiring Department Approval. The following types of changes to Primary Projects shall be submitted to and approved by the Department:

(a) Acquisition of adjacent, additional or alternative lands located outside the original planned project corridor but within the original project boundary submitted for the project;

(b) Addition or relocation of trailhead(s) or any other project "capital improvement," as that term is defined in Section 259.03(3), F.S. (1999);

(c) An increase or reduction in the amount of matching funds or other acquisition and development monies previously committed to the project;

(d) Project changes necessitated by revisions to any state planning document or a local government's comprehensive plan, land use regulations or zoning ordinances;

(e) Substantial change to the intended use(s) of the project, such as deletion of an entire category of use, changing an unpaved equestrian trail to a paved multiple-use trail, or addition of camping sites to an area initially designated for archaeological study; or

(f) Modifications necessitated by catastrophic alteration to all or part of the project site, such as structural damage or destruction of significant physical, historical or cultural feature(s) by fire, flood, hurricane, etc.

(5) Additions to Primary Projects. The Department may approve the acquisition of lands located outside the original planned project corridor of a Primary or Contingent Project, if the additional lands or waterways were identified within the original project boundary submitted for the project. Any proposed acquisition of lands or waterways lying outside the original project boundary of a Primary or Contingent Project will be considered a separate acquisition project and must be submitted to the Department for evaluation and ranking during a regularly advertised funding cycle.

(6) Submission of Modification Proposal. For any modification requiring Department approval, the completed RFM must be received by the Department at least ninety (90) days prior to the public hearing during which it will be considered by the Florida Greenways and Trails Council. The party seeking the modification must mail or deliver an original and twenty-four (24) first-generation copies of the RFM, together with required attachments and other supporting documentation, to the Office of Greenways and Trails at the address stated in Section 62S-1.450(2), F.A.C. Faxed copies of required documents will not be accepted or returned.

(7) Contents of Request for Modification. To receive full consideration, an RFM must include the following information:

(a) A general narrative description of the project modification requested; a statement indicating why the change is necessary; the steps taken by the applicant, project sponsor or other interested party to avoid the proposed change; and an explanation of the effect on the project if the modification is not approved;

(b) A detailed itemization of changes to the original project Application that would result if the modification is approved; for example, if the RFM proposed the substitution of certain adjacent lands, items such as the Application's list of project parcels and the attached project site sketch, property appraiser assessment statements and county property appraiser maps would require revision to accurately reflect the project as modified; and

(c) If the RFM involves the proposed acquisition of lands located outside the original planned project corridor but within the original project boundary, the RFM package submitted must include a "Willing Owner Certificate," DEP Form #OGT-2, effective [effective date of rule], completed and signed by the owner of each new or additional parcel, except for parcels to be acquired under Sections 253.781-.782, F.S.

(8) Review for Completeness. Within ten (10) days after receipt of an RFM, Department staff will provide the submitting party with written notice regarding the sufficiency and clarity of the documentation submitted. If the RFM is incomplete or otherwise inadequate, the notice will describe the additional information or clarification required and indicate the date by which it must be received by the Office of Greenways and Trails at the address stated in Section 62S-1.450(2), F.A.C. Failure of the submitting party to timely provide the information requested in the notice shall be deemed a request to withdraw the RFM from further consideration.

(9) Evaluation of Request for Modification. Within forty-five (45) days after receipt of a sufficiently completed RFM, Department staff will evaluate the proposal and provide to the submitting party and members of the Florida Greenways and Trails Council a written evaluation report that includes the following information:

(a) A general description of the modification sought by the RFM, including a statement indicating whether the change is consistent with the purposes for which the project is being acquired and whether the modification would facilitate Department acquisition of the project;

(b) If the modification proposal involves the acquisition of additional lands or waterways located outside the original planned project corridor but within the original project boundary, a statement indicating whether the owners of the additional parcels are willing to negotiate with Department representatives regarding the potential conveyance of their lands to the state;

(c) Whether the proposed modification would have changed the evaluation score of the project if it had been part of the original Application and, if so, whether the modified evaluation score and subsequent ranking would not have resulted in classification of the project as a Primary or Contingent Project;

(d) Whether the Department has funds available to cover additional project costs associated with the modification (if any); and

(e) Any other information Department staff deems relevant to the modification proposal. Prior to consideration of the RFM by the Florida Greenways and Trails Council, Department staff may conduct a site visit to verify representations made in the RFM.

(10) Review and Approval of Requests for Modification. To become effective, an RFM must be endorsed by the Florida Greenways and Trails Council and approved by the Secretary of the Department.

(a) Within ninety (90) days after the Department's receipt of an RFM, the Florida Greenways and Trails Council will consider the modification proposal during a duly noticed public meeting. Notice of the meeting will be mailed to the party that submitted the RFM and shall be published in the Florida Administrative Weekly at least fourteen (14) days in advance of the meeting date.

(b) At the noticed meeting, Department staff will present to Council members a verbal summary of the relevant information submitted for each RFM and respond to members' questions. Thereafter, the Council shall permit oral or written testimony by project sponsors, supporters and members of the general public, which testimony shall be limited in duration if necessary to ensure equal time for all interested parties.

(c) Following the close of testimony, the Council shall consider the information submitted and either endorse the RFM as presented, or modify and then endorse the RFM. Any modification made to the RFM by the Council shall be based on its review of documentation submitted in support of the RFM, oral presentations by Department staff, and written or verbal testimony by project sponsors, supporters or the general public.

(d) An RFM must be endorsed by a majority of Council members present and voting at the public meeting during which the modification was considered; a quorum must be present when the vote occurs. A Primary or Contingent Project modification that does not gain Council endorsement cannot be implemented within the original project, but it can be incorporated in a new Application package and submitted as a separate acquisition proposal for Department evaluation and ranking during a regularly advertised funding cycle.

(e) Department staff shall forward each endorsed RFM to the Secretary of the Department for approval. Within ten (10) days after receipt of an endorsed RFM, the Secretary shall consider the Council's endorsement and either approve the

modification proposal or amend and thereafter approve the modification proposal, stating the specific reason(s) for any such amendment. Department staff shall provide a copy of each approved RFM to the submitting party and to the Division of State Lands.

Specific Authority 260.016(1)(c) FS. Law Implemented 260.012, 260.014, 260.015, 260.016 FS. History—New

62S-1.600 Objectives of Designation Process.

Chapter 260, Florida Statutes, directs the Department to establish and expand a statewide system of greenways and trails for recreational and conservation purposes. The primary tools for developing additional links in the Florida Greenways and Trails System are the Department's land acquisition program and its designation of public and private lands and waterways as part of the statewide system. Subsection 260.016(2), Florida Statutes, directs the Department to develop a designation process and instructs the Department to implement the five-year plan for greenways and trails adopted by the Florida Greenways Coordinating Council in September 1998 (the "Plan"). The designation process described in the Plan contemplates that both public and private lands would be designated as components of the statewide system, and encourages voluntary participation by private landowners and public land managers. A copy of the Plan, which includes six (6) maps that depict existing and potential greenways and trails, and all forms incorporated by reference in Sections 62S-1.620 through 62S-1.680, F.A.C., may be obtained from the Office of Greenways and Trails, Florida Department of Environmental Protection, Mail Station 795, Tallahassee, Florida 32399-2400; Telephone: (850)488-3701; Fax: (850)922-6302.

Specific Authority 260.016(1)(c)1. FS. Law Implemented 260.012, 260.014, 260.016 FS. History—New

62S-1.620 Designation of Public Conservation or Recreation Lands and Waterways.

(1) Eligible Projects. Public Conservation or Recreation Lands and Waterways within the state may be designated by the Department as components of the Florida Greenways and Trails System upon compliance with the requirements of this rule.

(2) Initiation of Process. The designation process for Public Conservation or Recreation Lands and Waterways can be initiated in one of two ways:

(a) The Department can contact the owner or managing entity of Public Conservation or Recreation Lands or Waterways to formally request that the property be designated as part of the Florida Greenways and Trails System; or

(b) The owner or managing entity of Public Conservation or Recreation Lands or Waterways can contact the Department's Office of Greenways and Trails at the address

stated in Rule 62S-1.600, F.A.C., to request designation of the property as part of the statewide system of greenways and trails.

(c) In either case, the owner of the Public Conservation or Recreation Lands or Waterways proposed for designation must provide the Department with written consent to designation of the property as part of the Florida Greenways and Trails System.

