

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: David K. Roach, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number (561)627-3386

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE AND CAN BE OBTAINED FROM: David K. Roach, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number (561)627-3386

Section II Proposed Rules

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Financial Records and Reports

RULE NO.: 6A-14.072

PURPOSE AND EFFECT: The purpose is to prescribe the data and procedures to be used to maintain financial records in a consistent manner at the 28 community colleges. The effect is to ensure the financial records at the 28 community colleges and data shown on financial reports will be comparable throughout the Community College System.

SUMMARY: The proposed rule amendment requires that records be kept in accordance with the 1998 Accounting Manual for Florida's Public Community Colleges and subsequent amendments thereto.

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: 229.053(1), 240.325 FS.

LAW IMPLEMENTED: 240.311, 240.325, 240.347, 240.349, 240.363 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

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

PLACE: LL03, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sydney H. McKenzie III, General Counsel, State Board of Community Colleges, Division of Community Colleges, 325 West Gaines St., Tallahassee, FL 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-14.072 Financial Records and Reports.

(1) Each community college shall keep financial records according to the Department of Education publication, "Accounting Manual for Florida's Public Community Colleges, ~~1998~~ 1997," incorporated herein by reference. Copies may be obtained from the Division of Community Colleges, Department of Education, Tallahassee, Florida 32399-0400.

Specific Authority 229.053(1), 240.325 FS. Law Implemented 240.311, 240.325, 240.347, 240.349, 240.363 FS. History—Formerly 6A-8.11, Repromulgated 12-19-74, Amended 12-26-77, 7-2-79, 5-14-85, Formerly 6A-14.72, Amended 11-12-91, 7-7-92, 2-16-94, 12-18-94, 11-27-95, 11-13-96, 12-9-97, _____. c.f. Accounting Manual for Florida's Public Community Colleges.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sydney H. McKenzie III, General Counsel, State Board of Community Colleges

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: J. David Armstrong Jr., Executive Director, Community College System

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 20, 1998

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 20, 1998

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Water Levels and Rates of Flow

RULE CHAPTER NO.: 40D-8

RULE TITLE: Minimum Flows

RULE NO.: 40D-8.041

PURPOSE AND EFFECT: To adopt a minimum flow for the Lower Hillsborough River pursuant to section 373.042, F.S. (1996 Supp.)

SUMMARY: The proposed rule sets forth that the Minimum Flow for the Lower Hillsborough River shall be 10 cubic feet per second at the base of the City of Tampa's dam, as measured at the Rowlett Park Drive bridge. The proposed rule addresses how and when the Minimum Flow is to be met through December 31, 2007. The Minimum Flow may be re-established based on a study to be conducted by the City and the District. A Minimum Flow shall be established for Sulphur Springs by December 31, 2001.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:

1.0 Introduction

Section 373.042, Florida Statutes, requires the Southwest Florida Water Management District (SWFWMD) to establish minimum flows and levels for priority water bodies. As part of the response to this mandate, the District has initiated efforts to adopt minimum flows for the Lower Hillsborough River. For the purposes of a Minimum Flow for the Lower Hillsborough River, the Lower Hillsborough River is defined as the river downstream of Fletcher Avenue. A tributary of the Lower Hillsborough River is Sulphur Springs, an artesian spring that enters the River via a short spring run located 2.2 miles downstream of the City of Tampa's dam.

Under current rules, the City of Tampa's Water Use Permit for withdrawals from the Hillsborough River required that the City conduct a feasibility study for reducing the number of no-flow days to bring the permit more into compliance with existing stream flow performance standards in Chapter 40D-2, F.A.C. Furthermore, no additional quantities would likely be permitted under current rules that would affect the base flow of the Hillsborough River due to concerns over the potential impacts to the existing use of the river for drinking water supplies for the City of Tampa and the potential additional ecological harm caused by an increase in the number of no-flow days in the Lower Hillsborough River, particularly the stretch between the dam and Sulphur Springs.

The proposed rule prescribes a phased flow regime for the Lower Hillsborough River which will minimize, and eventually eliminate, no-flow days. This Summary is based on analysis of the February 22, 1999 Hillsborough River Minimum Flow draft rule approved for publication by the Governing Board of the Southwest Florida Water Management District.

2.0 Individuals and Entities Likely to be Required to Comply

The permittee directly affected by the proposed rule is the City of Tampa in that the proposed rule specifies the circumstances and manner under which the City must comply with the proposed Minimum Flow. However, reducing and eliminating no-flow conditions in the Lower Hillsborough River would be required under existing rules.

Any other existing permittees, and new applicants, requesting additional withdrawals that would affect the base flow of the Hillsborough River are not affected by the proposed rule revision. Such applications would likely not meet current rule criteria.

3.0 Cost to the District, the State and Local Government Entities

The proposed rule revision is not anticipated to incur costs to either the State of Florida or to local government entities in terms of changes in tax revenues or changes in costs. The proposed rule revisions do not require State or local government agencies to implement or enforce rules or ordinances. The proposed rule will not change the District's emphasis on water conservation and alternative source development as is required under current rule. Furthermore, no

loss of jobs or income is anticipated under the proposed rule revision. Therefore, tax revenues and the level of government services are not anticipated to change as a result of the proposed rule revision. Costs to government entities who have a water use permit affected by the proposed rule revision are described in Section 4.0, "Transactional Costs Likely to be Incurred by Individuals and Entities".

No loss of jobs or income is anticipated under the proposed rule revision because the requirements of permittees and applicants will not be significantly different under the proposed rule than under current rule. The proposed rule revision is consistent with the purpose and intent of the existing Chapter 40D-2.301, Conditions for Issuance of Permits, and the actions that the District has taken to address adverse impacts of withdrawals in the Northern Tampa Bay area. Therefore, sales and property tax revenues and the level of government services are not anticipated to change as a result of the proposed rule revision.

The minimum flow requirement does not place a limit on overall water sales. Therefore, no significant changes in utility tax revenues are anticipated as a result of the proposed rule revision.

No significant additional permit review or monitoring costs to the SWFWMD are anticipated as a result of the implementation of the proposed rules. Enforcement costs to the SWFWMD are also not likely to increase unless there is significant disagreement between the District, the City of Tampa, or a third party over whether providing the Minimum Flow at a particular time and from a particular source constitutes a drinking water supply-related threat to public health, safety and welfare.

In the future, there may be additional costs to the District, however these costs could not be estimated at this time. Such costs include the District's share of the cost of conducting an evaluation of the quality of Minimum Flow sources other than the City's reservoir and Sulphur Springs, and the District's share of the cost of the Minimum Flow reevaluation study to be completed by December 31, 2005, as required by the proposed rule.

4.0 Transactional Costs Likely to be Incurred by Individuals and Entities

Additional water from Sulphur Springs or other sources may be needed by the City of Tampa to augment flows in the lower Hillsborough River at the base of the Hillsborough River Reservoir dam in order to comply with the proposed minimum flow for this section of the river. The cost of obtaining additional quantities would likely have been incurred under current rule requirements and does not necessarily represent rule revision-related additional cost. They are, however, addressed for illustrative purposes.

