

work with the child's family and school, advocate for the child's return to the community as soon as clinically appropriate, and manage discharge planning. Case managers for children in such placements shall not have an employment, contractual or any other financial relationship with the residential provider that creates a real or perceived conflict of interest.

(b) The child has been approved in compliance with Section 394.4781, F.S., for a placement in a residential mental health treatment program and is awaiting such placement.

(c) The child has a serious emotional disturbance or mental illness as defined in s. 394.492, F.S., and requires services from two or more programs or service providers.

(d) The child has an emotional disturbance or is experiencing an acute mental or emotional crisis, as these conditions are defined in s. 394.492, F.S., requires services from two or more programs or service providers, and has one or more of the following risk factors:

1. The child has been physically or sexually abused or neglected or has been exposed to domestic violence.

2. The child meets the department's criteria for a special needs adoption.

3. The child has had multiple out-of-home placements.

4. The child has had two or more admissions to a crisis stabilization unit or inpatient psychiatric unit in the past six months.

5. The family or the department believes that case management services will enhance the likelihood that the child can remain in the home and community.

6. The child has a chronic and serious physical illness, is infected with human immunodeficiency virus, or is substance dependent.

7. The parent or legal custodian has been identified to the provider as having a serious mental illness, a developmental disability, a chronic and serious physical illness, or substance dependence.

8. The family is homeless.

9. The department's utilization management process has determined that the child meets the established criteria of high utilization of mental health services and has referred the child for case management.

(3) Nothing in this rule shall prohibit the department from offering case management for any other child receiving mental health services provided under Chapter 394, F.S.

Specific Authority 394.497(2) FS. Law Implemented 394.497 FS. History--New _____.

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Forestry

RULE TITLES:	RULE NOS.:
Definitions	5I-2.003
Open Burning Not Allowed	5I-2.004
Open Burning Allowed	5I-2.006

PURPOSE AND EFFECT: The purpose of the rule development is to amend Rule Chapter 5I-2 sections 5I-2.003, 5I-2.004, and 5I-2.006 in order to simplify and clarify the open burning rules and procedures. Additionally the duties, responsibilities, benefits and re-certification process of the Florida Prescribed Burn Manager Program are included in this revision.

SUMMARY: The proposed rule development deletes definitions that are no longer necessary, and adds some new definitions to further clarify the rule. Defines under what conditions the Division can withhold authorizations when public health and safety are threatened. The proposed rule separates and defines the obligations of individuals (Certified and Un-Certified) requesting authorization to burn from the Division of Forestry. The proposed rule includes what a prescribed burn prescription must contain in order to be approved, it also defines the change in open burning hours based on whether the person is a Certified Prescribed Burn Manager or a burner without this certification. The language of the proposed rule has been simplified to facilitate the understanding of all Floridians.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Not necessary because there are no anticipated additional costs associated with this change.

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 day of this notice.

SPECIFIC AUTHORITY: 570.07(23), (28), 590.026(4) FS. (590.026(4) FS., has been changed to 590.125(3)(e) during the 1999 legislative session)

LAW IMPLEMENTED: 570.07(28), 570.548, 590.02(1)(b), 590.026 (590.026 FS., has been changed to 590.125(3) in the 1999 legislative session), 590.12 (590.12 FS., has been changed to 590.125(2)) 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., June 23, 1999

PLACE: Doyle Conner Building, George Eyster IV Auditorium, 3125 Conner Blvd, Tallahassee, FL 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mr James D. Brenner, Fire Management Administrator, Florida Division of Forestry, Department of Agriculture and Consumer Services, Room 160, 3125 Conner Blvd, Tallahassee, Florida 32399-1650, telephone (850)488-6480 E-mail: brennej@doacs.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULES IS:

5I-2.003 Definitions.

~~The following words, phrases, or terms when used in this chapter shall, unless the content otherwise indicates, have the following meanings:~~

(1) "Agricultural Burning" is the burning of vegetative material originating on site in conjunction with the cultivation of land, and including: gardening or horticulture, fruit growing, raising of vegetables, trees, shrubs, plants, pastures or rangeland.

(2) "Air Curtain Incinerator" is a portable or stationary combustion device that directs a plane of high velocity forced draft air through a manifold head into a pit with vertical walls in such a manner as to maintain a curtain of air over the surface of the pit and a recirculating motion of air under the curtain.

(3) "Air Pollution" is the presence in the outdoor atmosphere of any one or more substances or contaminants in quantities which are potentially harmful or injurious to human health or welfare, animal or plant life, or property, or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation, unless specifically excepted by state statute.

~~(4) "Air Pollution Episode" is a Department of Environmental Protection alert of any occurrence of elevated levels of pollutants in the atmosphere which requires hasty and unusual abatement action.~~

~~(5) "Broadcast Burning" is any silvicultural or agricultural or a land clearing burning of vegetative material, originating on site, that has not been placed in piles.~~

~~(4)(6) "Certified Prescribed Burn Manager" is an individual who successfully completes the certification program of the Division and possesses a valid certification number of Forestry of the Department.~~

~~(5)(7) "Department" is the Department of Agriculture and Consumer Services.~~

~~(6)(8) "Department of Environmental Protection Air Stagnation Advisory" means a temporary prohibition of open burning activities by the Department of Environmental Protection that is based upon a forecast of a stagnant atmospheric meteorological condition not allowing the dispersion of air pollutants.~~

~~(7) "Dispersion Index" is a numerical index from 0 to infinity supplied daily by National Weather Service (NWS), that estimates the atmosphere's capacity to distribute particles and gases emitted by a wildland fire of any type.~~

~~(8) "Division" is the Florida Division of Forestry.~~

(9) "Excessive Visible Emissions" are air pollutants emitted in such quantity as to reduce an observer's view to less than 100 feet.

(10) "Extinguished" means the absence of any visible flames, smoke or emissions.

(11) "Fine Fuel Moisture" is the amount of moisture, usually expressed as a percentage, found in fast drying, dead fuels such as grass, leaves, draped pine needles, and small twigs.

(12) "Flame Length" is the distance between the flame tip and the base of the flame measured generally at the ground surface.

~~(13) "Land Clearing Debris" is uprooted or cleared vegetation resulting from a land clearing operation and does not include yard trash.~~

~~(13)(14) "Land Clearing Operation" means the uprooting or clearing of vegetation in connection with construction for buildings and rights-of-way, residential, or industrial development, or mineral operations, or the clearing of vegetation to enhance property value and aesthetics. The removal and destruction of shade trees due to storm or insect damage is included. However, it does not include the maintenance burning of yard trash, or site preparation; i.e., fires for the growing, raising, or harvesting of crops, timber, or wildlife.~~

~~(14)(15) "Mixing Height", as supplied daily by the National Weather Service, is the height to which relatively vigorous mixing of the atmosphere occurs.~~

~~(15)(16) "National Weather Service Air Stagnation Advisory" is an advisory issued by the National Weather Service (NOAA) to caution local and regional agencies on meteorological conditions expected to persist for at least 36 hours, which are conducive to poor dispersion.~~

~~(17) "Nuisance" means any open burning activity which is determined by the Department to be harmful or injurious to human health or property.~~

~~(16)(18) "Occupied Building" means any building that serves as a primary residence, meeting place, or place of business that does not have a lengthy cessation of occupancy.~~

~~(17)(19) "Open Burning" means any outdoor fire or open combustion of material which produces visible emissions.~~

~~(18) "Pile Burning" is any silvicultural, agricultural or land clearing burning of vegetative material, originating on site that has been stacked together in a round or linear fashion.~~

~~(19)(20) "Prescribed Burning" is means the controlled application of fire, following a prescription, to naturally occurring vegetative fuels, under specified environmental conditions, and following appropriate precautionary measures, which causes the fire to be confined to a predetermined area and accomplish planned fire or land management objectives.~~

~~(20)~~(21) "Prescription" is a written plan that establishes criteria for starting, controlling and completing a prescribed burn.