(3) Submission of Project Proposals. To confirm its desire to pursue designation of the Public Conservation or Recreation Lands or Waterways as part of the Florida Greenways and Trails System, the owner or managing entity of the property must complete and file with the Department a "Certificate of Qualification," DEP Form #OGT-6, effective [effective date of rule], which is hereby incorporated by reference. The following documents must be attached to the Certificate of Qualification at the time of submittal:

(a) An "Owner Consent," DEP Form #OGT-7, effective [effective date of rule], and hereby incorporated by reference, signed by the record title owner(s) of the property; and

(b) A "Management Certificate," DEP Form #OGT-8, effective [effective date of rule], and hereby incorporated by reference, signed by the managing entity of the property.

(c) All required documentation must be submitted to the Office of Greenways and Trails, Department of Environmental Protection, Mail Station 795, Tallahassee, Florida 32399-2400. To obtain a precise office location for document delivery, applicants should call (850)488-3701 (SunCom 278-3701). The forms can be obtained by writing to the Office of Greenways and Trails, or interested parties can request the forms by telephone to (850)488-3701 (SunCom 278-3701) or by e-mail to <http://www.dep.state.fl.us/gwt>.

(4) Evaluation of Designation Proposals. Upon receipt of a completed and signed Certificate of Qualification, Owner Consent and Management Certificate for the Public Conservation or Recreation Lands or Waterways being proposed for designation, Department staff will evaluate the designation proposal to verify its compliance with the requirements of this rule. If the Department's evaluation indicates that the project does not satisfy the designation criteria, it shall so notify the submitting party or parties in writing. If the Department's evaluation indicates that the requirements of this rule have been met, the Department will coordinate the preparation of a proposed designation agreement for the property.

(5) Preparation of Designation Agreement. At a minimum, a proposed designation agreement shall include or address the following:

(a) The owner's statutory right to have the property removed from designation;

(b) The term of the designation and the criteria for and manner in which the designation and the agreement can be modified, expanded (to encompass additional adjacent lands or

waterways, for example), withdrawn from designation by the owner, or removed from the Florida Greenways and Trails System by the Department:

(c) Management, operation and maintenance of the designated property, including the responsibility of the owner or manager to notify the Department of any change in the following: property ownership or management; the condition or extent of natural, recreational, cultural or historic resources described in the Certificate of Qualification or its attachments; or the expansion or improvement of the project or its amenities and facilities; alternatively, a copy of an existing lease, sublease or other management agreement or plan can be appended to the designation agreement and incorporated therein by reference:

(d) Disposition of all temporary and permanent structures or other improvements made to the property by the owner, the Department or others, whether existing at the time of designation or constructed or erected later:

(e) If necessary, compilation of available information on and field verification of the characteristics of the lands and waterways:

(f) The issue of public access to all or part of the designated lands or waterways, including written authorization from the owner(s) in the form of a lease or other instrument if public access is granted:

(g) If necessary, development or modification of a greenway or trail use plan for the property which, at a minimum, describes the types and intensities of uses permitted and addresses public safety regulation and enforcement, and the components of which must be compatible with connecting segments of the Florida Greenways and Trails System; alternatively, a copy of an existing lease, sublease or other management agreement or plan can be appended to the designation agreement and incorporated therein by reference:

(h) If applicable, identification of the methods and personnel responsible for enforcement of state law within the designated lands or waterways. If the owner wishes to enforce additional restrictions on the property, the designation agreement must detail the restrictions and identify the methods and personnel responsible for their enforcement, or a copy of an existing lease, sublease or other management agreement or plan can be appended to the designation agreement and incorporated therein by reference.

(6) Public Hearing and Notice. Upon completion of a proposed designation agreement for the Public Conservation or Recreation Lands or Waterways proposed for designation, the Department shall:

(a) Notify the Florida Greenways and Trails Council that the proposed designation will be presented to the Council at its next public meeting:

(b) Provide Council members with a copy of the Certificate of Qualification, Owner Consent, Management Certificate and proposed designation agreement for the project:

(c) Publish notice of the Council's next public meeting in the Florida Administrative Weekly not less than fourteen (14) days before the meeting; in addition to a statement of the general subject matter to be considered at the meeting, the notice shall include an announcement of the Department's intent to designate the Public Conservation or Recreation Lands or Waterways as part of the Florida Greenways and Trails System; and

(d) Notify the owner(s) of the Public Conservation or Recreation Lands or Waterways of the Department's intent to designate the property as part of the Florida Greenways and Trails System by certified first-class mail at least fourteen (14) days before the Council's public meeting during which the designation proposal will be considered.

(7) Council Review and Recommendation. The Florida Greenways and Trails Council shall review each proposal for designation of Public Conservation or Recreation Lands or Waterways as part of the Florida Greenways and Trails System. At the meeting noticed under Section 62S-1.620(6)(c), F.A.C., Department staff will present to Council members a verbal summary of the relevant information submitted for each proposed designation project and respond to members' questions. Thereafter, the Council shall permit oral or written testimony by project sponsors, supporters and members of the general public, which testimony shall be limited in duration if necessary to ensure equal time for all interested parties. Following the close of testimony, the Council shall consider the information submitted and either recommend approval or disapproval of the designation proposal to the Secretary of the Department. The Council's recommendation shall be ratified by a majority of members present and voting at the public meeting; a quorum shall be present when the ratification vote is taken. Department staff shall forward the Council's recommendation to the Secretary of the Department.

(8) Secretary Approval and Effective Date of Designation. The Secretary of the Department shall consider the recommendation of the Florida Greenways and Trails Council and public comment prior to approving or rejecting a proposed designation of Public Conservation or Recreation Lands or Waterways. Official designation of the property into the Florida Greenways and Trails System shall become effective upon execution of a binding designation agreement by the Secretary of the Department, the owner(s) and managing entity of the Public Conservation or Recreation Lands or Waterways and any other indispensable parties.

(9) Record of Designation. The Department shall maintain an indexed record of all designation agreements executed in connection with the designation of Public Conservation or Recreation Lands and Waterways as portions of the Florida Greenways and Trails System. Designation agreements shall be available for public inspection and copying at reasonable times and upon prior written notice to the Department. The owner of the Public Conservation or Recreation Lands or

Waterways may (but is not required to) record the designation agreement, or a memorandum thereof, in the public records of the county or counties in which the designated lands or waterways are located, at the owner's expense.

Specific Authority 260.016(1)(c)1, FS. Law Implemented 260.012, 260.013, 260.014, 260.0142, 260.016 FS. History--New

62S-1.640 Designation Process for Private Lands and Waterways.

(1) Eligible Projects. Private lands and waterways within the state can be designated by the Department as components of the Florida Greenways and Trails System upon compliance with the requirements of this rule. To be eligible for designation as part of the statewide system, private lands or waterways must protect or enhance natural, recreational, cultural or historic resources and must either:

- (a) Provide linear open space or a hub or a site; or
- (b) Promote connectivity between or among conservation lands, communities, parks, other recreational facilities, cultural sites, or historic sites.

(2) Initiation of Process. The sponsor of a greenways or trails project located or to be located on private lands or waterways may initiate the designation process for the subject property by filing with the Department an "Application for Designation," DEP Form #OGT-9, effective [effective date of rule], which is hereby incorporated by reference. The Department's Office of Greenways and Trails will accept Applications for Designation at any time throughout the year. All forms described in this rule can be obtained by writing to the Office of Greenways and Trails, Department of Environmental Protection, Mail Station 795, Tallahassee, Florida 32399-2400. Alternatively, interested parties can request the Application for Designation by telephone to (850)488-3701 (SunCom 278-3701) or by e-mail to <http://www.dep.state.fl.us/gwt>.

(3) Landowner Consent Required. Although the sponsor of the proposed project need not be the owner of the private lands or waterways proposed for designation, the owner(s) must provide the Department with written consent to designation of the subject property as part of the Florida Greenways and Trails System prior to completion of the designation process. Furthermore, if public access is contemplated for any portion of the project, both the owner(s) and the proposed managing entity must provide the Department with written authorization detailing the public access permitted on the project. Accordingly, the project sponsor is strongly encouraged to communicate and collaborate with all potentially affected landowners and land managers throughout the initial and subsequent stages of the designation process.