There are several potential sources of minimum flow water. Additional water conservation may extend the period of time that the minimum flow can be met by flow from the reservoir.

Additional conservation costs may range from \$.17 to \$2.00 per thousand gallons saved. The annual capital and operation and maintenance costs of providing the minimum flow from Sulphur Springs is estimated as \$203,000. The City of Tampa and the SWFWMD are already co-funding projects to determine the feasibility of obtaining water from Blue Sink and the Curiosity Creek watershed. The total feasibility study project cost is \$50,000. Up to \$100,000 is being budgeted by SWFWMD and the City in Fiscal Year 2000 for implementation if the projects are found feasible. Under certain circumstances, Tampa Bypass Canal water permitted to Tampa Bay Water could be back pumped to make more water available for augmentation of the reservoir. Assuming the necessary agreements could be negotiated, the estimated annualized cost of providing the minimum flow (6.5 mgd) would be \$271,180. If water had to be purchased from Tampa Bay Water, the cost to the City would be, at a minimum, the difference between the City's and Tampa Bay Water's in production cost.

In the future, there may be additional costs to the City of Tampa, however these costs could not be estimated at this time. Such costs include the City's share of the cost of conducting an evaluation of the quality of Minimum Flow sources other than the City's reservoir and Sulphur Springs, and the District's share of the cost of the Minimum Flow reevaluation study to be completed by December 31, 2005, as required by the proposed rule.

5.0 Impact to Small Businesses, Small Cities and Small Counties

Impact on Small Businesses

There are no known small business permittees whose current withdrawal quantities will be affected by the implementation of the proposed minimum flow for the lower Hillsborough River. Further it is unlikely that any additional base flow quantities that would affect the minimum flow proposed for the lower Hillsborough River would meet current or proposed rule criteria. Therefore, the proposed rule will not cause any additional impact to small businesses.

Impact to Small Cities and Small Counties

There are no small counties or cities affected by the proposed rule.

SPECIFIC AUTHORITY: 120.54(1), 373.016, 373.023, 373.026, 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.044, 373.0831, 373.086, 373.103, 373.113, 373.171, 373.196, 373.1961, 373.1962 FS.

LAW IMPLEMENTED: 373.016, 373.023, 373.026, 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.044, 373.0831, 373.086, 373.103, 373.113, 373.171, 373.196, 373.1961, 373.1962 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: To be announced pending the number of requests received and whether peer review or administrative hearings are requested.

PLACE: To be announced

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Karen A. Lloyd, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, Florida 34609-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 40D-8.041 follows. See Florida Administrative Code for present text).

40D-8.041 ~~Minimum Rates of Flows and Levels.~~

(1) Minimum Flows for the Lower Hillsborough River

(a) For the purposes of Minimum Flows, the Lower Hillsborough River is defined as the River downstream of Fletcher Avenue. A tributary of the Lower Hillsborough River is Sulphur Springs, an artesian spring which enters the River via a short spring run at a point 2.2 miles downstream of the City's dam.

(b) Effective January 1, 2000, the Minimum Flow for the Lower Hillsborough River shall be at the rate of flow of ten (10) cubic feet per second (cfs) at the base of the dam as measured at the Rowlett Park Drive bridge gauging station. Through December 31, 2007, the City shall be required to supply this Minimum Flow from the Reservoir or other sources when the surface water elevation is above 22.5 NGVD at USGS Gauge 02304500. Because the storage of water within the Reservoir is critical to the public health, safety, and welfare of those dependent on the City potable water supply, this flow requirement may be met by diverting flow from sources other than the City's Reservoir. The City shall provide this flow from sources other than the City's Reservoir, when the surface water elevation is below 22.5 ft. NGVD at USGS Gauge 02304500 and it is feasible to provide the flow without compromising public health, safety or welfare. This Minimum Flow has been determined based on the loss of historical hydrologic functions, the existing changes and structural alterations in and along the river and its water shed pursuant to subsection 373.0421(1), F.S., and the dependence of viable ecological communities downstream of the dam on flows from the Hillsborough River and Sulphur Springs. Following completion of the District and City study described in Rule 40D-80.73(4)(d), F.A.C., the Minimum Flow shall be re-established, as necessary, based on the results of the study.

(c) Pursuant to the District priority schedule for establishment of minimum flows and levels required by Section 373.042, F.S., the District will establish a Minimum Flow for Sulphur Springs by December 31, 2001.

Specific Authority 120.54(1), 373.016, 373.023, 373.026, 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.044, 373.0831, 373.086, 373.103, 373.113, 373.133, 373.149, 373.171, 373.196, 373.1961, 373.1962 FS. Law Implemented 373.016, 373.023, 373.026, 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.044, 373.0831, 373.086, 373.103, 373.113, 373.171, 373.196, 373.1961, 373.1962, 373.339 FS. History—Readopted 10-5-74, Amended 12-31-74, Formerly 16J-0.15, 40D-1.601, Amended 10-1-84,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Karen A. Lloyd, Senior Attorney, Office of General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 1, 1996, June 6, 1997, and August 21, 1998

The Southwest Florida Water Management District does not discriminate on the basis of any individual's disability status. Anyone requiring reasonable accommodation as provided for in the American's With Disabilities Act should contact Dianne Lee at (352)796-7211 or 1(800)423-1476, extension 4658; TDD only number 1(800)231-6103; FAX number (352)754-6878/SUNCOM 663-6878.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Prevention and Recovery Strategies
for Minimum Flows and Levels
RULE TITLE: Regulatory Portion of Recovery Strategy
for Pasco, Northern Hillsborough,
and Pinellas Counties

RULE CHAPTER NO.: 40D-80
RULE NO.: 40D-80.073

PURPOSE AND EFFECT: Simultaneously with this notice of rulemaking, the District is giving notice of rulemaking to revise the established Minimum Flow for the Lower Hillsborough River as one of the priority water bodies within Hillsborough, Pasco and Pinellas Counties pursuant to Section 373.042, F.S. (1996 Supp.) Subsection 373.0421(2), F.S., (1997) states that when the District determines that the actual water level or flow for a water body is below the established Minimum Flow or Level, the District must expeditiously implement a plan to recover the water levels or flow to the established Minimum Flow or Level. The District's recovery strategy to achieve the established Minimum Flow for the Lower Hillsborough River is included in the proposed rules. SUMMARY: The proposed rules set forth the recovery strategy for achieving the Minimum Flow for the Lower Hillsborough River as follows:

1. Effective January 1, 2000, the Minimum Flow for the Lower Hillsborough River is 10 cubic feet per second at the base of the City of Tampa's dam as measured at Rowlett Park Drive bridge.