~~(21)~~(22) "Relative Humidity" is the ratio, expressed as a percentage, of the amount of moisture in the air to the maximum amount of moisture the air is capable of holding under the same conditions.

~~(22)~~ "Refractory Lined" Any non-metallic ceramic substance that is suitable for use as structural material at high temperatures.

(23) "Residential Land Clearing" is a land clearing operation that is conducted by a landowner or an individual contracted by the landowner for the purpose of clearing vegetation on the property for not more than two family units. The removal and destruction of shade trees due to storm or insect damage and the clearing of vegetation to enhance property value and aesthetics, is included as a residential land clearing operation.

(24) "Rural Land Clearing" is any land clearing conducted in areas other than urban service areas or residential areas, incorporated or unincorporated cities or towns, or in any rural areas as designated by the Department and shall not include any land clearing operation that is associated with silvicultural or agricultural activities.

~~(25) "Rural Land Clearing Debris" is uprooted or cleared vegetation resulting from a land clearing operation and does not include yard trash. "Sunset" is official sunset as set forth by the U. S. Naval Observatory (tables are available at National Weather Services offices).~~

(26) "Silviculture" is that phase of forestry dealing with the establishment, development, reproduction, and care of forest flora and fauna.

(27) "Smoke Sensitive Areas" are areas within which, for reasons of visibility, health or human welfare, smoke could have an adverse impact.

~~(28) "Spreading" continued lateral movement of the fire into unburned fuel.~~

~~(29) "Sunset" is official sunset as set forth by the U. S. Naval Observatory (tables are available at National Weather Services offices).~~

~~(30)~~(28) "Surface Wind Speed" is wind speed measured 20 feet above the average local vegetation. Wind speeds supplied by the National Weather Service are "Surface Wind Speeds".

~~(31)~~(29) "Transport Wind Speed" is a measure of the average rate of the horizontal movement of air throughout the mixing layer.

~~(32)~~(30) "Trash" means construction or demolition debris, and other debris such as paper, cardboard, cloth, glass, street sweepings, vehicle tires and other like matter.

~~(33)~~(31) "Windrow" means a long row of vegetative material originating on the site left to dry before burning.

~~(34) "Yard Trash" means vegetative matter resulting from landscaping and yard maintenance operations and includes materials such tree and shrub trimmings, grass clippings, palm fronds, trees and tree stumps.~~

Specific Authority 570.07(23),(28), ~~590.026(4)~~ 590.125(3)(e) FS. Law Implemented 570.07(28), 570.548, 590.02(1)(b), ~~590.026(4)~~ 590.125(3), 590.125(2) FS. History—New 7-1-71, Formerly 17-5, 7-1-75, 5I-2.03, Amended 1-9-91, 8-9-93, 8-16-95,_____.

5I-2.004 Open Burning Not Allowed Prohibitions.

(1) Listed below are the types of open burning not allowed in Florida:

~~(a)~~(4) Any open burning not specifically allowed by ~~this Chapter~~ Florida Administrative Code Rule (FAC) 5I-2, FAC 62-256 ~~in effect on 7/7/95,~~ or any Florida Statutes by ~~implication~~ (FS) 590.12, ~~and 403.~~

~~(b)~~(2) Open burning ~~or use as fire starters~~ of tires, rubber material, Bunker C residual oil, asphalt, roofing material, tar, railroad cross ties, other creosoted lumber, plastics (except for those authorized in F.A.C. 62-256.700(6) and F.S. 403.707), garbage, or trash other than yard trash and household paper products.

~~(c)~~(3) Open burning that reduces visibility at a public airport.

~~(d)~~(4) Open burning when the Department of Environmental Protection (DEP) determines that ambient air concentrations of total regulated particulate matter or ozone exceeds or potentially may exceed the primary or secondary standards for these pollutants or DEP issues an air quality advisory that pertains to the National Ambient Air Quality Standards (NAAQS).

~~(e)~~(5) Open burning during a National Weather Service Air Stagnation Advisory, ~~a Department of Environmental Protection Air Stagnation Advisory, and a D.E.P. Air Pollution Episode, or if the Division of Forestry determines that weather conditions are unfavorable for safe burning.~~

~~(f)~~(6) Open burning which reduces visibility on public roadways to less than one thousand feet (1000) unless the ~~appropriate~~ regulating authorities have given their permission to control traffic ~~on the affected public roadway.~~

~~(g)~~(7) Burning ~~within areas designated by the Florida Division of Forestry as smoke sensitive areas~~ between ± one hour before sunset and 9:00 A.M. the next day.

(h) All open burning when the fire poses a threat to public health, safety, and property protection.

(2) Open burning authorizations may be denied to any burner who violates Florida law or agency rules. This denial remains in effect until the concern that caused the denial has been mitigated in consultation with the Division of Forestry field unit manager.

(3) Open burning whenever atmospheric or meteorological conditions indicate improper dispersion of smoke that threaten public health, safety, or general welfare, or which would obscure visibility of vehicular or air traffic, or violates the condition of the authorization, or burning prescription.

Specific Authority 570.07(23),(28) FS. Law Implemented 570.07(28), 570.548, 590.02(1)(b), 590.42125(2), 590.125(3) FS. History—New 7-1-71, Formerly 17-5, 7-1-75, 5I-2.04, Amended 9-8-93, 8-16-95, _____.

5I-2.006 Agriculture, Silviculture and Other Open Burning Allowed.

(1) Open Burning in General. Open burning of vegetative material originating on site, between the hours of 9:00 A.M. and one hour before sunset of the same day (except fires for cold or frost protection) in connection with agricultural, silvicultural or land clearing operations is allowed, provided that authorization is secured from the Division of Forestry of the Department of Agriculture and Consumer Services prior to burning. Authorization must will be obtained from the Florida Division of Forestry for burns relating to agriculture, silviculture and rural land clearing on the same day the burn is to take place or after 4:00 pm of the previous day. The Division of Forestry may set special requirements for authorizations in order to protect public safety, including but not limited to on site inspections. Any authorized burn that goes out of compliance will be allowed a maximum of two hours to be brought into compliance by the person responsible. In the event that the Division determines that there is a threat to life, public safety or property immediate suppression action may be taken, prior to igniting the burn on the day that the burn is to take place, or after 4:00 p.m. of the previous evening.

(a) Non-Certified Daytime Authorizations will be issued for the burning to be conducted from 9:00 a.m. and the fire must discontinue spreading one hour before sunset except for Certified Prescribed Burn Mangers.

(b) Non-Certified Nighttime Authorizations will be issued with a Dispersion Index of 8 (except for Certified Prescribed Burn Managers) for the burning to be conducted between one hour before sunset and 9:00 a.m. Ignition of these fires is authorized up to midnight, however the fire can continue to spread until 9:00 a.m the following day. If additional time is required a new authorization (daytime) must be obtained from the Division.