(4) Submission of Designation Proposal. The Application for Designation, which must be submitted to the Department's Office of Greenways and Trails at the address stated in Section 62S-1.640(2), F.A.C., shall contain the following information:

(a) Identification of the owner(s) of the private lands and waterways proposed for designation and an "Owner Consent," DEP Form #OGT-7, effective [effective date of rule], and hereby incorporated by reference, signed by each record title owner of the property;

(b) Identification of the proposed managing entity for the private lands and waterways proposed for designation, together with a "Management Certificate," DEP Form #OGT-8, effective [effective date of rule], and hereby incorporated by reference, signed by the proposed managing entity;

(c) A general narrative description of the physical, biological, archaeological, cultural and historical characteristics of the lands and waterways within the project;

(d) A summary of the documentary, photographic or other information available to confirm descriptions provided in paragraph (c) above and a statement indicating whether field verification has been conducted to document any or all of the characteristics described;

(e) An explanation of the manner in which the project will protect and/or enhance natural, recreational, cultural or historic resources;

- (f) A description of how the project either:
 1. Provides linear open space or a hub or a site; or
 2. Promotes connectivity between or among conservation lands, communities, parks, other recreational facilities, cultural sites, or historic site;

(g) Photographs of various sites and features within the project site that show typical landscape characteristics, labeled with location and orientation and cross-referenced to the location map described in the following paragraph; and

(h) An accurate location map of sufficient scale and detail to clearly delineate all property boundaries in relation to other area greenways or trails, county roadways, major topographic features (such as rivers, lakes and power lines) and local government boundaries (if any). The location map must state the length of trails and total project acreage, and should indicate points of interest or special features. When the project provides for public access to existing or proposed trails, the location map must identify the trail alignment, public access points, trailheads and facilities to accommodate the proposed types of public uses over the extent of the trails.

(5) Evaluation of Designation Proposal. Upon receipt of a completed and signed Application for Designation with all required attachments and documentation, Department staff will evaluate the designation proposal to verify its compliance with the requirements of this rule. If the Department's evaluation indicates that the project does not satisfy the designation criteria, it shall so notify the submitting party or parties in writing. If the Department's evaluation indicates that the requirements of this rule have been met, the Department will coordinate the preparation of a proposed designation agreement for the property.

(6) Preparation of Designation Agreement. At a minimum, a proposed designation agreement shall include or address the following items:

(a) The owner's statutory right to have the property removed from designation;

(b) Statutory limitations on the owner's liability and duty of care owed to others with regard to the designated property, the Department's responsibility to post public notices and information, and indemnification of the owner as described in Section 260.0125, Florida Statutes;

(c) The term of the designation and the criteria for and manner in which the designation and the agreement can be modified, expanded (to encompass additional adjacent lands or waterways, for example), withdrawn from designation by the owner, or removed from the Florida Greenways and Trails System by the Department;

(d) Incentives or other terms agreed to between the Department, any other unit of government and the owner of the lands and/or waterways to be designated, such as tax or other financial considerations, the owner's retention of use rights or licenses, and agreements to exchange, manage, patrol or protect the property;

(e) Identification of the person(s), agency, governmental entity, corporation, organization or other authority (which may include volunteer-based organizations) that will be responsible for the management, operation and maintenance of the designated property, together with a description of its duties and obligations with respect to the property and a provision that names the party responsible for notifying the Department of any change in the following: property ownership or management; the condition or extent of natural, recreational, cultural or historic resources described in the Application for Designation or its attachments; or the expansion or improvement of the project or its amenities and facilities;

(f) Identification of the existing and intended use(s) of the lands or waterways to be designated, the management practices that will be employed on various areas within the project, and how the uses of the area and the management practices are compatible with the natural, recreational, cultural and historic resources of the project;

(g) Provision for the disposition of all temporary and permanent structures or other improvements made to the property by the owner, the Department or others, whether existing at the time of designation or to be constructed or erected later;

(h) Compilation of available information on and field verification of the characteristics of the lands and waterways as they relate to the criteria contained in Section 62S-1.640(1), F.A.C.;

(i) The issue of public access to all or part of the lands or waterways to be designated and the regulation thereof, including a description of how impacts will be avoided or minimized in sensitive ecological, archaeological and historic

areas; written authorization from the owner(s) and managing entity in the form of a lease or other instrument is required for any designation or grant of public access to any portion of the property;

(j) Development or modification of a greenway or trail use plan for the property which, at a minimum, describes the types and intensities of uses permitted and addresses public safety regulation and enforcement, and the components of which must be compatible with connecting segments of the Florida Greenways and Trails System;

(k) Identification of the methods and personnel responsible for enforcement of state law within the lands or waterways to be designated. If the owner wishes to enforce additional restrictions on the property, the designation agreement must detail the restrictions and identify the methods and personnel responsible for their enforcement; and

(l) A detailed description of existing leases, subleases, management plans, licenses, easements or other agreements or encumbrances previously executed and currently in effect for any portion of the lands or waterways proposed for designation, together with a statement sufficient to assure the owner and possessor of said lands or waterways that the designation agreement will be subordinate to the interests stated therein.

(7) Public Hearing and Notice. Upon completion of a proposed designation agreement for the private lands or waterways proposed for designation, the Department shall:

(a) Notify the Florida Greenways and Trails Council that the proposed designation will be presented to the Council at its next public meeting;

(b) Provide Council members with a copy of the Application for Designation, Owner Consent, Management Certificate and proposed designation agreement for the project;

(c) Publish notice of the Council's next public meeting in the Florida Administrative Weekly not less than fourteen (14) days before the meeting; in addition to a statement of the general subject matter to be considered at the meeting, the notice shall include an announcement of the Department's intent to designate the private lands or waterways as part of the Florida Greenways and Trails System and invite public comment on the Application for Designation; and

(d) Notify the owner(s) of the private lands or waterways of the Department's intent to designate the property as part of the Florida Greenways and Trails System by certified first-class mail at least fourteen (14) days before the Council's public meeting during which the designation proposal will be considered.

(8) Council Review and Recommendation. The Florida Greenways and Trails Council shall review each Application for Designation of private lands or waterways as part of the Florida Greenways and Trails System. At the meeting noticed under Section 62S-1.640(7)(c), F.A.C., Department staff will present to Council members a verbal summary of the relevant

information submitted for each proposed designation project and respond to members' questions. Thereafter, the Council shall permit oral or written testimony by project sponsors, supporters and members of the general public, which testimony shall be limited in duration if necessary to ensure equal time for all interested parties. Following the close of testimony, the Council shall consider the information submitted and either recommend approval or disapproval of the designation proposal to the Secretary of the Department. The Council's recommendation must be ratified by a majority of members present and voting at the public meeting; a quorum must be present when the ratification vote is taken. Department staff shall forward the Council's recommendation to the Secretary of the Department.

(9) Secretary Approval and Effective Date of Designation. The Secretary of the Department shall consider the recommendation of the Florida Greenways and Trails Council and public comment prior to approving or rejecting an Application for Designation of private lands or waterways as components of the statewide system of greenways and trails. Official designation of the subject property into the Florida Greenways and Trails System shall become effective upon execution of a binding designation agreement by the Secretary of the Department, the owner(s) and managing entity of the private lands or waterways and any other indispensable parties.

(10) Record of Designation. The Department shall maintain an indexed record of all designation agreements executed in connection with the designation of private lands and waterways as portions of the Florida Greenways and Trails System. Designation agreements shall be available for public inspection and copying at reasonable times and upon prior written notice to the Department. The owner(s) of the private lands or waterways thus designated by the Department may record the designation agreement, or a memorandum thereof, in the public records of the county or counties in which the designated lands or waterways are located, at the owner's expense.

Specific Authority 260.016(1)(c)1, FS. Law Implemented 260.012, 260.013, 260.014, 260.0142, 260.016 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Deborah H. Parrish, Director, Office of Greenways and Trails
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bob Ballard, Deputy Secretary for Land and Recreation
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 31, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 6, 1999

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE TITLE: Excused Absences
RULE NO.: 64B1-1.0035

PURPOSE AND EFFECT: The purpose of the proposed rule is to define "excused absences" as it relates to the Board of Acupuncture members.

SUMMARY: The proposed rule defines "excused absences" for Board of Acupuncture members.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 455.534 FS.

LAW IMPLEMENTED: 455.534 FS.

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

TIME AND DATE: 10:00 a.m., October 25, 1999

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL 32310

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Buckhalt, Executive Director, Board of Acupuncture, 2020 Capital Circle, Southeast, BIN #C06, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-1.0035 Excused Absences.

Excused absences of board members are defined as absences caused by:

- (1) Illness or injury of the board member;
- (2) Illness, injury or death of a board member's immediate family;

family;

(3) Jury duty;

(4) State or federal military service.

Specific Authority 455.534(3) FS. Law Implemented 455.534(3) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Acupuncture

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 29, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 1999

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Definitions
RULE NO.: 64B3-2.003

PURPOSE AND EFFECT: The proposed rule amendment is intended to address the criteria for alternate providers with regard to continuing education.

SUMMARY: The proposed rule amendment specifies that agencies of the state or federal government are considered alternate providers for the purpose of providing continuing education courses.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 483.805(4), 483.811(2) FS.
LAW IMPLEMENTED: 483.803, 483.811, 483.821, 483.823 FS.