2. From January 1, 2000 through December 31, 2007, the Minimum Flow must be provided from either the City of Tampa's Reservoir or other sources when the surface water elevation at USGS gauge No. 02304500 is above 22.5 feet NGVD. When the surface water elevation is below 22.5 feet NGVD the Minimum Flow will be provided from sources other than the Reservoir so long as public health, safety and welfare are not compromised. When other sources are determined feasible, then flow will be provided such that the Minimum Flow will be met.

3. From January 1, 2008 through December 31, 2009, the Minimum Flow will be met unless other sources of water for the Flow are not feasible, water is not available from Tampa Bay Water to meet the Minimum Flow and providing flow from the City's drinking water supplies to meet the Minimum Flow would compromise public health, safety and welfare.

4. Beginning January 1, 2010, the Minimum Flow shall be met.

5. By December 31, 2003, the City shall complete an investigation of the feasibility of using sources other than the City's Reservoir to meet the Minimum Flow.

6. By December 31, 2005, the City and the District shall complete a study of the biological communities below the dam, taking into account certain factors to reevaluate the Minimum Flow requirement to maintain the existing biological communities in the Lower Hillsborough River. If the study demonstrates the need for revisions to the Minimum Flow the District shall initiate rulemaking to adopt the revised Minimum Flow resulting from this study.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:

1.0 Introduction

Section 373.042, Florida Statutes, requires the Southwest Florida Water Management District (SWFWMD) to establish minimum flows and levels for priority water bodies. As part of the response to this mandate, the District has initiated efforts to adopt minimum flows for the Lower Hillsborough River. For the purposes of a Minimum Flow for the Lower Hillsborough River, the Lower Hillsborough River is defined as the river downstream of Fletcher Avenue. A tributary of the Lower Hillsborough River is Sulphur Springs, an artesian spring that enters the River via a short spring run located 2.2 miles downstream of the City of Tampa's dam.

Under current rules, the City of Tampa's Water Use Permit for withdrawals from the Hillsborough River required that the City conduct a feasibility study for reducing the number of no-flow days to bring the permit more into compliance with existing stream flow performance standards in Chapter 40D-2, F.A.C. Furthermore, no additional quantities would likely be permitted under current rules that would affect the base flow of the Hillsborough River due to concerns over the potential impacts to the existing use of the river for drinking water supplies for the City of Tampa and the potential additional

ecological harm caused by an increase in the number of no-flow days in the Lower Hillsborough River, particularly the stretch between the dam and Sulphur Springs.

The proposed rule prescribes a phased flow regime for the Lower Hillsborough River which will minimize, and eventually eliminate, no-flow days. This Summary is based on analysis of the February 22, 1999 Hillsborough River Minimum Flow draft rule approved for publication by the Governing Board of the Southwest Florida Water Management District.

2.0 Individuals and Entities Likely to be Required to Comply

The permittee directly affected by the proposed rule is the City of Tampa in that the proposed rule specifies the circumstances and manner under which the City must comply with the proposed Minimum Flow. However, reducing and eliminating no-flow conditions in the Lower Hillsborough River would be required under existing rules.

Any other existing permittees, and new applicants, requesting additional withdrawals that would affect the base flow of the Hillsborough River are not affected by the proposed rule revision. Such applications would likely not meet current rule criteria.

3.0 Cost to the District, the State and Local Government Entities

The proposed rule revision is not anticipated to incur costs to either the State of Florida or to local government entities in terms of changes in tax revenues or changes in costs. The proposed rule revisions do not require State or local government agencies to implement or enforce rules or ordinances. The proposed rule will not change the District's emphasis on water conservation and alternative source development as is required under current rule. Furthermore, no loss of jobs or income is anticipated under the proposed rule revision. Therefore, tax revenues and the level of government services are not anticipated to change as a result of the proposed rule revision. Costs to government entities who have a water use permit affected by the proposed rule revision are described in Section 4.0, "Transactional Costs Likely to be Incurred by Individuals and Entities".

No loss of jobs or income is anticipated under the proposed rule revision because the requirements of permittees and applicants will not be significantly different under the proposed rule than under current rule. The proposed rule revision is consistent with the purpose and intent of the existing Chapter 40D-2.301, Conditions for Issuance of Permits, and the actions that the District has taken to address adverse impacts of withdrawals in the Northern Tampa Bay area. Therefore, sales and property tax revenues and the level of government services are not anticipated to change as a result of the proposed rule revision.

The minimum flow requirement does not place a limit on overall water sales. Therefore, no significant changes in utility tax revenues are anticipated as a result of the proposed rule revision.

No significant additional permit review or monitoring costs to the SWFWMD are anticipated as a result of the implementation of the proposed rules. Enforcement costs to the SWFWMD are also not likely to increase unless there is significant disagreement between the District, the City of Tampa, or a third party over whether providing the Minimum Flow at a particular time and from a particular source constitutes a drinking water supply-related threat to public health, safety and welfare.

In the future, there may be additional costs to the District, however these costs could not be estimated at this time. Such costs include the District's share of the cost of conducting an evaluation of the quality of Minimum Flow sources other than the City's reservoir and Sulphur Springs, and the District's share of the cost of the Minimum Flow reevaluation study to be completed by December 31, 2005, as required by the proposed rule.

4.0 Transactional Costs Likely to be Incurred by Individuals and Entities

Additional water from Sulphur Springs or other sources may be needed by the City of Tampa to augment flows in the lower Hillsborough River at the base of the Hillsborough River Reservoir dam in order to comply with the proposed minimum flow for this section of the river. The cost of obtaining additional quantities would likely have been incurred under current rule requirements and does not necessarily represent rule revision-related additional cost. They are, however, addressed for illustrative purposes.

There are several potential sources of minimum flow water. Additional water conservation may extend the period of time that the minimum flow can be met by flow from the reservoir. Additional conservation costs may range from \$.17 to \$2.00 per thousand gallons saved. The annual capital and operation and maintenance costs of providing the minimum flow from Sulphur Springs is estimated as \$203,000. The City of Tampa and the SWFWMD are already co-funding projects to determine the feasibility of obtaining water from Blue Sink and the Curiosity Creek watershed. The total feasibility study project cost is \$50,000. Up to \$100,000 is being budgeted by SWFWMD and the City in Fiscal Year 2000 for implementation if the projects are found feasible. Under certain circumstances, Tampa Bypass Canal water permitted to Tampa Bay Water could be back pumped to make more water available for augmentation of the reservoir. Assuming the necessary agreements could be negotiated, the estimated annualized cost of providing the minimum flow (6.5 mgd) would be \$271,180. If water had to be purchased from Tampa

Bay Water, the cost to the City would be, at a minimum, the difference between the City's and Tampa Bay Water's in production cost.

In the future, there may be additional costs to the City of Tampa, however these costs could not be estimated at this time. Such costs include the City's share of the cost of conducting an evaluation of the quality of Minimum Flow sources other than the City's reservoir and Sulphur Springs, and the District's share of the cost of the Minimum Flow reevaluation study to be completed by December 31, 2005, as required by the proposed rule.