(2) Open Burning for Certified Prescribed Burn Managers. (All burning conducted under this section must relate to Silviculture, Wildlife Management, Ecological Maintenance and Restoration, and Range Management. Burning in accordance with this section entitles the burner to the protection offered in section 590.125(3)(c), Florida Statutes.) Open burning authorizations under this section require the Certified Prescribed Burn Manager's certification number be presented at the time of the request, and that a Certified Prescribed Burn Manager be on site for the entire burn. The Division of Forestry shall suspend any open burning

authorization and require burns in progress to be extinguished when appropriate, whenever atmospheric or meteorological conditions indicate improper dispersion of pollutants creating conditions deleterious to health, safety, or general welfare, or which would obscure visibility of vehicular or air traffic. Any burn in progress will be allotted two hours to reduce emissions to a level that no longer threatens public health or safety.

(a) Prescription: A prescription for the burn must be on site and available for inspection by a Department representative. The prescription will contain, as a minimum, the following:

1. Stand or Site Description;
2. Map of the area to be burned;
3. Personnel and equipment to be used on the prescribed burn;
4. Desired weather factors, including but not limited to surface wind speed and direction, transport wind speed and direction, minimum mixing height, minimum relative humidity, maximum temperature, and fine fuel moisture;
5. Desired fire Behavior Factors, such as type of burn technique, flame length, and rate of spread;
6. The time and date the prescription was prepared;
7. The authorization date and the time period of the authorization;
8. An evaluation and approval of the anticipated impact of the proposed burn on related smoke sensitive areas;
9. The signature and number of the Certified Prescribed Burn Manager.

(b) Open Burning Hours

1. Daytime Authorizations: will be issued for the burning to be conducted from 9:00 a.m. and the fire must discontinue spreading one hour after sunset.

2. Nighttime Authorizations will be issued with a Dispersion Index of 6 or above for the burning to be conducted between one hour before sunset and 9:00 a.m the following day. Ignition of these fires is authorized up to midnight, however the fire can continue to spread until 9:00 a.m the following day. If additional time is required a new authorization (daytime) must be obtained from the Division. The Division may issue authorizations at other times, in designated areas, when the Division has determined that atmospheric conditions in the vicinity of the burn will allow good diffusion and dispersement of air pollutants, and the resulting smoke from the burn will not adversely impact critical smoke sensitive areas, e.g., highways, hospitals and airports.

(c) Burn Manager Certification Process. Certification to become a Certified Prescribed Burn Manager is accomplished by:

1. Satisfactory completion of the Division of Forestry's Prescribed Fire Correspondence Course and direct experience in three prescribed burns prior to taking the course or;

2. Satisfactory completion of the Florida Inter-Agency Basic Prescribed Fire Course and direct experience in three prescribed burns.

3. In order to continue to hold the Division of Forestry Prescribed Burn Manager Certification the burner must comply with FAC 51-2.006(2)(d) or Division Certification will terminate five years from the date of issue.

(d) Certification Renewal.

1. Participation in a minimum of eight hours of training every five years relating to the subject of prescribed fire, or participation in a North/Central Prescribed Fire Council or South Florida Fire Council Meeting, and

2. The Certified Prescribed Burn Manager has submitted their certification number for two completed prescribed burns in the preceding five (5) years, or,

3. Participation in five (5) burns and have this documented and verified by a current Certified Prescribed Burn Manager, or;

4. Retaking either the Prescribed Fire Correspondence Course or the Inter-Agency Basic Prescribed Fire Course.

(e) Decertification. The Commissioner of Agriculture may revoke any Certified Prescribed Burn Manager's certification if they demonstrate that their practices and procedures during one or more prescribed burns violated Florida law or agency rules or is a threat to public health, safety, or property.

(3) Pile/Windrow Burning All open burning must be attended at all times.

(a) General. Piles or windrows shall not have visible flame one hour before sunset or anytime thereafter, except in smoke sensitive areas where the piles must be completely extinguished one hour before sunset. The size and number of piles shall be dictated by the materials to be burned and the time available for burning.

1. The moisture content and composition of the materials to be burned shall be favorable to good burning which will minimize air pollution. The amount of dirt in the piles or rows shall be minimized to enhance combustion and reduce emissions.

2. The pile burning must be set back 100 feet from any paved public highway and the prevailing winds will direct the smoke away from any occupied buildings or roads.

(b) Agriculture and Silvicultural Pile/windrow burning must be set back 300 feet from any occupied building except the landowner's buildings.

(c) Rural Land Clearing. Open burning of wooden material or vegetation generated by a land clearing operation or the demolition of a structure is allowed provided that all of the following conditions are met:

1. The open burning meets one of the following setback requirements:

a. Residential Land Clearing must be set back three hundred (300) feet or more away from any occupied building for residential land clearing, and clearing for residential enhancement of property value and aesthetics, or

b. Non-Residential with Air Curtain must be setback three hundred (300) feet or more from any occupied building if an air curtain incinerator is used, or

c. Non-Residential without Air Curtain must be setback one thousand (1000) feet or more away from any occupied building if air curtain incinerator is not used and the operation is not residential land clearing, or

d. Exception to Setbacks – An exception to the setbacks in 51-2.006(3)1.a.,b., and c. may be granted if the affected parties agree in writing to allow the burn to take place.

2. Prior to open burning for the demolition of a structure, all insulation, asbestos products, electrical wiring, linoleum, carpeting, roofing materials such as tar paper and asphalt shingles, or excessive smoke producing, potentially air toxic material shall be removed and a Department of Environmental Protection letter of authorization obtained and provided to the Division of Forestry.

3. The use of Air Curtain Incinerators is allowed for the combustion of land clearing debris. No Department of Environmental Protection permits are required for air curtain incinerators that are designed and used as portable units and that will operate on any one site for less than six months in any year. Prior authorization to use a portable Air Curtain Incinerator must be obtained from the Division of Forestry. Operation of portable Air Curtain Incinerators shall be authorized provided that the following conditions are met:

a. Pit width, length, and side walls shall be properly maintained so that the combustion of the waste within the pit will be maintained at an adequate temperature and with sufficient air re-circulation to provide enough residence time and mixing for complete combustion and control of emissions. Pit width shall not exceed twelve (12) feet, and vertical side walls shall be maintained.

b. No waste will be burned above the level of the air curtain in the pit.

c. Excessive visible emissions are not allowed except for a period of up to 30 minutes during start ups and shutdowns.

4. Air Curtain Incinerators that are intended to be stationary units, i.e., continuously operate at one site for more than six months, or operate at any Department of Environmental Protection (DEP) permitted land-fill, must comply with the requirements of Rule 62-296.401(6) in effect on July 7, 1995, Florida Administrative Code.

5. Exceptions to the setback requirements from occupied buildings shall be granted by the Division of Forestry when the applicant obtains a signed written statement from every affected resident within the setback area that waives their

objections to the open burning associated with the land clearing operation and presents the statement to the Division of Forestry 48 hours in advance of the burning.

(d) Any open burning that is allowed by this Chapter is restricted to the site where the material was generated and such material shall not be transported to another property to be open burned, unless the rural land clearing debris has been generated by the person, or their agent, who owns the property where it was generated and to where it is transported, or operates an Air Curtain Incinerator provided that the following conditions are met:

1. It will be transported to property that is owned or leased by the person who generated the land clearing debris, and will not exceed 6 months from the date of the initial authorization and

2. Meets a setback distance of 300 feet from occupied buildings for Air Curtain Incinerators with vertical refractory-lined walls and with forced under draft air, or

3. Meets a setback distance of 1000 feet from occupied buildings for all other Air Curtain Incinerators or

4. Meets a setback distance of 1000 feet from occupied buildings for land clearing debris burned without an Air Curtain Incinerator.