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

TIME AND DATE: 10:00 a.m., October 5, 1999
PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

- 64B3-2.003 Definitions.
- (1) through (12) No change.
- (13) An alternate provider is an agency of the state or federal government that offers continuing education courses in the subject areas listed in Rule 64B3-11.002(2), F.A.C. ~~any provider which has not been approved by the Board pursuant to rule 64B3-11.004, F.A.C.~~
- (14) through (20) No change.

Specific Authority 483.805(4), 483.811(2) FS. Law Implemented 483.803, 483.811, 483.821, 483.823 FS. History—New 11-4-93, Formerly 61F3-2.003, Amended 11-21-94, 11-30-94, 12-26-94, 5-3-95, 7-12-95, Formerly 59O-2.003, Amended 3-19-98, 12-13-98, 3-28-99, 9-12-99, _____.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 13, 1999

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLES:	RULE NOS.:
General Requirements of Clinical Laboratory Personnel Training Programs	64B3-3.001
Personnel of Clinical Laboratory Personnel Training Programs	64B3-3.002

PURPOSE AND EFFECT: The proposed amendments are intended to clarify requirements of clinical laboratory personnel training programs.

SUMMARY: The proposed rule amendments clarify the requirements of clinical laboratory training programs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 483.805(4), 483.811(2) FS.
LAW IMPLEMENTED: 483.800, 483.809, 483.811 FS.

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

TIME AND DATE: 3:00 p.m., October 5, 1999
PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULES IS:

- 64B3-3.001 General Requirements of Clinical Laboratory Personnel Training Programs.
- (1) through (3) No change.
- (4) Programs shall submit a self study at the time of the initial application ~~and every five (5) years thereafter~~ and shall update the self study within six (6) months of any major change in curriculum, sponsorship, faculty, student enrollment or clinical sites. The self study document shall be prepared on a form provided by the Department entitled "Clinical Laboratory Training Program Self Study Document," DH 1261 10/98, effective 1-11-99, which is hereby incorporated by reference and may be obtained from the Board office. If the program is accredited by the National Accrediting Agency for Clinical

Laboratory Science (NAACLS), the Council on Accreditation of Allied Health Education Programs (CAAHEP), or the Accrediting Bureau of Health Education Schools (ABHES), proof of accreditation may be substituted in lieu of, the self study document shall be prepared on the form provided by the Department, or an accreditation self study document may be submitted provided all information requested on the Department form is covered.

- (5) No change.
- (6) Each training program shall:
 - (a) through (f) No change.
 - (g) upon initial application ~~and at each biennial renewal,~~ provide the names, addresses, license numbers, personnel rosters and latest licensure or certification survey reports of all affiliates which provide clinical training for the trainees enrolled in the program. If and if laboratory based, provide the same information initially and at each biennial renewal for the laboratory sponsoring the program.
 - (h) through (n) No change.
 - (o) ensure that each student receives a copy of Chapter 483, Part III, F.S., Chapter 455, Part II, F.S., and Rule 64B3, F.A.C.
- (7) No change.

Specific Authority 483.805(4), 483.811(2) FS. Law Implemented 483.800, 483.809, 483.811 FS. History—New 12-28-94, Amended 7-12-95, 4-24-96, Formerly 590-3.001, Amended 1-11-99.

64B3-3.002 Personnel of Clinical Laboratory Personnel Training Programs.

- (1) A clinical laboratory personnel training program shall have a director who holds national certification from ~~the American Society of Clinical Pathologists, the National Certification Agency,~~ or any Board listed in Rule 64B3-5.007(2) and (4) and:
 - (a) through (b) No change.
 - (2) through (4) No change.

Specific Authority 483.805(4), 483.811(2) FS. Law Implemented 483.800, 483.809, 483.811 FS. History—New 12-28-94, Amended 3-28-95, 7-12-95, 4-24-96, Formerly 590-3.002, Amended 9-20-98, 12-13-98.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 5, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 13, 1999

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Trainee Registration
RULE NO.: 64B3-4.001

PURPOSE AND EFFECT: The proposed rule amendment is intended to incorporate a new form into the rule and clarify requirements for trainee registration.

SUMMARY: The proposed rule amendment incorporates a new form into the rule and clarifies the requirements for registration of trainees.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 483.809(3), 483.811(3),(4) FS.

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

TIME AND DATE: 3:00 p.m., October 5, 1999

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-4.001 Trainee Registration.

(1) An applicant for trainee registration shall apply to the Department on forms DH 1083 (10/97) AHCA-6000-005, Clinical Laboratory Trainee Application, effective 7-3-97, which is incorporated by reference herein and which can be obtained from the Department.

(2) If the trainee is unable to complete the training by the date indicated on the application for initial registration, a letter must be submitted from the training program coordinator ~~director~~ to the Board of Clinical Laboratory Personnel explaining the reasons.

(3) Trainee registration may not be renewed except upon recommendation of the program director and approval by special authorization ~~of the Board~~ based on the following circumstances:

(a) through (d) No change.

(4) Upon graduation from a Board approved training program, a student who intends to work in a laboratory licensed under Chapter 483, Florida Statutes, shall apply for licensure by examination.

(5) through (6) No change.

Specific Authority 483.805(4) FS. Law Implemented 483.809(3), 483.811(3),(4) FS. History--New 7-20-93, Formerly 21KK-4.001, 61F3-4.001, Amended 4-10-96, 7-3-97, Formerly 59O-4.001, Amended 3-19-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Laboratory Personnel
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 5, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 13, 1999

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Public Health Laboratory Personnel
PURPOSE AND EFFECT: The proposed rule amendment is intended to add the American Society of Clinical Pathologists to the rule.

RULE NO.: 64B3-5.008

SUMMARY: Adds the American Society of Clinical Pathologists to the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 483.809(2), 483.812 FS.

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

TIME AND DATE: 3:00 p.m., October 5, 1999
PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-5.008 Public Health Laboratory Personnel.

(1) Applicants for director level licensure in the category of public health who are registered by the National Registry ~~in~~ of Clinical Chemistry Certification, ~~the American Society of~~

Clinical Pathologists or the American Society of Microbiology shall pass the supervision and administration examination provided by rule 64B3-7.001(1).

(2) Applicants for supervisor level licensure in the category of public health who are registered by the National Registry ~~in~~ of Clinical Chemistry Certification, ~~the American Society of Clinical Pathologists~~ or the American Society of Microbiology at the technologist level shall pass the supervision and administration examination provided by rule 64B3-7.001(2).

(3) No change.

Specific Authority 483.805(4) FS. Law Implemented 483.809(2), 483.812 FS. History--New 5-26-98, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Laboratory Personnel
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 5, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 13, 1999

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLES: Renewal of Clinical Laboratory Personnel Training Program License
Renewal of Clinical Laboratory Personnel Continuing Education Provider License
Delinquent Status License

RULE NOS.: 64B3-8.003
64B3-8.004
64B3-8.005

PURPOSE AND EFFECT: The proposed rule amendments are intended to simplify the application and renewal documentation for clinical laboratory training program providers.

SUMMARY: The proposed rule amendments streamline and simplify the application and renewal process for clinical laboratory training programs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 455.564, 455.711, 483.805(4), 483.807(1) 483.811(2), 483.821 FS.

LAW IMPLEMENTED: 455.564, 455.711, 483.807, 483.821, 483.811 FS.

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

TIME AND DATE: 3:00 p.m., October 5, 1999
PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULES IS:

64B3-8.003 Renewal of Clinical Laboratory Personnel Training Program License.

(1) through (2) No change.

~~(3) The training program shall submit a new self study at least once every five years.~~

~~(3)(4)~~ The training program shall state the following:

~~(a) names of all trainees.~~

~~(a)(b)~~ names of the program director and all instructors, and if applicable the license number of the director and instructors, and submit a resumé, if the director has changed.

~~(b)(e)~~ name, address, license number, personnel roster, and most current licensure or certification survey report of the laboratory sponsoring the training program, if applicable, and all clinical affiliates.

(5) The training program shall state any ~~major programmatic~~ changes in the director, instructors, program, curriculum, and affiliates during the past biennium.

Specific Authority 483.805(4), 483.811(2) FS. Law Implemented 483.811 FS. History--New 2-22-94, Formerly 61F3-8.003, Amended 12-3-96, Formerly 590-8.003, Amended.

64B3-8.004 Renewal of Clinical Laboratory Personnel Continuing Education Provider License.

(1) through (2) No change.

(3) The provider shall indicate any changes in the written plan required by Rule 64B3-11.003(4), F.A.C., ~~and shall submit a new plan at least once every five (5) years.~~

(4) No change.