5.0 Impact to Small Businesses, Small Cities and Small Counties

Impact on Small Businesses

There are no known small business permittees whose current withdrawal quantities will be affected by the implementation of the proposed minimum flow for the lower Hillsborough River. Further it is unlikely that any additional base flow quantities that would affect the minimum flow proposed for the lower Hillsborough River would meet current or proposed rule criteria. Therefore, the proposed rule will not cause any additional impact to small businesses.

Impact to Small Cities and Small Counties

There are no small counties or cities affected by the proposed rule.

SPECIFIC AUTHORITY: 120.54(1), 373.0421, 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.016, 373.023, 373.036, 373.0395, 373.042, 373.0421, 373.171 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: To be announced pending the number of requests received and whether peer review or administrative hearings are requested.

PLACE: To be announced

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Karen A. Lloyd, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, Florida 34609-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-80.073 Regulatory Portion of Recovery Strategy for Pasco, Northern Hillsborough, and Pinellas Counties.

(4) Hillsborough River Strategy.

- (a) Beginning January 1, 2000, the Minimum Flow for the Lower Hillsborough River shall be at the rate of flow of 10 cubic feet per second (cfs). The City shall provide measurement of the delivery of

water to the base of the dam. The Minimum Flow shall be measured at the Rowlett Park Drive bridge gauging station.

1. Through December 31, 2007, the City shall be required to provide the 10 cfs Minimum Flow from the Reservoir or other sources when the surface water elevation is above 22.5 ft. NGVD at USGS Gauge 02304500. The City shall provide this flow from sources other than the City's Reservoir when the surface water elevation is below 22.5 ft. NGVD at USGS Gauge 02304500 and it is feasible to provide the flow without compromising the public health, safety and welfare of the City. Once the City has determined that flow from another source or sources is feasible pursuant to 40D-80.073(4)(b), F.A.C., below and the evaluation of the source(s) pursuant to 40D-80.073(4)(c), F.A.C., is complete, such flow shall be supplied when necessary to maintain the Minimum Flow.
 2. Beginning January 1, 2008 through December 31, 2009, the City shall meet the Minimum Flow unless flow is not feasible from the other source(s) as set forth in 40D-80.073(4)(b), F.A.C., below. If these other source(s) are not feasible, the City, will request sufficient quantity of water from Tampa Bay Water to meet the Minimum Flow. If Tampa Bay Water is unable to provide sufficient additional water supply needed to meet the required Minimum Flow, and if the provision of water for Minimum Flow from the City's drinking water supply would compromise the public health, safety, and welfare the City shall not be required to meet the Minimum Flow until Tampa Bay Water can supply sufficient replacement water or January 1, 2010, whichever occurs first.
 3. Beginning January 1, 2010, the City shall meet the Minimum Flow.
- (b) By December 31, 2003, the City, with District consideration of financial participation, shall complete a study of the economic and technical feasibility of meeting the Minimum Flow for the Lower Hillsborough River from sources other than the City's Reservoir, including but not limited to Blue Sink, Curiosity Creek watershed, and the Howard F. Curren Advanced Wastewater Treatment Plant. The City shall submit to the District a written report each December 31

through December 31, 2003, on the sources investigated, the results of the investigation, and the City's determination as to the feasibility of each of the sources.

(c) The City's implementation of the use of any source other than the City's Reservoir or Sulphur Springs is subject to a coordinated evaluation with the District to determine that its quality is at least equivalent to the water being used from Sulphur Springs. After the study specified in 40D-80.073(4)(d), F.A.C., below, is completed, the District shall use the findings of that study to evaluate the alternate sources, including Sulphur Springs, for providing the required Minimum Flow.

(d) On or before October 1, 1999, the District and the City shall commence a work plan and the subsequent study of the biological communities below the dam, taking into account loss of historical hydrologic functions, water quality, water quantity, and existing changes and structural alterations, to reevaluate the Minimum Flow requirement to maintain the existing biological communities in the Lower Hillsborough River. The study will provide recommendations to enhance or improve the biologic communities below the dam in the Lower Hillsborough River. The study shall be completed by December 31, 2005, unless an extension of time is mutually agreed to by the District and the City. If the study demonstrates the need for revisions to the Minimum Flow for the Lower Hillsborough River established in paragraph 40D-8.041(1), F.A.C. the District shall initiate rulemaking to adopt the revised Minimum Flow resulting from this study and the study results on the Minimum Flow requirement shall be binding on the City and the District in any rulemaking proceeding on the revised Minimum Flow.

The Southwest Florida Water Management District does not discriminate on the basis of any individual's disability status. Anyone requiring reasonable accommodation as provided for in the American's With Disabilities Act should contact Dianne Lee at (352)796-7211 or 1(800)423-1476, extension 4658; TDD only number 1(800)231-6103; FAX number (352)754-6878/SUNCOM 663-6878.

Specific Authority 120.54(1), 373.0421, 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.023, 373.036, 373.0395, 373.042, 373.0421, 373.171 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Karen A. Lloyd, Senior Attorney, Office of General Counsel
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Governing Board of the Southwest
Florida Water Management District
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: February 23, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 18, 1997

AGENCY FOR HEALTH CARE ADMINISTRATION

RULE CHAPTER TITLE: Administration
 RULE CHAPTER NO.: 59-1

PART I: Mission and Organization

RULE TITLES: Application Deadline 59-1.008
 Examination Review Procedure 59-1.009
 Security and Monitoring Procedures for Licensure Examination 59-1.010
 Practical Examinations 59-1.073

PURPOSE AND EFFECT: The purpose and effect is to repeal four obsolete rules adopted for the Division of Medical Quality Assurance (MQA). The rules governed the administration of examinations required for persons seeking licensure in the health care professions. MQA was transferred to the Department of Health as of July 1, 1997. See Chapter 97-261, Laws of Florida, section 2. Subsequent to the transfer of MQA, rules have been adopted under Title 64B by the Department of Health governing the administration of examinations.

SUMMARY: Obsolete rules are repealed.

SPECIFIC AUTHORITY: 408.15(8) FS.

LAW IMPLEMENTED: 120.74(1)(c) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE TO BE NOTICED IN THE FAW. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: R. S. Power, Agency Clerk, Agency for Health Care Administration, Fort Knox Building 3, Suite 3431, 2727 Mahan Drive, Tallahassee, Florida 32399-5403, (850)922-5865

THE FULL TEXT OF THE PROPOSED RULES IS:

59-1.008 Application Deadline.

Specific Authority 460.405 FS. Law Implemented 460.406 FS. History—New 10-15-92, Formerly 21D-11.014, 61F2-11.0014, 59N-11.0014, Repealed _____.

59-1.009 Examination Review Procedure.

