

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Amy West, Specialist, 1317 Winewood Blvd., Building 8,  
Tallahassee, FL 32399

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Dee Richter, Chief, 1317 Winewood  
Blvd., Building 8, Tallahassee, FL 32399

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: April 14, 1998

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: November 27, 1998

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

### Family Safety and Preservation

RULE TITLE: Assessment RULE NO.: 65C-23.001

PURPOSE AND EFFECT: To establish the requirements for reviewing a family's situation to determine if a hardship exemption should be granted to allow for a minor child of the participating family to continue to receive financial assistance under the Work and Gain Economic Self-Sufficiency (WAGES) program.

SUMMARY: In order for the department to properly assess the family situation, it was necessary that a form be developed for statewide use. This rule will allow for the public to be informed of the contents of the form and that it is mandatory that it be used by staff.

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: 414.105 FS.

LAW IMPLEMENTED: 414.105(3) FS.

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

TIME AND DATE: 9:00 a.m., February 12, 1999

PLACE: 1317 Winewood Blvd., Building 8, Conference  
Room, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE  
PROPOSED RULE IS: Wayne Wallace, Specialist, 1317  
Winewood Blvd., Building 8, Tallahassee, FL 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

### CHAPTER 65C-23

### WAGES HARDSHIP EXEMPTION

#### 65C-23.001 Assessment.

The department will conduct an assessment to determine if a minor child of a participating WAGES family that has reached the end of the eligibility period for temporary cash assistance should be recommended for a hardship extension. This recommendation will result from a review using Substitute Care Review form, CF-ES 2089, Jul 98, incorporated by reference, to determine if the termination of the child's temporary cash assistance would likely result in the child being placed into emergency shelter or foster care.

Specific Authority 414.45 FS. Law Implemented 414.105(3) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Wayne Wallace, Specialist, 1317 Winewood Blvd., Building 8,  
Tallahassee, FL 32399

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Dee Richter, Chief, 1317 Winewood  
Blvd., Building 8, Tallahassee, FL 32399

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: November 17, 1998

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

## Section III Notices of Changes, Corrections and Withdrawals

### DEPARTMENT OF COMMUNITY AFFAIRS

#### Division of Community Planning

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
9J-5	Minimum Criteria for Review for Local Government Comprehensive Plans and Plan Amendments, Evaluation and Appraisal Reports, Land Development Regulations and Determinations of Compliance
RULE NOS.:	RULE TITLES:
9J-5.003	Definitions
9J-5.0053	Evaluation and Appraisal Reports and Evaluation and Appraisal Amendments
9J-5.022	Standards for Review of Required Land Development Regulations
9J-5.023	Criteria for Determining Consistency of Land Development Regulations

# NOTICE OF CHANGE

This Notice of Change replaces the one which appeared in the December 4, 1998 edition of the Florida Administrative Weekly.

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 24, No. 33, August 14, 1998, issue of the Florida Administrative Weekly.

## 9J-5.003 Definitions.

(1) "Affordable housing" means housing for which monthly rents or monthly mortgage payments, including taxes, insurance, and utilities, do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for the households or persons indicated in s. 420.0004, F.S. (1991). Affordable housing definitions that are prescribed by other affordable housing programs administered by either the United States Department of Housing and Urban Development or the State of Florida can be used by local governments ~~may be appropriate~~ if such programs are implemented by the local government to provide affordable housing.

(2) through (142) No change.

## 9J-5.0053 Evaluation and Appraisal Reports and Evaluation and Appraisal Amendments.

Specific Authority ~~420.535, 163.3177(9), 163.3187(5), 163.3191(8),(10) FS.~~ Law Implemented 163.3187(5), 163.3191 FS. History--New 3-23-94, Amended 5-18-94,\_\_\_\_\_.

## 9J-5.022 Standards for Review of Required Land Development Regulations.

(1) In determining whether a local government has totally failed to adopt one or more land development regulations required in Subsections 163.3202(2), F.S., the Department shall examine the regulation or regulations in question to ensure that ~~they include~~ specific programs, activities, standards, actions or prohibitions which regulate or govern the ~~following~~ subjects: are included. The provisions described below are provided as examples to lend guidance to local governments in accordance with accepted and applied principles of comprehensive planning; however, innovative land development regulations are encouraged as well.

(a) through (b) No change.

(c) The control of land uses and activities ~~that may affect within identified cones of influence for~~ potable water wells and wellfields, including identified cones of influence, in order to protect the potable water supply.