Specific Authority 455.564, 483.807(1), 483.821 FS. Law Implemented 455.564, 483.807, 483.821 FS. History--New 2-22-94, Formerly 61F3-8.004, Amended 12-3-96, Formerly 590-8.004, Amended.

64B3-8.005 Delinquent Status License.

(1) through (2) No change.

(3) The delinquent status licensee who applies for active or inactive license status shall submit an application and:

(a) pay either the active status fee of Rule 64B3-9.004, F.A.C., or the inactive status license fee of Rule 64B3-9.006, F.A.C., the delinquent status license fee of Rule 64B3-9.011,

F.A.C., and, if applicable, the processing fee of Rule 64B3-9.010, F.A.C., and the change of status fee of Rule 64B3-9.013, F.A.C.; and

(b) upon request, demonstrate compliance with the continuing education requirements of Rule 64B3-11.001, F.A.C., and Rule 64B3-8.002, F.A.C.

Specific Authority 455.711, 483.805(4) FS. Law Implemented 455.711 FS. History--New 12-26-94, Amended 12-3-96, Formerly 590-8.005, Amended.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 5, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 13, 1999

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLES: RULE NOS.:

Application Fees	64B3-9.001
Active Status Renewal Licensure Fee	64B3-9.004
Fee for Inactive Status	64B3-9.006
Change of Status Fee	64B3-9.013

PURPOSE AND EFFECT: The Board proposes amendments to the rules to address changes in fees and to implement a change of status fee.

SUMMARY: The proposed rule amendments set forth increased fees for application and renewal and implement a renewal of inactive status fee and change of status fee.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 455.587, 455.711, 483.807(1) FS.

LAW IMPLEMENTED: 455.587, 455.711, 483.807 FS.

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

TIME AND DATE: 3:00 p.m., October 5, 1999
PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

- 64B3-9.001 Application Fees.
 - (1) through (2) No change.
 - (3) Addition of new specialty listing on supervisor license – ~~\$80~~ \$55.
 - (4) through (8) No change.
 - (9) Continuing education provider – ~~\$250~~ \$200.
 - ~~(10) Alternate continuing education provider – \$15.~~
 - ~~(10)(44) Public Health Science Technician (3 year conditional license) – \$100.~~
 - ~~(11) Wall certificate – \$25.~~
 - ~~(12) Cytology Technician Training Program (only) – \$100.~~

Specific Authority 455.587, 483.807(1) FS. Law Implemented 455.587, 483.807 FS. History–New 12-7-93, Formerly 61F3-9.001, 590-9.001, Amended 5-26-98, 5-13-99, 6-10-99_____.

- 64B3-9.004 Active Status Renewal Licensure Fee.
 - (1) through (5) No change.
 - (6) Continuing education provider – ~~\$250~~ \$200.
 - ~~(7) Cytology Technician training program (only) – \$100.~~

Specific Authority 455.587(3), 455.711, 483.807(1) FS. Law Implemented 455.587(3), 455.711, 483.807 FS. History–New 12-7-93, Formerly 61F3-9.004, Amended 12-26-94, Formerly 590-9.004, Amended 5-26-98, _____.

- 64B3-9.006 Fee for Inactive Status.
 - (1) The fee for inactive status is \$50.
 - (2) The fee for renewal of inactive status is \$50.

Specific Authority 455.587, 455.711, 483.807(1) FS. Law Implemented 455.587, 455.711, 483.807 FS. History–New 12-7-93, Formerly 61F3-9.006, Amended 12-26-94, Formerly 590-9.006, Amended 5-13-99_____.

64B3-9.013 Change of Status Fee.

The fee for change of status is \$25.

Specific Authority 483.807(1) FS. Law Implemented 483.807(1) FS. History–New _____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 5, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 13, 1999

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLES:	RULE NOS.:
Continuing Education	64B3-11.001
Standards for Continuing Education Courses	64B3-11.002
Requirements for Continuing Education Providers	64B3-11.003
Provider Approval Procedures	64B3-11.004

PURPOSE AND EFFECT: The proposed rule amendments are intended to clarify continuing education courses and course providers.

SUMMARY: The proposed rule amendments clarify continuing education courses, alternate course providers, and requirements for approval of courses.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 455.564, 483.821 FS.

LAW IMPLEMENTED: 455.564, 483.821 FS.

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

TIME AND DATE: 3:00 p.m., October 5, 1999

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULES IS:

- 64B3-11.001 Continuing Education.
 - (1) through (3) No change.
 - (4) Individuals initially licensed by a state or national examination taken within the biennium are exempt from the continuing education requirements for that biennium.
 - (5) Only agencies of the state or federal government that offer courses in those subject areas listed in 64B3-11.002(2) shall be deemed Offerings presented by other than Board approved providers, known as alternate providers. A licensee that intends to use a course offered by such an alternate provider toward his or her continuing education requirements is responsible for maintaining documentation to verify the date, location, attendance, and subject matter of such course, may be submitted by the licensee to the Board for approval within the biennium in which the offering was taken. If the information submitted by the licensee documents that the

~~offering meets or exceeds the requirements of Rules 64B3-11.002 and 64B3-11.003 or is from a regionally accredited college or university, continuing education credit shall be awarded. Licensees seeking approval of such courses shall:~~

~~(a) Submit the information on form AHCA 6000-0011 Alternate Provider Approval Form, effective 7-1-97, which is incorporated by reference herein and which can be obtained from the Department, and an application fee as provided by Rule 64B3-9.001. Such application must be made 90 days prior to the end of the biennium in which the continuing education was taken.~~

~~(b) If an application is received after March 31 in the second (even) year of the biennium for approval in the current biennium, the licensee is not assured of approval by June 30. If the licensee does not have sufficient approved continuing education hours and becomes delinquent, a delinquency fee as provided by rule 64B3-9.011 shall be imposed.~~

~~(c) A licensee submitting a request for approval under this section of any hours required for renewal after the expiration of the biennium shall be in non-compliance with the renewal requirements of chapter 64B3-8.~~

~~(6) Courses intended for use as continuing education taken at a regionally accredited college or university are not to be submitted to the Board and on alternate provider forms but shall be:~~

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

~~(c) received by March 31 of even numbered years 90 days prior to the end of the biennium in which the course was taken.~~

~~(d) through (g) No change.~~

~~(7) through (8) No change.~~

Specific Authority 455.564, 483.821 FS. Law Implemented 455.564, 483.821 FS. History--New 2-22-94, Amended 7-13-94, Formerly 61F3-11.001, Amended 12-11-94, 3-28-95, 12-4-95, 7-1-97, Formerly 59O-11.001, Amended 3-19-98,_____.

64B3-11.002 Standards for Continuing Education Courses Offerings.

Continuing education courses offerings approved by the Board shall meet the following standards:

~~(1) Provide learner objectives stating expected outcomes for the learner.~~

~~(1)(2) Provide subject matter from one or more of the following:~~

~~(a) through (e) No change.~~

~~(f) educational methodologies and instructional technologies.~~

~~(f)(g) No change.~~

~~(2)(3) No change.~~

~~(3)(4) No change.~~

~~(4)(5) No change.~~

~~(5)(6) No change.~~

~~(6)(7) No change.~~

Specific Authority 455.564(7), 483.821 FS. Law Implemented 455.564(7), 483.821 FS. History--New 2-22-94, Formerly 61F3-11.002, Amended 12-11-94, 7-1-97, Formerly 59O-11.002, Amended_____.

64B3-11.003 Requirements for Continuing Education Providers.

Providers seeking Board approval shall meet the following requirements:

(1) All educational courses offerings conducted by the provider shall meet the standards for continuing education courses offerings as outlined in rule 64B3-11.002.

(2) No change.

(3) Providers shall designate a person to assume responsibility for continuing education courses offerings for clinical laboratory personnel.

(4) Providers shall submit the long range plan document establish a written plan for ongoing evaluation of the program content, faculty, learning process and evaluation tools.

(5) Providers shall maintain a system of record keeping which provides for storage of individual course offering information for a period of at least 3 years.

(6) Providers shall furnish each participant with an authenticated certificate or letter of attendance which shall include the participant's name, license number, course offering title, number of contact hours earned, dates of attendance, program provider's name, approval number, and instructor's signature location and provider agent's signature and any other Board assigned identifying information.

Specific Authority 455.564(7), 483.821 FS. Law Implemented 455.564(7), 483.821 FS. History--New 2-22-94, Amended 7-13-94, Formerly 61F3-11.003, 59O-11.003, Amended_____.

64B3-11.004 Provider Approval Procedures.