(4) Open Burning Exceptions The Director of the Division of Forestry is authorized to grant exceptions to the open burning rules within FAC 5I-2 in the event of an emergency that would require the destruction of vegetative debris in the most expeditious means possible. Examples would include the burning of vegetative matter resulting from an insect or disease infestation, or the debris resulting from storm damage e.g., hurricanes or tornados. Broadcast Burning. Broadcast burning must not continue spreading after one hour before sunset. The Division of Forestry shall allow open burning between 1 hour before sunset and 9:00 a.m. (Nighttime) when the Division has determined that atmospheric and meteorological conditions in the vicinity of the burning will allow good and proper diffusion and dispersment of air pollutants, and ready control of such fires within the designated boundaries. Nighttime authorizations permit ignition until midnight (12:00 a.m.). Such authorizations are valid to 9:00 a.m. the following morning. If the area to be burned requires additional time beyond the 9:00 a.m. deadline, a new authorization must be secured from the Division of Forestry.

(a) Prescribed Broadcast Burning: (All burning conducted under this section must relate to Silvicultural, Wildlife Management, Ecological Maintenance and Restoration, and Range Management. Burning in accordance with this section is non-obligatory; however, failure to burn in accordance with this section does not entitle the burner to the protection offered in section 590.026, Florida Statutes.)

1. Any person requesting an authorization for a prescribed broadcast burn for Silviculture, Wildlife Management, Range Management, and Ecological Maintenance and Restoration

must identify the Certified Burn Manager for that burn by submitting the Certified Burn Manager's certification number at the time of the request.

2. The prescriptions for these burns must be on site throughout the entire prescribed burn and available for inspection by a Department representative. As a minimum, the prescription will contain the following: 1. Stand or Site Description; 2. Map of the area to be burned; 3. Personnel and Equipment to be used on the prescribed burn; 4. Desired Weather Factors, including but not limited to surface wind speed and direction, transport wind speed and direction, minimum mixing height, minimum relative humidity, maximum temperature, and fine fuel moisture; 5. Desired fire Behavior Factors, such as type of burn technique, flame length, and rate of spread; and 6. The signature of the Certified Burn Manager.

3. No Certified Burn Manager shall approve a prescription unless and until such Certified Burn Manager has evaluated and approved the impact of the burn on related smoke sensitive areas.

4. Burn Manager Certification. Certification to become a Burn Manager is accomplished by satisfactory completion of the Division of Forestry's Certified Burner Course and direct experience in 3 prescribed burns prior to taking the course or satisfactory completion of the Florida Inter-Agency Basic Prescribed Fire Course and direct experience in 3 prescribed burns.

5. Decertification. In the event that the actions of any Certified Prescribed Burn Manager demonstrate that his/her practices and procedures during one or more prescribed burns violated Florida law or agency rules or threaten public health or safety, Commissioner of Agriculture will revoke the certification of any such Certified Prescribed Burn Manager.

(5) Pile Burning. Piles or windrows to be burned shall be of such a size that visible flame shall not be permitted after one hour before sunset, except in smoke sensitive areas where the piles must be completely extinguished one hour before sunset. The size and number of piles shall be dictated by the materials to be burned and the time available for burning.

(a) The moisture content and composition of the materials to be burned shall be favorable to good burning which will minimize air pollution. The amount of dirt in the piles or rows shall be minimized to enhance combustion and reduce emissions.

(b) The open pile burning must be set back 100 feet from any paved public highway and the prevailing winds will direct the smoke away from the occupied buildings or roads.

(c) Agricultural and Silvicultural Pile Burning

1. The open burning must be set back 300 feet from any occupied building except the landowner's buildings.

~~2. Certified Prescribed Burn Manager Prescribed silvicultural pile burning is allowed provided that all of the conditions in section 5I-2.006(4)(a) for prescribed broadcast burning are also met.~~

~~(d) Rural Land Clearing. Open burning of wooden material or vegetation generated by a land clearing operation or the demolition of a structure is allowed provided that all of the following conditions are met:~~

~~1. The open burning meets one of the following setback requirements:~~

~~a. Three hundred (300) feet or more away from any occupied building for residential land clearing, and clearing for enhancement of property value and aesthetics, or~~

~~b. Three hundred (300) feet or more from any occupied building if an air curtain incinerator is used, or~~

~~c. One thousand (1000) feet or more away from any occupied building in all other instances.~~

~~2. Prior to open burning for the demolition of a structure, all insulation, asbestos products, electrical wiring, linoleum, carpeting, roofing materials such as tar paper and asphalt shingles, or other excessive smoke producing or potentially air toxic material shall be removed and a Department of Environmental Protection letter of authorization shall be obtained.~~

~~3. The use of Air Curtain Incinerators is allowed for the combustion of land clearing debris. No Department of Environmental Protection permits are required for air curtain incinerators that are designed and used as portable units and that will operate on any one site for less than six months in any year. Prior authorization to use a portable Air Curtain Incinerator must be obtained from the Division of Forestry and the local fire control authority. Operation of portable Air Curtain Incinerators shall be permitted provided that the following conditions are met:~~

~~a. Pit width, length, and side walls shall be properly maintained so that the combustion of the waste within the pit will be maintained at an adequate temperature and with sufficient air re-circulation to provide enough residence time and mixing for complete combustion and control of emissions. Pit width shall not exceed twelve (12) feet, and vertical side walls shall be maintained.~~

~~b. No waste will be positioned to be burned above the level of the air curtain in the pit.~~

~~e. Excessive visible emissions are not allowed except for a period of up to 30 minutes during start ups and shutdowns.~~

~~4. Air Curtain Incinerators that are intended to be stationary units, i.e., continuously operate at one site for more than six months, or operate at any Department of Environmental Protection (DEP) permitted land fill, must comply with the requirements of Rule 62-296.401(6) in effect on 7/7/95, Florida Administrative Code.~~

~~5. Exceptions to the setback requirements from occupied buildings shall be granted by the Division of Forestry when the applicant obtains a signed written statement from every affected resident within the setback area that waives his objections to the open burning associated with the land clearing operation and presents the statement to the Division of Forestry 48 hours in advance of the burning.~~

~~6. Notwithstanding the provisions of FAC Rule 5I-2.006(1) refractory lined air curtain incinerators with forced under draft air are permitted to commence burning at sunrise and are permitted to be charged until sunset, provided they maintain a setback distance of 1000 feet from occupied buildings located off-site and do not create a nuisance. During such times as the air curtain incinerator is not in operation, public access to the air curtain incinerator shall be restricted.~~

~~(6) Any open burning that is allowed by this Chapter is restricted to the site where the material to be burned was generated and such material shall not be transported to another property to be open burned, unless the rural land clearing debris has been generated by the person who owns or operates an Air Curtain Incinerator provided that the following conditions are met:~~

~~(a) It will be transported to property that is owned or leased by the person who generated the land clearing debris, and~~

~~(b) The burning will be temporary in nature, not to exceed 6 months.~~

~~(c) Meets a setback distance of 300 feet from occupied buildings for Air Curtain Incinerators with vertical refractory lined walls and with forced under draft air, or~~

~~(d) Meets a setback distance of 1000 feet from occupied buildings for all other Air Curtain Incinerators.~~