(d) The control of areas subject to seasonal and periodic flooding which may include the type, location, density and intensity of land uses located within these areas, in order to provide for drainage and stormwater management and mitigate the impacts of floods, including loss of life and property damage.

~~(e) The provision of Adequate drainage facilities may be provided~~ to control individual and cumulative impacts of flooding and nonpoint source pollution in drainage basins existing wholly or in part within the jurisdiction.

~~(e)(f)~~ The protection of environmentally sensitive lands, as designated in the comprehensive plan, from development impacts, including ensuring the protection of soils, groundwater, surface water, shorelines, fisheries, vegetative communities and wildlife habitat.

~~(f)(g)~~ The regulation of signage, including but not limited to type, location, size, number and maintenance of signs.

~~(g)(h)~~ Provisions assuring that development orders shall not be issued unless public facilities and services which meet or exceed the adopted level of service standards are available concurrent with the impacts of the development. Unless public facilities and services which meet or exceed such standards are available at the time the development permit is issued, development orders shall be specifically conditioned upon availability of the public facilities and services necessary to serve the proposed development. Public facility and service availability shall be deemed sufficient if the public facilities and services for a development are phased, or the development is phased, so that the public facilities and those related services which are deemed necessary by the local government to operate the facilities necessitated by that development are available and meet the adopted level of service standards concurrent with the impacts of the development. Phased facilities and services to be provided by the local government shall be included in and consistent with the Capital Improvements Element. Public facilities and services to be provided by the developer shall be guaranteed in an enforceable development agreement, including development

agreements pursuant to Chapter 163, Florida Statutes, or agreements or development orders issued pursuant to Chapter 380, Florida Statutes.

~~(h)(4)~~ The number and sizes of on-site parking spaces, and the design of and control mechanisms for on-site vehicular and pedestrian traffic to provide for the public safety and convenience.

~~(i)(4)~~ Other specific and detailed provisions necessary ~~or~~ desirable to implement the adopted comprehensive plan, including regulations which are specifically required in the objectives and policies of the adopted comprehensive plan.

~~(2) A local government shall be found to have failed totally to adopt a required land development regulation if the regulation does not meet the review criteria for regulations on that subject in Rule 9J-5.022(1), F.A.C.~~

~~(2)(3)~~ If, in the determination of the local governing body, existing regulatory provisions as applied in ~~the~~ ~~their~~ jurisdiction by other agencies (whether federal, state, regional or local) are sufficient to meet the requirements of Subsections 163.3202(2) and (6), F.S., the local government may incorporate these regulatory provisions ~~systems~~ by specific reference in whole or in part into the single land development code to avoid duplication of the language. The Department shall examine any such provision adopted by reference in ~~in~~ determining whether a local government has totally failed to adopt one or more land development regulations required in Subsections 163.3202(2) and (6), F.S., ~~the Department shall examine any such provision adopted by reference to ensure that it meets the criteria in Rule 9J-5.022(1), F.A.C.~~

Specific Authority ~~163.3177(9); 163.3202(5) FS. Law Implemented 163.3177(10)(h), 163.3194, 163.3202 FS. History-New~~ \_\_\_\_\_.

9J-5.023 Procedures for the Administrative Review of Land Development Regulations.

This rule has been withdrawn.)

~~9J-5.023~~ ~~9J-5.024~~ Criteria for Determining Consistency of Land Development Regulations with the Comprehensive Plan.

A determination of consistency of a land development regulation with the comprehensive plan will be based upon the following:

No change to text.

Specific Authority ~~163.3177(9); 163.3202(5) FS. Law Implemented 163.3194, 163.3213 FS. History-New~~ \_\_\_\_\_.

## DEPARTMENT OF CORRECTIONS

RULE NO.: 33-4.016	RULE TITLE: Professional License, Certification and Registration Requirements
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## NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 24, No. 50, (December 11, 1998), issue of the Florida Administrative Weekly:

33-4.016 Professional License, Certification and Registration Requirements.

(1) It is the responsibility of any employee in a position requiring professional license, certification, or registration to maintain the required license, certification or registration and to provide the department with a copy of such upon employment and upon renewal. If the employee's license, certification or registration is suspended, revoked, lapses, or is placed under restriction, the employee shall make an immediate report in writing within three working days to the Secretary, Assistant Secretary, Regional Director, Regional Division Director, Circuit Administrator, or Superintendent. In circumstances where an employee's license, certification or registration is suspended, revoked, or placed under restriction, the following information shall be contained in the report: any action taken by the professional board or other professional licensing body such as disciplinary fines, limitations or restrictions; and the time period of such suspension, revocation or restriction.