The provider seeking approval:

(1) Shall apply make application to the Department at least 90 days prior to the date of the offering for processing and shall submit the application fee prior to the first course being offered.

(2) Shall submit all courses offerings with evidence of adherence to standards for continuing education as set forth in rules 64B3-11.002 and 64B3-11.003.

~~(3) Shall determine whether partial credit may be granted for participants failing to complete the total number of hours for which a specific offering is planned and approved.~~

~~(3)(4) No change.~~

~~(4)(5) No change.~~

~~(5)(6) Shall use the provider and course approval numbers any Board assigned designation of the provider's course offerings.~~

~~(6)(7) Shall be granted authority to give continuing education programs without prior Board approval by meeting one all of the following requirements:~~

(a) ~~Be a recognized national organization and a Board approved provider. Have been an approved continuing education provider for at least one biennium.~~

(b) ~~Be a regionally accredited college or university as provided in Rule 64B3-11.001(6), F.A.C. Have satisfied the requirements of rules 64B3-11.002 and 64B3-11.003 for all offerings submitted during the past biennium.~~

(c) ~~Be a recognized laboratory instrument corporation or vendor and a Board approved provider. Shall submit the following information to the Board prior to each offering in order to obtain a course number:~~

1. ~~Provider name and provider number~~
2. ~~Course offering title~~
3. ~~Contact hours to be awarded by specialty~~

~~(7)(d) Demonstrate continued compliance with the requirements of rules 64B3-11.002 and 64B3-11.003 through periodic review and random audits of continuing education offerings. Audits shall be conducted for cause and randomly during renewal of the continuing education provider.~~

~~Specific Authority 455.564, 483.807(1), 483.821 FS. Law Implemented 455.564, 483.807, 483.821 FS. History--New 2-22-94, Formerly 61F3-11.004, Amended 12-4-95, Formerly 59O-11.004, Amended _____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Laboratory Personnel
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 13, 1999

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Written Dental Records; Minimum Content; Retention
RULE NO.: 64B5-17.002

PURPOSE AND EFFECT: The proposed rule amendment is intended to require that radiographs be kept as part of the patient record.

SUMMARY: The proposed rule amendment requires that radiographs used for the diagnosis and treatment of the patient be made part of the dental record.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 466.004(3) FS.

LAW IMPLEMENTED: 455.677, 466.028(1)(m), (o) FS.

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

TIME AND DATE: 2:00 p.m., October 5, 1999

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Buckhalt, Executive Director, Board of Dentistry/MQA, 2020 Capital Circle, S. E., Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-17.002 Written Dental Records; Minimum Content; Retention.

(1) For the purpose of implementing the provisions of subsection 466.028(1)(m), Florida Statutes, a dentist shall maintain written records on each patient which written records shall contain, at a minimum, the following information about the patient:

- (a) appropriate medical history;
- (b) results of clinical examination and tests conducted, including the identification, or lack thereof, of any oral pathology or diseases;

(c) any radiographs used for the diagnosis or treatment of the patient;

~~(d)(e)~~ No change.

~~(e)(d)~~ No change.

~~(f)(e)~~ No change.

(2) through (5) No change.

~~Specific Authority 466.004(3) FS. Law Implemented 455.677, 466.028(1)(m),(o) FS. History--New 10-8-85, Formerly 21G-17.02, Amended 10-28-91, Formerly 21G-17.002, Amended 11-22-93, Formerly 61F5-17.002, 59Q-17.002, Amended _____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 12, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 11, 1999

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Work Order Forms
RULE NO.: 64B5-17.006

PURPOSE AND EFFECT: The proposed rule is intended to set forth the information required for dental work order forms and the appropriate time frame for retention of such forms.

~~all of the foregoing fixtures and components shall be kept clean, in good repair, well lighted, and adequately ventilated to remove objectionable odors.~~

~~(c)(10)~~ Maintain toilet facilities in a common area of the establishment. Establishments located in buildings housing multiple businesses under one roof such as arcades, shopping malls, terminals, hotels, etc., may substitute centralized toilet facilities. Such central facilities shall be within three hundred (300) feet of the massage establishment.

~~(d)(8)~~ If equipped with a whirlpool bath, sauna, steam cabinet and/or steam room, maintain ~~adequate and~~ clean shower facilities on the premises.

(2) Personnel. A licensed massage therapist must be on the premises of the establishment if a client is in a treatment room.

(3) Safety and sanitary requirements. Each establishment shall:

~~(a)(2)~~ Provide for safe and unobstructed human passage in the public areas of the premises; provide for removal of garbage and refuse; and provide for safe storage or removal of flammable materials.

~~(b)(3)~~ Maintain a fire extinguisher in good working condition on the premises. As used herein "good working condition" means meeting the standards for approval by the State Fire Marshal. Such standards are presently contained in Chapter 4A-21, F.A.C.

~~(c)(4)~~ Exterminate all vermin, insects, termites, and rodents on the premises.

~~(d)(5)~~ Maintain all equipment used to perform massage services on the premises in a safe and sanitary condition, including the regular application of cleansers and bactericidal agents to the massage table. Unless clean sheets, towels, or other coverings are used to cover the massage table for each client, "regular application," as used herein, means after the massage of each client. If clean coverings are used for each client, then "regular application" shall mean at least one time a day and also whenever oils or other substances visibly accumulate on the massage table surface.

~~(e)(6)~~ Maintain a sufficient supply of clean drapes for the purpose of draping each client while the client is being massaged, and launder before reuse all materials furnished for the personal use of the client, such as drapes, towels and linens. As used herein "drapes" means towels, gowns, or sheets.

~~(f)(11)~~ Maintain lavatories for hand cleansing and/or a chemical germicidal designed to disinfect and cleanse hands without the use of a lavatory in the treatment room itself or within 20 feet of the treatment area.

(g) Maintain all bathroom and shower facilities and fixtures in good repair, well-lighted and ventilated.

(4) Financial responsibility and insurance coverage. Each establishment shall ~~(9)~~ Maintain property damage and bodily injury liability insurance coverage. The original or a copy of such policy shall be available on the premises of the establishment.

Specific Authority 480.035(7), 480.043(2) FS. Law Implemented 480.043(2) FS. History—New 11-27-79, Amended 10-13-81, 9-10-84, 9-25-85, Formerly 21L-26.03, Amended 4-30-87, 6-12-89, 8-15-89, 5-31-92, 11-2-92, Formerly 21L-26.003, 61G11-26.003, Amended 2-16-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Massage Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 16, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 7, 1999

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: Re-examination

RULE NO.: 64B7-27.004

PURPOSE AND EFFECT: The rule is to be repealed because it is no longer necessary.

SUMMARY: The rule is to be repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 480.035(7), 480.044(1) FS.

LAW IMPLEMENTED: 480.044(1)(g) FS.

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

TIME AND DATE: 10:00 a.m., October 19, 1999

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL 32310

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bill Buckhalt, Executive Director, Board of Massage, 2020 Capital Circle, Southeast, BIN #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-27.004 Re-Examination.

Specific Authority 480.035(7), 480.044(1) FS. Law Implemented 480.044(1)(g) FS. History—New 11-27-79, Formerly 21L-27.04, Amended 6-17-86, 5-17-90, Formerly 21L-27.004, Amended 12-12-94, 9-18-95, 9-9-96, Formerly 61G1-27.004, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Massage Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 1, 1999

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: Requirements for Board Approval of Continuing Education Programs

RULE NO.: 64B7-28.010

PURPOSE AND EFFECT: The purpose of rule 64B7-28.010 is to change the number of years following a course that a licensee shall retain the sign-in-sheet with the signature of participants and copies of any promotional material from 3 to 4 years, and correct the board's mailing address.

SUMMARY: The amendment changes the length of time that a continuing education shall retain a provider sign-in-sheet with signature of participants and copies of any promotional material.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 455.564(7), 480.035(7), 480.0415, 480.0425 FS.

LAW IMPLEMENTED: 455.564(7), 480.0415, 480.0425 FS.

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

TIME AND DATE: 10:00 a.m., October 5, 1999

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL 32310

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bill Buckhalt, Executive Director, Board of Massage, 2020 Capital Circle, Southeast, BIN #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-28.010 Requirements for Board Approval of Continuing Education Programs.

(1) For the purpose of renewing or reactivating a license credit will be approved for programs which are offered by providers approved by the Board. In order to receive Board approval as a provider, an applicant shall:

(a) Submit a completed Massage Continuing Education Provider Application, BMT5, and Approved Provider Supplemental Program/Instructor Information, BMT6, incorporated herein by reference, and an application fee of \$100. The forms will be effective 2-18-98, copies of which may be obtained from the Board office at: 2020 Capital Circle, S. E., Bin C06 the Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-3256

(b) Sign and abide by written agreement to:
1. No change.