Specific Authority 570.07(23),(28), 590.026(4), 590.125(3)(e) FS. Law Implemented 570.07(28), 570.548, 590.02(1)(b), 590.125(3)026, 590.125(2)H2 FS. History—New 7-1-71, Formerly 17-5, 7-1-75, Formerly 5I-2.06, Amended 1-9-91, 9-8-93, 8-16-95,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr L. Earl Peterson, Director, Division of Forestry, Department of Agriculture and Consumer Services, 3125 Conner Blvd, Tallahassee, Florida 32399-1650, telephone (850)922-0135, E-mail: peterse@doacs.state.fl.us.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. L. Earl Peterson, Director, Division of Forestry, Department of Agriculture and Consumer Services, 3125 Conner Blvd, Tallahassee, Florida 32399-1650, telephone (850)922-0135, E-mail: peterse@doacs.state.fl.us

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 21, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 23, 1999

ADMINISTRATION COMMISSION

RULE CHAPTER TITLE: Land Planning Regulations for the Florida Keys Area of Critical State Concern, Islamorada, Village of Islands

RULE CHAPTER NO. 28-19

RULE TITLES: Purpose and Effect Comprehensive Plan

RULE NOS.: 28-19.100 28-19.200

PURPOSE, EFFECT AND SUMMARY: On March 9, 1999, the Administration Commission considered reports and recommendations submitted by Monroe County, the Village of Islamorada, the Department of Community Affairs and others regarding progress made toward implementing the Work Program set forth in Rule 28-20.100, FAC. Based on the data and information contained in these reports, the Administration Commission found that substantial progress toward the overall objectives of the Work Program had not been made and the rate of growth for Monroe County and the Village shall be reduced by 20 percent.

The purpose of this rule is to adopt amendments to the Village's transitional comprehensive plan to reduce the rate of growth for new residential development from 28 to 22 units per year.

SUMMARY OF THE STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Regulatory Cost has been prepared.

Any person who wishes to provide information regarding a 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. Information should be filed with: Teresa Tinker, Administration Commission, The Capitol, Room 2105, Tallahassee, Florida 32399-0001.

SPECIFIC AUTHORITY: 380.05(8), 380.0552(9) FS.

LAW IMPLEMENTED: 380.0552 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:

TIME AND DATE: 7:00 – 9:00 p.m., June 29, 1999

PLACE: Plantation Yacht Harbor, Marlin/Dolphin Room, 87000 Overseas Highway, Islamorada, Florida

Any person requiring a special accommodation to participate in the hearing because of a disability should contact Barbara Leighty at (850)488-7793 at least 5 business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Barbara Leighty, Senior Governmental Analyst, Administration Commission, The Capitol, Room 2105, Tallahassee, Florida 32399-0001, telephone (850)488-7793

THE FULL TEXT OF THE PROPOSED RULES IS:

28-19.100 Purpose and Effect.

(1) The purpose of this Chapter is to amend the Transitional Comprehensive Plan of Islamorada, Village of Islands, within the Florida Keys Area of Critical State Concern, pursuant to Section 380.0552(9), F.S.

(2) In order to provide an accurate record of the amendments approved by this Chapter, each set of amendments is set forth in a separate rule section. If any provision of the comprehensive plan is amended by two rule sections, the latest amendment shall control.

(3) As provided in Section 380.05(10) and 380.0552(7), F.S., the Transitional Comprehensive Plan of the Village adopted herein shall be superseded by amendments which are proposed by the Village and approved by the Department of Community Affairs pursuant to Section 380.05(6), and 380.0552(9), F.S. The Village Transitional Comprehensive Plan shall be superseded by the new Village Comprehensive Plan upon approval by the Department of Community Affairs pursuant to Section 380.05(6) and 380.0552(9), F.S.

Specific Authority 380.0552(9) FS. Law Implemented 380.0552 FS. History–New _____.

28-19.200 Comprehensive Plan.

(1) The Transitional Comprehensive Plan of Islamorada, Village of Islands, established by Chapter 97-348, Laws of Florida, is amended as follows:

(2) Policy 101.2.14

Notwithstanding any other provisions of the Transitional Comprehensive Plan of Islamorada, Village of Islands, the following shall apply:

(a) The number of permits issued for new residential development under the rate of growth ordinance shall not exceed a total unit cap of 22 new residential units per year.

(b) Beginning August 1, 2000, and each year of the work program (set out in policy 101.2.13) thereafter, the Village and the Department of Community Affairs shall report to the Administration Commission documenting the degree to which the work program objectives for that year have been achieved.

(c) Year three of the work program shall end July 12, 2000, and each subsequent year of the work program shall end July 12 of each year thereafter.

Specific Authority 380.0552(9) FS. Law Implemented 380.0552 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Teresa Tinker, Administration Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Teresa Tinker, Administration Commission

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

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

REGIONAL PLANNING COUNCILS

East Central Florida Regional Planning Council

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Organization	29F-1
RULE TITLES:	RULE NOS.:
Organization	29F-1.001
Definitions	29F-1.002
Objectives and Purposes	29F-1.003
Annual Work Program and Budget	29F-1.0041
Council	29F-1.005
Officers Duties Term of Office	29F-1.006
Executive Committee	29F-1.0061
Standing and Special Committees	29F-1.008
Special Studies and Activities	29F-1.009
Regional Issues List	29F-1.0091
Waiver of Notice	29F-1.010
Disclosure	29F-1.011
Amendments	29F-1.012
Terms of Office and Vacancies	29F-1.013
Proxy	29F-1.014
Attendance	29F-1.015
Dissolution	29F-1.017
Procedure	29F-1.018

PURPOSE AND EFFECT: These rules are proposed to be repealed in an effort to remove rules that are no longer necessary or which have lost their statutory authority or which have been superseded by newer programs.

SUMMARY: These rules provide guidance for the organization of the Council in the following areas: primary work programs, selection and duties of officers, establishment and operation of specific standing committees, regional issues list for DRI reviews and attendance obligations of members of the Council. The organizational guidelines are being updated by new rules and policies and the regional issues list has been superseded by the Strategic Regional Policy Plan adopted as Rule 29F-21, FAC and the uniform standards rules of 9J-2, Part III, FAC.

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 day of this notice.

SPECIFIC AUTHORITY: 120.536, 186.505 FS.

LAW IMPLEMENTED: 120.536 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:

TIME AND DATE: 10:00 a.m., Monday, June 28, 1999

PLACE: East Central Florida Regional Planning Council, 1011 Wymore Road, Suite 105, Winter Park, Florida 32789

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sandra S. Glenn, Executive Director, East Central Florida Regional Planning Council, 1011 Wymore Road, Suite 105, Winter Park, Florida 32789

THE FULL TEXT OF THE PROPOSED RULES IS:

29F-1.001 Organization.

Specific Authority 186.505 FS. Law Implemented 120.53, 120.54 FS. History--New 9-16-75, Amended 10-16-78, 7-8-81, Formerly 29F-1.01, Amended 9-10-89, Repealed.

29F-1.002 Definitions.

Specific Authority 186.505 FS. Law Implemented 120.53, 120.54 FS. History--New 9-16-75, Amended 10-16-78, 7-8-81, Formerly 29F-1.02, Amended 4-22-87, 9-10-89, 3-22-92, Repealed.

29F-1.003 Objectives and Purposes.

Specific Authority 160.02 FS. Law Implemented 120.53, 120.54 FS. History--New 9-16-75, Amended 10-16-78, 7-8-81, Formerly 29F-1.03, Amended 9-10-89, 3-22-92, Repealed.