(2) No change.

## MARINE FISHERIES COMMISSION

### NOTICE OF CABINET MEETING

Proposed amendments to Rules 46-31.0035 and 46-31.004, F.A.C., relating to trawl gear specifications, being considered in conjunction with proposed new Rule Chapter 46-53, relating to calico scallops, as published in the November 6, 1998 issue of the Florida Administrative Weekly, Vol. 24, No. 45, with no changes, will be submitted to the Governor and Cabinet, sitting as the Board of Trustees of the Internal Improvement Trust Fund, pursuant to Section 370.027(3)(a), Florida Statutes, for approval or disapproval, at a public hearing to be held during a regular meeting of the Governor and Cabinet at the time, date and place shown below. TIME AND DATE: 9:00 a.m., or as soon thereafter as the item can be heard, on January 26, 1999

PLACE: The Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE AGENCY WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, HE WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, HE MAY NEED TO ENSURE THAT A

VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

Information concerning Board of Trustees consideration of this item can be obtained by contacting the Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301, (850)487-0554. A copy of the Board of Trustees, Marine Fisheries Commission for the January 26, 1999 Cabinet meeting may be obtained by writing to Judy Brooks, Department of Environmental Protection, Room 1014, 3900 Commonwealth Blvd., Tallahassee, Florida 32399.

#### MARINE FISHERIES COMMISSION

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
46-53	Calico Scallops
RULE NOS.:	RULE TITLES:
46-53.001	Definitions
46-53.002	Size Limit
46-53.003	Harvest Requirements: Harvest for Commercial Purposes; Gear Specifications; Closed Areas

#### NOTICE OF CHANGES TO PROPOSED RULES

The Marine Fisheries Commission announces changes to proposed new Rule Chapter 46-53, F.A.C., published in the November 6, 1998 issue of the Florida Administrative Weekly, Vol. 24, No. 45. The changes are in response to public comment, testimony, and Commission discussion contained in the record of the public hearing held by the Commission on December 8, 1998, in Islamorada, Florida.

Rules 46-53.001 and 46-53.003 were not changed. Rules 46-53.002 was changed to read as follows:

##### 46-53.002 Size Limit.

Each harvester and processor of calico scallops shall possess calico scallops that are of legal size. Calico scallops shall be considered of legal size if a one pound sample of calico scallop meats, taken from any single container possessed by the harvester or processor, contains no more than 250 individual meats. If containers are possessed, the capacity of which is less than one pound, a sample taken to determine compliance with this rule may be made up of the contents of more than one container. Each sample containing more than 250 calico scallop meats shall constitute a separate violation of this size limit.

Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New

**PRESENTATION TO THE GOVERNOR AND CABINET FOR APPROVAL:** The proposed rules with the changes resulting from the Commission's public hearing, will be presented to the Governor and Cabinet, sitting as the Board of Trustees of the Internal Improvement Trust Fund, pursuant to Section 370.027(3)(a), Florida Statutes, for approval or

disapproval, at a public hearing to be held during a regular meeting of the Governor and Cabinet at the time, date and place shown below:

**TIME AND DATE:** 9:00 a.m., or as soon thereafter as the item can be heard, January 26, 1999

**PLACE:** The Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

**SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE AGENCY WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, HE WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, HE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.**

Information concerning the Board of Trustees consideration of this item can be obtained by contacting the Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301. A copy of the Board of Trustees agenda for the January 26, 1999 Cabinet meeting may be obtained by writing: Judy Brooks, Department of Environmental Protection, Room 1014, 3900 Commonwealth Blvd., Tallahassee, Florida 32399.

#### DEPARTMENT OF HEALTH

RULE NO.:	RULE TITLE:
64-1.014	Listing of Final Orders

#### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 24, No. 49, (December 4, 1998), issue of the Florida Administrative Weekly:

(1) through (3) No change.

~~(4) Final Orders resulting from a challenge to the validity of a rule under Section 120.56, F.S., or other final orders entered by the Division of Administrative Hearings shall be neither listed nor indexed by the Department.~~

### Section IV Emergency Rules

#### DEPARTMENT OF TRANSPORTATION

RULE TITLE:	RULE NO.:
Unauthorized Cutting, Trimming, or Removal of Vegetation	14ER99-1

**SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE:** Pursuant to Section 120.54(4), F.S., the Department of Transportation finds that the unauthorized cutting, trimming, or removal of vegetation from state right of way creates an immediate danger to the public. As such, the