2. Retain a "sign-in-sheet" with the signature of participants and copies of any promotional materials for at least 4 3 years following the course.

3. through 4. No change.

(2) through (7) No change.

Specific Authority 455.564(7), 480.035(7), 480.0415, 480.0425 FS. Law Implemented 455.564(7), 480.0415, 480.0425 FS. History--New 4-21-86, Amended 9-14-87, 8-29-88, 2-8-89, 3-12-90, 1-3-91.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 16, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 7, 1999

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE: Income and Resource Criteria

RULE NO.: 65A-1.716

PURPOSE AND EFFECT: Medicaid eligibility is based on federal poverty guidelines and the Food Stamp standard utility allowance is used in calculating the minimum monthly maintenance income allowance for community spouses in the Medicaid Institutional Care (ICP) program. This proposed rule amendment changes the federal poverty guidelines and the Food Stamp standard utility allowance used in the ICP program.

SUMMARY: Federal poverty guidelines and the food stamp standard utility allowance will be increased to 1999 levels.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.903, 409.904, 409.919 FS.

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

TIME AND DATE: 11:00 a.m., October 4, 1999

PLACE: 1317 Winewood Boulevard, Building 3, Room 414, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Audrey Mitchell, Program Administrator, Public Assistance Policy, Legal Base Unit, 1317 Winewood Boulevard, Building 3, Room 412-D, Tallahassee, Florida 32399-0700

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.716 Income and Resource Criteria.

(1) The monthly federal poverty level figures based on the size of the filing unit are as follows:

Filing Unit Size	90% of Poverty Guideline	100% of Poverty Guideline	120% of Poverty Guideline	133% of Poverty Guideline	185% of Poverty Guideline
1	\$ 618592	\$ 687658	\$ 824789	\$ 914875	\$12714247
2	830796	922885	11064064	12264476	17064636
3		1157444		15394478	21402056
4		13924338		18514779	25752475
5		16274565		21642084	30102894
6		18624794		24772382	34453344
7		20972048		27892684	38793733
8		23322245		31022985	43144152
9		25672474		34143287	47494572
10		28022698		37273588	51844994
11		30372925		40393890	56185440
12		32723154		43524494	60535830
Add each add. person		\$235227		\$ 313302	\$435420

(2) through (5)(c)3. No change.

4. Food Stamp Standard Utility Allowance: \$194 452.

5. through (e) No change.

Specific Authority 409.919 FS. Law Implemented: 409.903, 409.904, 409.919 FS. History--New 10-8-97, Amended _____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 1, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 9, 1999

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Marine Fisheries

RULE CHAPTER TITLE: King Mackerel Resource Renewal

RULE CHAPTER NO.: 68B-12

RULE TITLES: Definitions

RULE NOS.: 68B-12.002

Size Limit

68B-12.0035

Bag Limits

68B-12.004

PURPOSE AND EFFECT: Historically, the Marine Fisheries Commission, predecessor to the Fish and Wildlife Conservation Commission's (FWCC) Division of Marine Fisheries, was statutorily required to consider federal fishery management plans and avoid inconsistencies between state and federal regulations unless otherwise deemed to be in the best interests of the State of Florida. In continuation of this policy and in cooperation with federal regulators, the Fish and Wildlife Conservation Commission proposes this rulemaking to adopt in state waters the new federal size limit for king

mackerel, and to establish a zero bag limit for the captain and crew of for hire vessels. The effect will be to ease the regulatory burden on Florida's citizens by maintaining unified king mackerel regulations from state coastline waters through federal waters of the exclusive economic zone.

SUMMARY: A new subsection (1) is added to Rule 68B-12.002, F.A.C., to add a definition for the term "charter vessel". In Rule 68B-12.0035, F.A.C., subsection (1) is amended to change the king mackerel size limit from 20 to 24 inches fork length. Finally, Rule 68B-12.004, F.A.C., is amended to establish a zero bag limit for the captain and crew of for-hire vessels.

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 120.54(6), F.S., WHICH DOES NOT PROVIDE FOR A PUBLIC HEARING. SUBSTANTIALLY AFFECTED PERSONS MAY FILE OBJECTION WITH THE FISH AND WILDLIFE CONSERVATION COMMISSION: Objection must be received within 14 days of publication of this notice and must specify the portions of the proposed rule to which the person objects and the reason for the objection. Objections which are frivolous will not be considered sufficient to prohibit adoption of the rule as published.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULES IS:

68B-12.002 Definitions.

For the purpose of this chapter, except where the context clearly requires otherwise:

(1) "Charter vessel" means a boat or vessel, including what are commonly known as a "headboat", or "guideboat", whose captain or operator is licensed by the US, Coast Guard to carry passengers and whose passengers fish for a fee. The "crew" of a charter vessel means those individuals who receive monetary or other compensation from the vessel owner, captain, or operator or from other passengers who are engaged in fishing from the vessel as anglers.

(2) "Commission" means the Florida Fish and Wildlife Conservation Commission.

(3)(2) "Eastern Region" means all state waters of the Atlantic Ocean north of a line extended due east from the coastal boundary between Dade and Monroe Counties and south of a line extended due east from the coastal boundary between Volusia and Flagler counties, between November 1 of each year and March 31 of the following year.

~~(4)~~~~(3)~~ “Gulf-Atlantic Fishery” means all Florida waters of the Gulf of Mexico and the Atlantic Ocean designated as follows, and all king mackerel in those waters: Between November 1 and March 31 the Florida Gulf-Atlantic Fishery consists of all Florida waters in the Gulf of Mexico and all Florida waters in the Atlantic Ocean south of a line extended due east from the coastal boundary between Volusia and Flagler counties (29 deg. 25 min. N. latitude). Between April 1 and October 31 of each year, the Gulf-Atlantic Fishery consists of all Florida waters in the Gulf of Mexico north of a line extended due west from the coastal boundary between Monroe and Collier counties (25 deg. 48 min. N. latitude).

~~(5)~~~~(4)~~ “Harvest,” used in the reference to activities of a person or a boat, means catching a king mackerel in or from the water by any means, then reducing the fish to possession. A king mackerel that is caught but immediately returned to the water free, alive and unharmed is not harvested.

~~(6)~~~~(5)~~ “Harvest for commercial purposes” means the taking or harvesting of any king mackerel for purposes of sale or with intent to sell. King mackerel harvest in excess of the bag limit shall constitute harvest for commercial purposes.

~~(7)~~~~(6)~~ “King mackerel,” also commonly referred to as “kingfish,” means any fish of the species *Scomberomorus cavalla*.

~~(8)~~~~(7)~~ “Land”, when used in connection with the harvest of a fish, means the physical act of bringing the harvested fish ashore.

~~(9)~~~~(8)~~ “Western Region” means all state waters of the Atlantic Ocean south and west of a line due east from the coastal boundary between Dade and Monroe Counties and all state waters of the Gulf of Mexico, between November 1 of each year and March 31 of the following year, and all state waters of the Gulf of Mexico north of a line extended due west from the coastal boundary between Monroe and Collier Counties, between April 1 and October 31 of each year.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-20-84, Formerly 46-12.02 and 46-12.002, Amended 11-13-86, 11-1-88, 10-1-90, 7-15-96, _____.

68B-12.0035 Size Limit.

(1) No person shall harvest from the waters of the Gulf-Atlantic Fishery or land any king mackerel with a fork length less than 24 ~~20~~ inches, measured from the tip of the snout to the rear center edge of the tail.

(2) All king mackerel shall be landed in a whole condition. The possession, while in or on state waters, on any public or private fishing pier, or on a bridge or catwalk attached to a bridge from which fishing is allowed, or on any jetty, of any such fish that have been deheaded, sliced, divided, filleted, ground, skinned, scaled, or deboned is prohibited. Mere evisceration or “gutting” of such fish, or mere removal of gills before landing is not prohibited.

(3) It is the intent of this rule and Rule 68B-30.0025 to expressly repeal and replace Section 370.11(2)(a)3., Florida Statutes, and the remainder of Section 370.11(2)(a), Florida Statutes, as these provisions pertain to king mackerel.

Specific Authority Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, and Chapter 85-163, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, and Chapter 85-163, Laws of Fla. History—New 11-29-93, Amended 6-3-96, Formerly 46-12.0035, Amended _____.

68B-12.004 Bag Limits.

(1) Except as provided in Rule 68B-12.0046, each person harvesting king mackerel from the Gulf-Atlantic fishery shall be subject to a bag limit of two fish per person, per day, unless and until the bag limit is reduced to one fish per person, per day pursuant to Rule 68B-12.0045(2), F.A.C.