Specific Authority 455.217(2), 460.405 FS. Law Implemented 455.217(2) FS. History—New 1-10-80, Amended 11-25-81, 4-13-82, Formerly 21D-11.05, Amended 10-12-87, 4-22-90, Formerly 21D-11.005, 61F2-11.005, Repealed _____.

59-1.010 Security and Monitoring Procedures for Licensure Examination.

Specific Authority 455.217(1)(d), 120.54(8) FS. Law Implemented 455.217(1)(d) FS. History—New 5-2-84, Formerly 21D-11.06, 21D-11.006, Formerly 61F2-11.006, 59N-11.006, Repealed _____.

59-1.073 Practical Examinations.

Specific Authority 455.203(5) FS. Law Implemented 455.217 FS. History—New 10-1-96, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: R. S. Power, Agency Clerk

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ruben J. King-Shaw, Jr., Director

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE TITLES: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances
 RULE NOS.: 61G1-12.004
 Citations 61G1-12.005

PURPOSE AND EFFECT: The Board is amending Rule 61G1-12.004 to update the rule text for disciplinary guidelines. Rule 61G1-12.005 is being amended by the Board to update the rule text with regards to citations.

SUMMARY: The Board finds it necessary to amend Rule 61G1-12.004 to update the disciplinary guidelines and the disciplinary penalties for licensees who violate the statutes or rules. The Board is amending Rule 61G1-12.005 to update the violations and accompanying fines that may be disposed of by a citation.

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: 455.224, 455.225, 455.2273, 481.306 FS.

LAW IMPLEMENTED: 455.224, 455.227(1), 455.227(3) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James C. Rimes, Executive Director, Board of Architecture and Interior Design, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61G1-12.004 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) No change.

(2) The following disciplinary guidelines shall be followed by the board in imposing disciplinary penalties upon licensees for violation of the below mentioned statutes and rules:

VIOLATION	PENALTY RANGE		(i) Practice on inactive or delinquent license (481.225(1)(f) & (d), F.S.)	Fine based on length of time in practice while inactive; or delinquent \$100/month to or \$1,000 maximum (penalty will require license to renew license or cease practice)	<u>One year suspension followed by one year probation and \$1,000 fine</u>
	MINIMUM	MAXIMUM			
(a) Failure to date plans (481.221(1)(a), F.S.)	Reprimand Guidance Letter	\$250 fine Reprimand			
(b) Signing or sealing work not competent to perform (481.221(2),(3), F.S.)	Reprimand and \$1,000 fine	Reprimand, \$1,000 fine, <u>and one (1) year suspension followed by and two (2) years probation</u>			
(c) "Plan stamping" (481.221(4),(5), F.S.)	Reprimand and \$1,000 fine	Reprimand, \$1,000 fine, <u>and one (1) year suspension and followed by two (2) years probation</u>	(j) No change. (k) Knowingly making or filing false report (481.225(1)(e) and 481.2251(1)(h), F.S.)	One (1) year suspension, <u>followed by two (2) years probation and \$1,000 fine</u>	Revocation and \$1,000 fine
(d) Plans not sufficiently detailed (481.221(6),(7), F.S.)	Reprimand, <u>two (2) years and 1,000 fine (see negligence penalty)</u>	\$1000 fine, <u>one (1) year suspension, followed by two (2) years probation.</u>	(l) Fraudulent, false, deceptive, or misleading advertising (481.225(1)(f) and 481.2251(1)(d), F.S.)	Reprimand Letter of guidance	<u>One Reprimand,</u> one (1) year probation and \$1,000 fine <u>\$1,000 fine and revocation</u>
(e) through (f) No change.			(m) Negligence (481.225(1)(g) and 481.2251(1)(k), F.S.)	Reprimand, two (2) years probation and \$1,000 fine	<u>Reprimand,</u> \$1,000 fine, <u>five (5) year suspension and ten (10) year probation</u>
(g) Criminal conviction relating to architecture (481.225(1)(d) and 481.2251(1)(c), F.S.)	Misdemeanor: reprimand Felony: One (1) year suspension, followed by two (2) years probation & \$1,000 fine	Reprimand, \$1,000 fine, <u>and one (1) year suspension and followed by two (2) years probation</u> Revocation and \$1,000 fine	(n) Fraud or deceit (481.225(1)(g) and 481.2251(1)(i), F.S.)	Reprimand, <u>One</u> one (1) year suspension, followed by two (2) years probation and \$1,000 fine	\$1,000 fine and revocation
(h) No change.					

(o) Misconduct

(481.225(1)(i), F.S.)

- | | | |
|--|-------------------------------|---|
| 1. Rule 61G1-12.001(6)(d)
Soliciting or accepting
gratuities without
client knowledge | Reprimand and
\$1,000 fine | <u>One</u>
Reprimand,
one (1) year
suspension,
<u>followed by</u>
two (2) years
probation
and \$1,000
fine |
| 2. Rule 61G1-12.001(6)(h)
failure to preserve
client's confidence | Reprimand and
\$1,000 fine | One (1) year
suspension
<u>followed by</u>
two (2) years
probation (if
pecuniary
benefit
accrues to
architect)
<u>and \$1,000</u>
<u>fine</u> |
| 3. Rule 61G1-12.001(6)(j)
Professional judgment
is overruled by
unqualified person | Reprimand and
\$1,000 fine | One (1) year
suspension,
<u>followed by</u>
two (2) years
probation
and \$1,000
fine |
| 4. Rule 61G1-12.001(6)(k)
use of name/firm in
fraudulent venture | Reprimand and
\$1,000 fine | Reprimand
\$1,000 fine,
<u>and one</u> (1)
year
suspension
<u>followed by</u>
and two (2)
years
probation |

(p) through (r) No change.

- | | | |
|---|-------------------------------|--|
| (s) Aiding unlicensed
practice (481.225(1)(i)
and 481.2251(1)(f), F.S.) | Reprimand and
\$1,000 fine | Reprimand,
\$1,000 fine,
<u>and one</u> (1)
year
suspension
<u>followed by</u>
and two (2)
years
probation |
|---|-------------------------------|--|

(t) Firm practicing without certificate of authorization (481.219, F.S.)	<u>Reprimand</u> Guidance Letter to become certified or cease practice. If firm applies for certificate, Board will impose a fine of \$100/month or a \$1,000 maximum per month of uncertified practice	(b)(e) Firm practicing without certificate of authorization (481.219, F.S.)	<u>A penalty of \$100 per month or \$500 maximum.</u> (Penalty requires firm to obtain certificate of authorization or cease practice). Guidance letter to become certified or cease practice. Once application for certificate of authorization is made, the Department of Business and Professional Regulation shall issue citations against each registered licensee identified as an employee of the firm. Citations will total \$100 for each month of unlicensed activity. However, the cumulative total shall not exceed \$5,000 and will be imposed and prorated by period of individual employment among all licensed employees as identified at the time of application. No individual fine will exceed \$1,000. Dissolution of a firm after application for a certificate of authorization will not eliminate the imposition of citations against a licensee.
(u) No change. (3) No change.			
Specific Authority 455.2273 FS. Law Implemented 455.227(1), 455.2273 FS. History—New 12-11-86, Formerly 21B-12.004, Amended 5-16-94, 10-20-96.			
61G1-12.005 Citations.			
(1) through (2) No change.			
(3) The following violations with accompanying fines may be disposed of by citation:			
(a) Practice on inactive or <u>delinquent</u> license (481.225(1)(h), F.S.)	Fine based on length of time in practice while inactive; \$100/month or \$500 <u>\$1,000</u> maximum. The individual must reactivate the license or cease practice.		
(b) Practice on a delinquent license for over 120 days (481.225(1)(h), F.S.)	Fine based on length of time in practice while delinquent; \$100/month or \$1000 maximum. The individual must reactivate the license or cease practice.		