29F-1.0041 Annual Work Program and Budget.

Specific Authority 186.505 FS. Law Implemented 120.53, 120.54 FS. History--New 9-10-89, Repealed.

29F-1.005 Council.

Specific Authority 186.505 FS. Law Implemented 120.53, 120.54 FS. History--New 9-16-75, Amended 10-16-78, 7-8-81, Formerly 29F-1.05, Amended 4-22-87, 9-10-89, 3-22-92, 7-14-98, Repealed.

29F-1.006 Officers Duties Term of Office.

Specific Authority 186.505 FS. Law Implemented 120.53, 120.54 FS. History--New 9-16-75, Amended 7-8-81, Formerly 29F-1.06, Amended 4-22-87, 9-10-89, Repealed.

29F-1.0061 Executive Committee.

Specific Authority 186.505 FS. Law Implemented 120.53, 120.54 FS. History--New 9-10-89, Amended 3-22-92, Repealed.

29F-1.008 Standing and Special Committees.

Specific Authority 186.505 FS. Law Implemented 120.53, 120.54, 186.508 FS. History--New 9-16-75, Amended 10-16-78, 7-8-81, Formerly 29F-1.08, Amended 4-22-87, 9-10-89, 7-19-90, Repealed.

29F-1.009 Special Studies and Activities.

Specific Authority 186.505 FS. Law Implemented 120.54 FS. History--New 9-16-75, Amended 7-8-81, Formerly 29F-1.09, Amended 9-10-89, Repealed.

29F-1.0091 Regional Issues List.

Specific Authority 186.505, 120.53 FS. Law Implemented 160.02, 120.53 FS. History--New 5-9-83, Formerly 29F-1.091, Repealed.

29F-1.010 Waiver of Notice.

Specific Authority 186.505 FS. Law Implemented 120.54 FS. History--New 9-16-75, Amended 7-8-81, Formerly 29F-1.10, Repealed.

29F-1.011 Disclosure.

Specific Authority 186.505 FS. Law Implemented 120.54 FS. History--New 9-16-75, Amended 7-8-81, Formerly 29F-1.11, Amended 9-10-89, Repealed.

29F-1.012 Amendments.

Specific Authority 186.505 FS. Law Implemented 120.54 FS. History--New 9-16-75, Amended 7-8-81, Formerly 29F-1.12, Amended 9-10-89, Repealed.

29F-1.013 Terms of Office and Vacancies.

Specific Authority 160.02 FS. Law Implemented 120.54 FS. History--New 9-16-75, Amended 10-16-78, 7-8-81, Formerly 29F-1.13, Amended 9-10-89, 3-22-92, Repealed.

29F-1.014 Proxy.

Specific Authority 186.505 FS. Law Implemented 120.54 FS. History--New 9-16-75, Amended 7-8-81, Formerly 29F-1.14, Repealed.

29F-1.015 Attendance.

Specific Authority 186.505 FS. Law Implemented 120.53, 120.54 FS. History--New 9-16-75, Amended 7-8-81, Formerly 29F-1.15, Amended 4-22-87, 9-10-89, 3-22-92, Repealed.

29F-1.017 Dissolution.

Specific Authority 186.505 FS. Law Implemented 120.54 FS. History--New 9-16-75, Amended 7-8-81, Formerly 29F-1.17, Amended 9-10-89, Repealed.

29F-1.018 Procedure.

Specific Authority 186.505 FS. Law Implemented 120.54 FS. History--New 9-16-75, Amended 7-8-81, Formerly 29F-1.18, Amended 9-10-89, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sandra Glenn, Executive Director

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Hon. Larry Whaley, Chairman, ECFRPC

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 21, 1999

REGIONAL PLANNING COUNCILS

East Central Florida Regional Planning Council

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Personnel Regulations	29F-2
RULE TITLES:	RULE NOS.:
Discrimination Prohibited	29F-2.001
Appointments and Separations	29F-2.003
Performance and Discipline	29F-2.0041
Distribution	29F-2.0051
Definitions	29F-2.0061
Disciplinary Actions	29F-2.0071
Authority for Disciplinary Actions	29F-2.008
Types of Discipline and Procedures	29F-2.009
Procedure for Suspension or Dismissal	29F-2.010
Employee Appeal	29F-2.011
Executive Committee	29F-2.012

Grievance Procedures	29F-2.013
Standards for Disciplinary Actions	29F-2.014
Reduction in Force	29F-2.015
Resignation	29F-2.0151
Employment Outside the Council Service	29F-2.016
Compensation and Expenses	29F-2.017
Work Hours and Overtime	29F-2.018
Holidays	29F-2.019
Leaves of Absence	29F-2.020
Policy Against Sexual Harassment	29F-2.021

PURPOSE AND EFFECT: These rules are proposed to be repealed in an effort to remove rules that are no longer necessary or which have lost their statutory authority or which have been superseded by newer programs.

SUMMARY: These rules provide guidance for the employment of staff by the Regional Planning Council. The Council is in the process of preparing replacement guidelines to be adopted by the Council as policy rather than administrative law.

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 day of this notice.

SPECIFIC AUTHORITY: 120.536, 186.505 FS.

LAW IMPLEMENTED: 120.536 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:

TIME AND DATE: 10:00 a.m., Monday, June 28, 1999

PLACE: East Central Florida Regional Planning Council, 1011 Wymore Road, Suite 105, Winter Park, Florida 32789

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sandra S. Glenn, Executive Director, East Central Florida Regional Planning Council, 1011 Wymore Road, Suite 105, Winter Park, Florida 32789

THE FULL TEXT OF THE PROPOSED RULES IS:

29F-2.001 Discrimination Prohibited.

Specific Authority 186.505 FS. Law Implemented 120.53, 120.54 FS. History--New 9-16-75, Formerly 29F-2.01, Amended 4-22-87, 3-22-92, Repealed.

29F-2.003 Appointments and Separations.

Specific Authority 186.505 FS. Law Implemented 120.53, 120.54 FS. History--New 9-16-75, Formerly 29F-2.03, Amended 4-22-87, 9-10-89, 3-22-92, Repealed.

29F-2.0041 Performance and Discipline.

Specific Authority 186.505 FS. Law Implemented 120.53, 120.54 FS. History--New 3-22-92, Repealed.

29F-2.0051 Distribution.

Specific Authority 186.505 FS. Law Implemented 120.53, 120.54 FS. History–New 3-22-92, Repealed.

29F-2.0061 Definitions.

Specific Authority 186.505 FS. Law Implemented 120.53, 120.54 FS. History–New 3-22-92, Repealed.

29F-2.0071 Disciplinary Actions.

Specific Authority 186.505 FS. Law Implemented 120.53, 120.54 FS. History–New 3-22-92, Repealed.

29F-2.008 Authority for Disciplinary Actions.

Specific Authority 186.505 FS. Law Implemented 120.53, 120.54 FS. History–New 3-22-92, Repealed.

29F-2.009 Types of Discipline and Procedures.

Specific Authority 186.505 FS. Law Implemented 120.53, 120.54 FS. History–New 3-22-92, Repealed.

29F-2.010 Procedure for Suspension or Dismissal.

Specific Authority 186.505 FS. Law Implemented 120.53, 120.54 FS. History–New 3-22-92, Repealed.

29F-2.011 Employee Appeal.

Specific Authority 186.505 FS. Law Implemented 120.53, 120.54 FS. History–New 3-22-92, Repealed.

29F-2.012 Executive Committee.