(2) Except as provided in Rule 68B-12.0046, no person shall possess while in, on, or above the waters of the Gulf-Atlantic fishery or on any dock, pier, bridge, beach, or other fishing site adjacent to such waters, more than the applicable bag limit for king mackerel specified in subsection (1) of this rule.

(3) The maximum number of king mackerel that may be possessed aboard any vessel at any time in the Gulf-Atlantic fishery shall be the daily bag limit multiplied by the number of persons aboard the vessel excluding the captain and all crew members in the case of a charter vessel.

(4) Possession of king mackerel in excess of the bag limit specified in subsection (1) of this rule by any person aboard a vessel fishing in the Gulf-Atlantic fishery constitutes a violation of this rule.

~~(5)~~~~(4)~~ Annual Season Harvest Limit Adjustment – The goal of the Commission is to rebuild the king mackerel spawning stock biomass in the Gulf-Atlantic fishery, consistent with federal management measures if in the best interests of the fishery and residents of the state, so that the species is no longer considered overfished and maximum practicable sustainable stock abundance may be maintained. To achieve that goal the Commission will manage the recreational Gulf-Atlantic fishery by means of fishery-wide two-step bag and possession limits without season closures. It is the intention of the Commission to adjust no more frequently than on an annual basis the bag and possession limits specified in subsections (1) and (2) of this rule, if adjustment is necessary to attain progress toward the goal stated above. The following procedure shall be used by the Commission to annually adjust the recreational bag and possession limits, if necessary:

(a) Any adjustment to the bag and possession limits shall be applicable beginning on July 1 and be in effect for at least one calendar year. Once adjusted, the bag and possession limits shall remain in place until adjusted again pursuant to this subsection.

(b) By June 1 of each year in which adjustment of the recreational bag and possession limits is contemplated for the coming season, the Commission shall hold a public hearing to which all interested persons are invited. The meeting shall be noticed in accordance with Section 120.53, Florida Statutes.

(c) The adjusted bag and possession limits shall be published by notice in the Florida Administrative Weekly and in at least three major newspapers in coastal regions of the state within the fishery. The notices shall be published by June 15.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-20-84, Formerly 46-12.04, 46-12.004, Amended 11-13-86, 11-1-88, 10-1-90, 7-15-96, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 30, 1999

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Marine Fisheries

RULE CHAPTER TITLE: King Mackerel – Atlantic Fishery

RULE CHAPTER NO.: 68B-30

RULE TITLE: Size Limit

RULE NO.: 68B-30.0025

PURPOSE AND EFFECT: Historically, the Marine Fisheries Commission, predecessor to the Fish and Wildlife Conservation Commission’s (FWCC) Division of Marine Fisheries, was statutorily required to consider federal fishery management plans and avoid inconsistencies between state and federal regulations unless otherwise deemed to be in the best interests of the State of Florida. In continuation of this policy and in cooperation with federal regulators, the Fish and Wildlife Conservation Commission proposes this rulemaking to adopt in state waters the new federal size limit for king mackerel. The effect will be to ease the regulatory burden on Florida’s citizens by maintaining unified king mackerel regulations from state coastline waters through federal waters of the exclusive economic zone.

SUMMARY: Subsection (1) of Rule 68B-30.0025, F.A.C., is amended to provide a new size limit for the harvest of king mackerel in Florida state waters.

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 120.54(6), F.S., WHICH DOES NOT PROVIDE FOR A PUBLIC HEARING. SUBSTANTIALLY

AFFECTED PERSONS MAY FILE OBJECTION WITH THE FISH AND WILDLIFE CONSERVATION COMMISSION: Objection must be received within 14 days of publication of this notice and must specify the portions of the proposed rule to which the person objects and the reason for the objection. Objections which are frivolous will not be considered sufficient to prohibit adoption of the rule as published.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-30.0025 Size Limit.

(1) No person shall harvest from the waters of the Atlantic Fishery or land any king mackerel with a fork length less than 24 ~~20~~ inches, measured from the tip of the snout to the rear center edge of the tail.

(2) All king mackerel shall be landed in a whole condition. The possession, while in or on state waters, on any public or private fishing pier, or on a bridge or catwalk attached to a bridge from which fishing is allowed, or on any jetty, of any such fish that have been deheaded, sliced, divided, filleted, ground, skinned, scaled, or deboned is prohibited. Mere evisceration or “gutting” of such fish, or mere removal of gills before landing is not prohibited.

(3) It is the intent of this rule and Rule 68B-12.0035 to expressly repeal and replace Section 370.11(2)(a)3., Florida Statutes, and the remainder of Section 370.11(2)(a), Florida Statutes, as these provisions pertain to king mackerel.

Specific Authority Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, and Chapter 85-163, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, and Chapter 85-163, Laws of Fla. History—New 11-29-93, Amended 7-15-96, Formerly 46-30.0025, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 30, 1999

Section III
Notices of Changes, Corrections and
Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

Table with 2 columns: RULE CHAPTER NO. and RULE CHAPTER TITLE; RULE NOS. and RULE TITLES. Includes entries for Admission of Animals for Exhibition, General Requirements and Limitations, Cattle, Swine, and Goats and Sheep.

NOTICE OF CORRECTION

Notice is hereby given that proposed Rule 5C-4, F.A.C., published in the Florida Administrative Weekly, Vol. 25, No. 33, August 20, 1999, has been changed to reflect correction in hearing date from September 3, 1999, 9:00 a.m., to October 8, 1999, 11:00 a.m.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

Table with 2 columns: RULE CHAPTER TITLE and RULE CHAPTER NO.; RULE TITLES and RULE NOS. Includes entries for Transporting Animal Carcasses/Refuse, Definitions, Application for Permit; Fees, and Equipment; Quarantine.

NOTICE OF CHANGE

Notice is hereby given that the proposed Rule 5C-23, FAC, published in the Florida Administrative Weekly, Vol. 25, No. 28, July 16, 1999, has been changed to reflect comments received from the Joint Administrative Procedures Committee. When changed, Rule 5C-23, FAC, shall read as follows:

THE FULL TEXT OF THE PROPOSED RULES IS:

5C-23.001 Definitions.

For the purposes of this chapter the following definitions shall apply:

(1) Animal. This term shall include any equine or bovine animal, goat, sheep, swine, domestic cat, dog, poultry or other domesticated beast or bird; the term animal shall include wild or game animals whenever necessary to effectively control or eradicate diseases.

(2) Department. The Florida Department of Agriculture and Consumer Services.

(3) Division. The Division of Animal Industry of the Florida Department of Agriculture and Consumer Services.

(4) Dying, disabled, diseased animal. Any animal, as defined by this section that shows evidence of infection with any infectious, contagious or communicable disease or is incapable of moving under its own power.

(5) Forms and Materials. Department of Agriculture and Consumer Services Application and Permit to Transport Animal Carcasses/Refuse (Form DACS-09056, Rev. 01-99) is hereby incorporated by reference. Copies may be obtained from the Department of Agriculture and Consumer Services, Division of Animal Industry, 407 South Calhoun Street, The Mayo Building, Tallahassee, Florida 32399-0800.

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.145(1), 585.147 FS. History--New

5C-23.002 Application for Permit; Fees.

(1) No person shall engage in the business of transporting or hauling any dead, dying, disabled, or diseased animal; any product of an animal that died other than by slaughter; or any inedible animal product not meant for human consumption without having first applied for, and obtained from the department, a permit unless they are permitted to transport or haul livestock pursuant to Section 574.083, F.S. and are transporting animals that have died or become disabled during shipment.

(2) Application for Permit. The applicant must submit a signed Form DACS-09056, Application and Permit to Transport Animal Carcasses/Refuse, together with a non-refundable application fee of \$200, to the Division of Animal Industry, Florida Department of Agriculture and Consumer Services, 407 South Calhoun Street, The Mayo Building, Tallahassee, Florida 32399-0800. The fee must be submitted as a check or money order made payable to the Florida Department of Agriculture and Consumer Services.

(3) Requirements for Permit. Upon receipt of the application and fee, an authorized representative of the Department will inspect all vehicles and containers used in the transportation and storage of carcasses or refuse to determine compliance with the requirements of this Chapter.

(4) Issuance of Permit. Applicants meeting the requirements on inspection by an authorized representative of the Department will be issued a permit. All permits expire on June 30.

(5) Reissue of Permit. The applicant will submit to the Department a completed DACS-09056 form indicating a request for reissue of permit signed by an authorized representative and accompanied by a permit fee as set forth above. Permit reissue requests will be due by July 1 of each