(c)(d) No change.

(e) Failure to obtain continuing education hours (481.215(3), F.S.)

NUMBER OF HOURS LACKING	PENALTY
1 to 4 hours	\$250 fine, makeup missing hours, suspension until all hours are completed
5 to 9 hours	\$500 fine, makeup missing hours, suspension until all hours are completed
10 to 14 hours	\$750 fine, makeup missing hours, suspension until all hours are completed
15 to 19 hours	\$1,000 fine, makeup missing hours, suspension until all hours are completed
20 hours	\$1,000 fine, makeup missing hours, suspension until all hours are completed

(4) through (5) No change.

Specific Authority 455.224, 455.225, 481.306 FS. Law Implemented 455.224 FS. History—New 12-22-91, Amended 1-3-93, 3-28-93, Formerly 21B-12.005, Amended 11-16-93, 5-4-97, 2-25-98, 12-3-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Architecture and Interior Design

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 14, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 12, 1999

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE TITLE: Intern Development Program RULE NO.: 61G1-13.0021

PURPOSE AND EFFECT: The Board finds it necessary to amend this rule to clarify the rule text regarding intern development programs.

SUMMARY: The Board is amending this rule to clarify the rule text and adding a new subsection (2) that states that five years experience as a licensed architect in another NCARB jurisdiction is considered equivalent to completion of the NCARB IDP program in order to satisfy requirements of Section 481.213(3), F.S. since NCARB has set one national standard.

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: 481.211 FS.

LAW IMPLEMENTED: 481.211, 481.213(3) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James C. Rimes, Executive Director, Board of Architecture and Interior Design, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-13.0021 Intern Development Program.

(1) All applicants who apply subsequent to the effective date of this rule shall be required to follow the Intern Development Program (IDP) through the National Council of Architectural Registration Boards (NCARB) or an equivalent program approved by the Florida Board of Architecture and Interior Design in order to satisfy the requirements of Section 481.211, F.S.

(2) Five years experience as a licensed architect in another NCARB jurisdiction is considered equivalent to completion of the NCARB IDP program in order to satisfy requirements of Section 481.213(3), F.S.

Specific Authority 481.211 FS. Law Implemented 481.211, 481.231(3) FS. History—New 2-1-82, Amended 7-30-85, Formerly 21B-13.021, 21B-13.0021, Amended 1-10-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Architecture and Interior Design

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 14, 1999

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE TITLES: Inactive Florida Registered Interior Designers Who Desire to Reactivate

RULE NOS.: 61G1-21.006

Who Desire to Reactivate 61G1-21.006
 Definition of a Complete Application 61G1-21.008

PURPOSE AND EFFECT: The Board proposes to amend Rule 61G1-21.006 to update the rule text. Rule 61G1-21.008 is a new rule being promulgated by the Board to define the definition of a complete application to be submitted by licensees and certificate holders who are inactive or delinquent.

SUMMARY: Rule 61G1-21.006 is being amended to clarify to inactive Florida registered interior designers who desire to reactivate their license the requirements necessary for such reactivation. The Board finds it necessary to promulgate a new rule which contains the definition and requirements necessary for an individual to submit a completed application.

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: 455.271(6),(7), 481.217, 481.2055 FS.

LAW IMPLEMENTED: 455.271(5),(6),(10), 481.217 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James C. Rimes, Executive Director, Board of Architecture and Interior Design, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61G1-21.006 Inactive Florida Registered Interior Designers Who Desire to Reactivate.

(1) Each registered interior designer who has requested inactive status ~~or reverted to inactive status as distinguished from a registered interior designer whose certificate or license has been suspended~~ and who desires to become an active licensee, shall apply for such reactivation.

(2) In order to reactivate, an inactive or delinquent licensee must meet the same continuing education requirements imposed on an active status licensee for all biennial licensure periods in which the licensee was inactive or delinquent. Each such application shall demonstrate successful completion of the required number of continuing professional education hours. Inactive licensees must satisfy the

~~requirements of their last reestablishment period, plus successful completion of at least 10 hours total for each year or portion thereof the license was inactive until the statutory maximum of four years in inactive status is completed. The necessary hours must have been completed in the twenty-four months immediately preceding the date of application for reactivation. This twenty-four month requirement will be waived where the licensee can document completion of the CPE requirements in the same manner as if the licensee had remained active.~~

Specific Authority 455.271(6),(7), 481.217, 481.2055 FS. Law Implemented 455.271(10), 481.217 FS. History—New 11-15-93, Amended _____.

61G1-21.008 Definition of a Complete Application.

A complete application to be submitted by licensees and certificate holders who are inactive or delinquent is defined as containing the following:

- (1) License or certificate number;
- (2) Name, address, and telephone number of licensee or certificate holder;
- (3) For an individual licensee,
 - (a) the name, license number, and license status of the licensee’s employer;
 - (b) the licensee’s date of birth;
 - (c) if the licensee provided architecture services during the delinquency period, the name, license number, signature and seal imprint of the architect who supervised the licensee’s work;
 - (d) a statement by the licensee that the licensee either practiced or did not practice architecture in Florida while in a delinquent or inactive status and whether the licensee practiced under the direct supervision of a duly licensed architect;
 - (e) a list of the last three projects initiated or completed wherein the licensee provided architecture services in the State of Florida stating the client’s name and address, project location, and date of completion for each project;
 - (f) verification that the licensee has completed the continuing education requirements in accordance with Sections 481.215 and 481.217, Florida Statutes.
- (4) For a certificate of authorization holder,
 - (a) the name, license number, and license expiration date of registered architect who qualifies the business;
 - (b) the name and license number of all other registered architects employed by the company;
 - (c) a list of the last three projects initiated or completed wherein architecture services were offered in Florida giving the client’s name and address, project location and date of completion;
 - (d) a statement that the company either has or has not provided architecture services during the period the license was in an inactive or delinquent status with an explanation which summarizes details surrounding the architecture services if provided.

(5) The licensee's or certificate holder's signature.