Specific Authority 186.505 FS. Law Implemented 120.53, 120.54 FS. History–New 3-22-92, Repealed.

29F-2.013 Grievance Procedures.

Specific Authority 186.505 FS. Law Implemented 120.53, 120.54 FS. History–New 3-22-92, Repealed.

29F-2.014 Standards for Disciplinary Actions.

Specific Authority 186.505 FS. Law Implemented 120.53, 120.54 FS. History–New 3-22-92, Repealed.

29F-2.015 Reduction in Force.

Specific Authority 186.505 FS. Law Implemented 120.53, 120.54 FS. History–New 3-22-92, Repealed.

29F-2.0151 Resignation.

Specific Authority 186.505 FS. Law Implemented 120.53, 120.54 FS. History–New 3-22-92, Repealed.

29F-2.016 Employment Outside the Council Service.

Specific Authority 186.505 FS. Law Implemented 120.53, 120.54 FS. History–New 3-22-92, Amended 6-27-94, Repealed.

29F-2.017 Compensation and Expenses.

Specific Authority 186.505 FS. Law Implemented 120.53, 120.54 FS. History–New 3-22-92, Repealed.

29F-2.018 Work Hours and Overtime.

Specific Authority 186.505 FS. Law Implemented 120.53, 120.54 FS. History–New 3-22-92, Repealed.

29F-2.019 Holidays.

Specific Authority 186.505 FS. Law Implemented 120.53, 120.54 FS. History–New 3-22-92, Repealed.

29F-2.020 Leaves of Absence.

Specific Authority 186.505 FS. Law Implemented 120.53, 120.54 FS. History–New 3-22-92, Amended 6-27-94, Repealed.

29F-2.021 Policy Against Sexual Harassment.

Specific Authority 186.505 FS. Law Implemented 120.53, 120.54 FS. History–New 3-22-92, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Sandra Glenn, Executive Director

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:

Hon. Randy Morris, Secretary/Treasurer and Presiding Officer, ECFRPC

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

April 21, 1999

REGIONAL PLANNING COUNCILS

East Central Florida Regional Planning Council

RULE CHAPTER TITLE: Project Review Policy

RULE CHAPTER NO.: 29F-3

RULE TITLES: Organization

RULE NOS.: 29F-3.001

Membership

29F-3.002

Meetings

29F-3.003

Voting

29F-3.004

Chairperson

29F-3.005

Duties and Responsibilities

29F-3.006

Council Staff Responsibilities

29F-3.007

Project Review Procedures

29F-3.008

Development of Regional Impact (DRI)

Review Procedures

29F-3.009

Development of Regional Impact (DRI)

and Florida Quality Development (FQD)

Review Fees

29F-3.010

DRI Transportation Level of Service

(LOS) Standards

29F-3.011

Informal Interjurisdictional Mediation Process

29F-3.012

PURPOSE AND EFFECT: These rules are proposed to be repealed in an effort to remove rules that are no longer necessary or which have lost their statutory authority or which have been superceded by newer programs.

SUMMARY: These rules prescribe the organization of the Project Review Committee and procedures and standards for reviewing DRIs and collecting DRI review fees. Guidelines for the committee are being readopted as more informal Council policy. DRI review guidelines and standards adopted in Rule 9J-2, Part III, FAC have superceded the Council's rules as have the DRI fee rules of 9J-2.0252, FAC.

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 day of this notice.

SPECIFIC AUTHORITY: 120.536, 186.505 FS.

LAW IMPLEMENTED: 120.536 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:

TIME AND DATE: 10:00 a.m., Monday, June 28, 1999

PLACE: East Central Florida Regional Planning Council, 1011 Wymore Road, Suite 105, Winter Park, Florida 32789

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sandra S. Glenn, Executive Director, East Central Florida Regional Planning Council, 1011 Wymore Road, Suite 105, Winter Park, Florida 32789

THE FULL TEXT OF THE PROPOSED RULES IS:

29F-3.001 Organization.

Specific Authority 186.505 FS. Law Implemented 120.53, 120.54 FS. History--New 9-16-75, Formerly 29F-3.01, Amended 4-22-87, 9-10-89, Repealed

29F-3.002 Membership.

Specific Authority 186.505 FS. Law Implemented 120.53, 120.54 FS. History--New 9-16-75, Formerly 29F-3.02, Amended 4-22-87, 9-10-89, 7-19-90, Repealed

29F-3.003 Meetings.

Specific Authority 186.505 FS. Law Implemented 120.53, 120.54 FS. History--New 9-16-75, Formerly 29F-3.03, Amended 4-22-87, 9-10-89, 7-19-90, Repealed

29F-3.004 Voting.

Specific Authority 186.505 FS. Law Implemented 120.53, 120.54 FS. History--New 9-16-75, Amended 10-16-78, Formerly 29F-3.04, Amended 4-22-87, 9-10-89, 7-19-90, Repealed

29F-3.005 Chairperson.

Specific Authority 186.505 FS. Law Implemented 120.53, 120.54 FS. History--New 9-16-75, Amended 10-16-78, Formerly 29F-3.05, Amended 4-22-87, 9-10-89, Repealed

29F-3.006 Duties and Responsibilities.

Specific Authority 186.505 FS. Law Implemented 120.53, 120.54 FS. History--New 9-16-75, Amended 10-16-78, Formerly 29F-3.06, Amended 4-22-87, 9-10-89, Repealed

29F-3.007 Council Staff Responsibilities.

Specific Authority 186.505 FS. Law Implemented 120.53, 120.54 FS. History--New 9-16-75, Amended 10-16-78, Formerly 29F-3.07, Amended 4-22-87, 9-10-89, Repealed

29F-3.008 Project Review Procedures.

Specific Authority 186.505 FS. Law Implemented 120.53, 120.54 FS. History--New 9-16-75, Amended 10-16-78, Formerly 29F-3.08, Amended 4-22-87, 9-10-89, Repealed

29F-3.009 Development of Regional Impact (DRI) Review Procedures.

Specific Authority 186.505 FS. Law Implemented 120.53, 120.54 FS. History--New 9-16-75, Amended 10-16-78, 7-18-81, Formerly 29F-3.09, Amended 4-22-87, 9-10-89, 7-19-90, Repealed

29F-3.010 Development of Regional Impact (DRI) and Florida Quality Development (FQD) Review Fees.

Specific Authority 186.505 FS. Law Implemented 120.53, 120.54 FS. History--New 7-8-81, Amended 12-31-81, 11-21-85, Formerly 29F-3.10, Amended 4-7-86, 4-22-87, 12-6-87, 4-17-88, 9-10-89, Repealed

29F-3.011 DRI Transportation Level of Service (LOS) Standards.

Specific Authority 160.02 FS. Law Implemented 380.06 FS. History--New 4-1-85, Formerly 29F-3.11, Repealed

29F-3.012 Informal Interjurisdictional Mediation Process.

Specific Authority 160.02 FS. Law Implemented 186.509 FS. History--New 4-7-86, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE: Sandra Glenn, Executive Director

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Hon. Larry Whaley, Chairman, ECFRPC

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 21, 1999

REGIONAL PLANNING COUNCILS

East Central Florida Regional Planning Council

RULE CHAPTER TITLE: Project Review Policy RULE CHAPTER NO.: 29F-4

RULE TITLES: Purpose Statement RULE NOS.: 29F-4.001

Projects in Flood Prone Areas 29F-4.002

Project Compliance 29F-4.003

Review Criteria 29F-4.004

PURPOSE AND EFFECT: These rules are proposed to be repealed in an effort to remove unnecessary rule sections or rules which have lost their statutory authority or which have been superceded by newer programs.