Specific Authority 481.2055 FS. Law Implemented 455.271(5),(6), 481.217 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Architecture and Interior Design

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 14, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 6, 1998

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE TITLE: Approval of Continuing Education Courses
PURPOSE AND EFFECT: The Board is amending this rule by adding a new subsection (14).

RULE NO.: 61G6-9.006

SUMMARY: An amendment is being made to this rule that states that any licensee who participates as a member of any technical advisory committee to the Florida Building Code Commission within the Department of Community Affairs will be granted a maximum of four (4) continuing education credits.

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: 455.213, 489.507(3), 489.517(3) FS.

LAW IMPLEMENTED: 489.517(3) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ila Jones, Executive Director, Electrical Contractors' Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-9.006 Approval of Continuing Education Courses.
(1)(a) through (13) No change.

(14) The Board shall grant a maximum of four (4) continuing education credits to any licensee who participates as a member of any technical advisory committee to the Florida Building Code Commission within the Department of Community Affairs.

Specific Authority 455.213, 489.507(3), 489.517(3) FS. Law Implemented 489.517 FS. History--New 11-30-94, Amended 6-13-96, 12-25-96, 10-6-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Electrical Contractors' Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 7, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 12, 1999

DEPARTMENT OF HEALTH

Board of Chiropractic

RULE TITLE: Application Fee for Inactive Status
PURPOSE AND EFFECT: The proposed amendment to Rule 64B2-12.010 is intended to repeal it because the Board has incorporated this language into Rule 64B2-12.008.

RULE NO.: 64B2-12.010

SUMMARY: Rule 64B2-12.010 is 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: 455.711, 460.405 FS.

LAW IMPLEMENTED: 455.711(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., April 5, 1999

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-12.010 Application Fee for Inactive Status.

Specific Authority 455.711, 460.405 FS. Law Implemented 455.711(3) FS. History--New 7-5-87, Formerly 21D-12.010, 61F2-12.010, 59N-12.010, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Chiropractic
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Chiropractic
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: February 12, 1999

DEPARTMENT OF HEALTH

Board of Chiropractic

RULE TITLE: Deceptive and Misleading Advertising

RULE NO.: 64B2-15.001

PURPOSE AND EFFECT: Rule 64B2-15.001 is being amended to elaborate on permissible advertising by chiropractors and to allow the advertisement of non-board recognized specialties, provided that a disclaimer is included in the advertisement.

SUMMARY: The rule is being amended to clarify advertising practices by chiropractors.

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: 460.405 FS.

LAW IMPLEMENTED: 460.413(1)(d), 455.664 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., April 5, 1999

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-15.001 Deceptive and Misleading Advertising Prohibited; Policy; Definition.

(1) No change.

(2) No chiropractor shall disseminate or cause the dissemination of any advertisement or advertising which is in any way fraudulent, false, deceptive or misleading. Any advertisement or advertising shall be deemed by the Board to be fraudulent, false, deceptive, or misleading if it:

(a) through (d) No change.

(e) Conveys the impression that the chiropractor or chiropractors, disseminating the advertising or referred to therein, possess qualifications, skills, or other attributes which are superior to other chiropractors, other than a simple listing of earned professional post-doctoral or other professional achievements. However, a chiropractor is not prohibited from advertising that he has attained Diplomate status in a chiropractic specialty area recognized by the Board of Chiropractic.

1. through 2. No change.

3. A chiropractor who advertises that he or she has attained recognition as a specialist in any specific chiropractic or adjunctive procedure by virtue of a certification received from an entity not recognized under this rule may use a reference to such specialty recognition only if the board, agency, or other body which issued the additional certification is identified, and only if the letterhead or advertising also contains in the same print size or volume the statement that "The specialty recognition identified herein has been received from a private organization not affiliated with or recognized by the Florida Board of Chiropractic Medicine".

4. A chiropractor may use on letterhead or in advertising a reference to an honorary title or degree only if the letterhead or advertising also contains in the same print size or volume the statement "Honorary" or (Hon.) next to the title.

(f) through (l) No change.

(3) No change.

Specific Authority 460.405 FS. Law Implemented 455.664, 460.413(1)(d) FS. History—New 1-10-80, Amended 11-25-81, 5-12-83, Formerly 21D-15.01, Amended 4-19-89, Formerly 21D-15.001, 61F2-15.001, Amended 7-18-95, Formerly 59N-15.001, Amended 9-21-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Chiropractic

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

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

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

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE TITLE: Examination for Licensure

RULE NO.: 64B18-11.002

PURPOSE AND EFFECT: The proposed rule amendment is intended to specify the examinations for licensure in Florida.

SUMMARY: The proposed rule amendment establishes the national examinations, including Parts I and II, and the PMLexis Examination, as the examinations for licensure in Florida, provided the applicant has taken and passed PMLexis after August of 1996.

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: 455.574, 461.005 FS.

LAW IMPLEMENTED: 455.574(1)(b) 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 RULE IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-11.002 Examination for Licensure.

(1) The Board adopts the ~~n~~National ~~e~~Examinations administered under the auspices of the National Board of Podiatric Medical Examiners, including Part I, Part II, ~~known as~~ and the PMLexis Examination, as the examination for licensure in Florida, provided that the applicant for licensure has taken and passed the PMLexis ~~that~~ Eexamination after August of 1996.

~~(2) Applicants approved and scheduled for examination as of the effective date of this rule may choose either to take the examination administered by the Board in August of 1996 or the PMLexis examination after August of 1996. If, however, the applicant chooses to take the PMLexis examination instead of the Board's examination in August of 1996, but fails to pass it, that applicant will be required thereafter, to take and pass the PMLexis examination after August of 1996 because there will be no administration of the Board's examination after August of 1996.~~

Specific Authority 455.574, 461.005 FS. Law Implemented 455.574(1)(b) FS. History--New 1-29-80, Formerly 21T-11.02, Amended 10-14-86, 11-27-89, 6-19-90, 10-9-90, 4-1-91, Formerly 21T-11.002, 61F12-11.002, Amended 1-1-96, 7-9-96, Formerly 59Z-11.002, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Podiatric Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 8, 1998

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 29, 1999

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE TITLE: Casting Feet RULE NO.: 64B18-14.006

PURPOSE AND EFFECT: The proposed rule amendment is intended to clarify the practice of casting feet.

SUMMARY: The proposed rule amendment clarifies the terminology with regard to casting feet.

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: 461.005 FS.

LAW IMPLEMENTED: 461.002(2), 461.003(3), 461.013(1)(g),(w) 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 RULE IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-14.006 Casting Feet.

The practice of casting feet (making reproductions of feet or parts of feet ~~from any chemical substances, especially plaster~~), for the purpose of fabricating any orthopedic foot appliances (prosthetics) or molded shoes, and the making of such orthopedic foot appliances (prosthetics) or molded shoes from such casts is a violation of Chapter 461, Florida Statutes, when such orthopedic appliances or molded shoes or prosthetics or casts are made by persons not licensed to practice podiatric medicine in Florida, or a person otherwise exempted from Chapter 461, F.S., and where such casts are made for or such appliances or shoes are applied for the correction of an abnormal ailment or orthopedic ailment, unless by prescription from a podiatric physician ~~podiatrist~~ licensed in Florida.

Specific Authority 461.005 FS. Law Implemented 461.002(2), 461.003(3), 461.013(1)(g),(w) FS. History--New 1-29-80, Formerly 21T-14.06, Amended 10-14-86, Formerly 21T-14.006, 61F12-14.006, 59Z-14.006, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Podiatric Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Podiatric Medicine
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: September 10, 1998
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: October 16, 1998

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Child Care Food Program	64F-17
RULE TITLES:	RULE NOS.:
Federal Regulations	64F-17.001
Participation Criteria	64F-17.002
Governing Board	64F-17.003
Food Service Management Companies	64F-17.004
Penalties	64F-17.005

PURPOSE AND EFFECT: Federal Regulations: The purpose of the rule is to inform parties receiving program funds that compliance with 7 CFR Part 226 is required.

Participation Criteria: The purpose of the rule is to establish requirements that prospective child care agencies and providers must meet in order to be eligible to participate in the Child Care Food Program. The effect of this rule is to protect the health and safety of children.

Food Service Management Companies: The purpose of the rule is to establish requirements that must be met by food service management companies intending to provide meals in participating child care centers. The effect of this rule is to determine a company's suitability to provide Child Care Food Program meals.

Governing Board: The purpose of the rule is to establish requirements that must be met by the governing boards of institutions holding federal tax-exempt, not-for-profit status. The effect of this rule is to ensure community based decision-making.

Penalties: The purpose of this rule is to establish language which identifies the basis for reclamation of funds and termination of program participation and provides the right to appeal.

SUMMARY: Rule Chapter 64F-17 implements rule making provisions required by Section 383.011, F.S. pertaining to the Child Care Food Program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost 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 within 21 days of this notice.

SPECIFIC AUTHORITY: 383.011 FS.
LAW IMPLEMENTED: 383.011 FS.
A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
TIME AND DATE: 9:30 a.m., April 13, 1999
PLACE: Winewood Office Complex, Building 6, First Floor, Conference Room 103, 1309 Winewood Boulevard, Tallahassee, FL 32399
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Maria Williamson, Operations and Management Consultant Manager, Bureau of Child Care Nutrition Services, Department of Health, 2020 Capital Circle, S. E., Bin #A17, Tallahassee, Florida 32399-1727, (850)488-3875

THE FULL TEXT OF THE PROPOSED RULES IS:

64F-17.001 Federal Regulations.

Any party receiving program funds, either directly or indirectly, shall comply with 7 CFR Part 226.

Specific Authority 383.011(2) FS. Law Implemented 383.011(1)(i) FS. History-New

64F-17.002 Participation Criteria.

(1) To participate in the Child Care Food Program, all child care facilities and family day care homes must hold a current and valid license pursuant to chapter 402, F.S., unless exempt from such license requirements.

(2) Day care home and child care center sponsoring organizations must have an office physically located within the geographical boundaries of the State of Florida and must ensure that any contact made by the Department of Health, Bureau of Child Care Nutrition Services, is acknowledged by 5:00 p.m. on date of contact.

Specific Authority 383.011(2) FS. Law Implemented 383.011(1)(i) FS. History-New

64F-17.003 Governing Board.

(1) The governing board of institutions holding federal tax-exempt, not-for-profit status shall have a majority of its members residents of the county in which the institution is located.

(2) The board shall establish in writing, the purpose or purposes for which the institution is organized, and provisions for managing the business and regulating the affairs of the institution. This written document shall be provided to the Department of Health, Bureau of Child Care Nutrition Services, at the time of application and renewal.

(3) A majority of the board shall have no direct or indirect financial interest in the activities of the institution nor shall a majority of the board be related by blood or marriage to the institution's personnel or to each other.

(4) No board member shall have been convicted of or found guilty of, or entered a plea of nolo contendere to a felony in any jurisdiction, regardless of adjudication.

(5) Board members shall not vote on decisions regarding their own compensation or that of a related party.

(6) Minutes of board meetings shall be recorded and, upon request, made available to the Department of Health, Bureau of Child Care Nutrition Services, for review.

Specific Authority 383.011(2) FS. Law Implemented 383.011(1)(i) FS. History—New _____.

64F-17.004 Food Service Management Companies.

All food service management companies intending to provide meals for children in participating child care centers shall submit to the Department of Health, Bureau of Child Care Nutrition Services, documentation evidencing state approval to operate a food service facility. The food service management company shall register with the Department of Health, Bureau of Child Care Nutrition Services, by completing the Food Service Management Company Registration Form, DH Form #3166, dated December, 1998. This form is incorporated by reference and available from the Department of Health, Bureau of Child Care Nutrition Services. Prior to contracting with a food service management company, sponsoring organizations and independent child care centers must contact the Department of Health, Bureau of Child Care Nutrition Services, in writing to verify that the food service management company is registered.

Specific Authority 383.011(2) FS. Law Implemented 383.011(1)(i) FS. History—New _____.

64F-17.005 Penalties.

The Department of Health, Bureau of Child Care Nutrition Services, may reclaim funds or may deny or terminate program participation for breach of contract or based upon a finding of any of the serious deficiencies enumerated in 7 CFR 226.6(c). In the event funds are reclaimed or participation is denied or terminated, the sponsoring organization or independent child care center shall have the right to appeal pursuant to section 120.80(7), F.S.

Specific Authority 383.011(2) FS. Law Implemented 383.011(1)(i) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Maria Williamson, Operations and Management Consultant Manager

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Philip E. Reeves, Chief

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 26, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 3, 1998

P.O. EU 67874

**Section III
Notices of Changes, Corrections and
Withdrawals**

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

RULE NO.: 9J-9.004
RULE TITLE: Approval of Amendments to Local Land Use Regulations

NOTICE OF WITHDRAWAL

NOTICE IS HEREBY GIVEN that Rule 9J-9.004(3), which appeared in the March 12, 1997 edition of the Florida Administrative Weekly (Vol. 23, No. 12), is hereby withdrawn.

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

RULE NO.: 9J-9.006
RULE TITLE: Rejection of Amendments to Local Land Development Regulation

NOTICE OF WITHDRAWAL

NOTICE IS HEREBY GIVEN that Rule 9J-9.006, which appeared in the February 12, 1993 edition of the Florida Administrative Weekly (Vol. 19, No. 6), is hereby withdrawn.

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

RULE NO.: 9J-9.010
RULE TITLE: Approval and Rejection of Portions of the County Comprehensive Plan

NOTICE OF WITHDRAWAL

NOTICE IS HEREBY GIVEN that Rule 9J-9.010, which appeared in the April 22, 1994 edition of the Florida Administrative Weekly (Vol. 20, No. 16), is hereby withdrawn.