SUMMARY: These rules provide project review criteria for the Council's guidance. These criteria have been superceded by the Strategic Regional Policy Plan adopted as Rule 29F-21, FAC.

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 day of this notice.

SPECIFIC AUTHORITY: 120.536, 186.505 FS.

LAW IMPLEMENTED: 120.536 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:

TIME AND DATE: 10:00 a.m., Monday, June 28, 1999

PLACE: East Central Florida Regional Planning Council, 1011 Wymore Road, Suite 105, Winter Park, Florida 32789

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sandra S. Glenn, Executive Director, East Central Florida Regional Planning Council, 1011 Wymore Road, Suite 105, Winter Park, Florida 32789

THE FULL TEXT OF THE PROPOSED RULES IS:

29F-4.001 Purpose Statement.

Specific Authority 160.02 FS. Law Implemented 120.53, 120.54 FS. History--New 9-16-75, Amended 10-16-78, Formerly 29F-4.01, Repealed.

29F-4.002 Projects in Flood Prone Areas.

Specific Authority 160.02 FS. Law Implemented 120.53, 120.54 FS. History--New 10-16-78, Formerly 29F-4.02, Repealed.

29F-4.003 Project Compliance.

Specific Authority 160.02 FS. Law Implemented 120.53, 120.54 FS. History--New 10-16-78, Formerly 29F-4.03, Repealed.

29F-4.004 Review Criteria.

Specific Authority 160.02 FS. Law Implemented 120.53, 120.54 FS. History--New 10-16-78, Formerly 29F-4.04, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sandra Glenn, Executive Director

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Hon. Larry Whaley, Chairman, ECFRPC

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 21, 1999

REGIONAL PLANNING COUNCILS

East Central Florida Regional Planning Council

RULE CHAPTER TITLE: Committee Public Meeting Policy RULE CHAPTER NO.: 29F-5

RULE TITLES: Scheduling of Meetings RULE NOS.: 29F-5.001

Conducting Meetings 29F-5.002

Public Hearings 29F-5.003

PURPOSE AND EFFECT: These rules are proposed to be repealed in an effort to remove unnecessary rule sections or rules which have lost their statutory authority or which have been superceded by newer programs.

SUMMARY: The rules being repealed prescribe how meetings will be scheduled and conducted. This activity can be adequately governed by traditional meeting protocol and by less formal policy set by the governing board.

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 day of this notice.

SPECIFIC AUTHORITY: 120.536, 186.505 FS.

LAW IMPLEMENTED: 120.536 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:

TIME AND DATE: 10:00 a.m., Monday, June 28, 1999

PLACE: East Central Florida Regional Planning Council, 1011 Wymore Road, Suite 105, Winter Park, Florida 32789

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sandra S. Glenn, Executive Director, East Central Florida Regional Planning Council, 1011 Wymore Road, Suite 105, Winter Park, Florida 32789

THE FULL TEXT OF THE PROPOSED RULES IS:

29F-5.001 Scheduling of Meetings.

Specific Authority 186.505 FS. Law Implemented 120.53, 120.54 FS. History--New 9-16-75, Formerly 29F-5.01, Amended 4-22-87, Repealed.

29F-5.002 Conducting Meetings.

Specific Authority 186.505 FS. Law Implemented 120.53, 120.54 FS. History--New 9-16-75, Formerly 29F-5.02, Amended 4-22-87, Repealed.

29F-5.003 Public Hearings.

Specific Authority 186.505 FS. Law Implemented 120.53, 120.54 FS. History--New 9-16-75, Formerly 29F-5.03, Amended 4-22-87, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sandra Glenn, Executive Director

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Hon. Larry Whaley, Chairman, ECFRPC

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 21, 1999

REGIONAL PLANNING COUNCILS

East Central Florida Regional Planning Council

RULE CHAPTER TITLE: Press and Public Information Policy RULE CHAPTER NO.: 29F-6

RULE TITLES: Press Releases RULE NOS.: 29F-6.001

Personal Interviews by the Media 29F-6.002

Distribution of Public Information 29F-6.003

Public Speaking Engagements 29F-6.004

Participation as Panelists or Guests in Public Forum or on Radio and Television Talk Shows 29F-6.005

PURPOSE AND EFFECT: These rules are proposed to be repealed in an effort to remove unnecessary rule sections or rules which have lost their statutory authority or which have been superceded by newer programs.

SUMMARY: The rules being repealed prescribe how staff will interact with the media. This activity can be adequately governed by less formal policy set by the Executive Director as head of staff.

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 day of this notice.

SPECIFIC AUTHORITY: 120.536, 186.505 FS.

LAW IMPLEMENTED: 120.536 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:

TIME AND DATE: 10:00 a.m., Monday, June 28, 1999

PLACE: East Central Florida Regional Planning Council, 1011 Wymore Road, Suite 105, Winter Park, Florida 32789

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sandra S. Glenn, Executive Director, East Central Florida Regional Planning Council, 1011 Wymore Road, Suite 105, Winter Park, Florida 32789

THE FULL TEXT OF THE PROPOSED RULES IS:

29F-6.001 Press Releases.

Specific Authority 160.02 FS. Law Implemented 120.53, 120.54 FS. History—New 9-16-75, Formerly 29F-6.01, Repealed.

29F-6.002 Personal Interviews by the Media.

Specific Authority 160.02 FS. Law Implemented 120.53, 120.54 FS. History—New 9-16-75, Formerly 29F-6.02, Repealed.

29F-6.003 Distribution of Public Information.

Specific Authority 160.02 FS. Law Implemented 120.53, 120.54 FS. History—New 9-16-75, Formerly 29F-6.03, Repealed.

29F-6.004 Public Speaking Engagements.

Specific Authority 186.505 FS. Law Implemented 120.53, 120.54 FS. History—New 9-16-75, Formerly 29F-6.04, Amended 4-22-87, 5-3-88, Repealed.

29F-6.005 Participation as Panelists or Guests in Public Forum or on Radio and Television Talk Shows.

Specific Authority 160.02 FS. Law Implemented 120.53, 120.54 FS. History—New 9-16-75, Formerly 29F-6.05, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sandra Glenn, Executive Director

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Hon. Larry Whaley, Chairman, ECFRPC

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 21, 1999

REGIONAL PLANNING COUNCILS

East Central Florida Regional Planning Council

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Affirmative Action Program	29F-7

RULE TITLES:	RULE NOS.:
Affirmative Action Policy	29F-7.001
Communication of Policy	29F-7.002
Assignment of Responsibilities	29F-7.003
Goals	29F-7.004
Objectives	29F-7.005
Continuing Affirmative Action Program	29F-7.006

PURPOSE AND EFFECT: These rules are proposed to be repealed in an effort to remove unnecessary rule sections or rules which have lost their statutory authority or which have been superceded by newer programs.

SUMMARY: The rules being repealed prescribe affirmative action procedures in response to conditions in 1975. This activity can be adequately governed by compliance with applicable state and federal laws and through less formal policy set by the Council's governing board.

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 day of this notice.

SPECIFIC AUTHORITY: 120.536, 186.505 FS.

LAW IMPLEMENTED: 120.536 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:

TIME AND DATE: 10:00 a.m., Monday, June 28, 1999

PLACE: East Central Florida Regional Planning Council, 1011 Wymore Road, Suite 105, Winter Park, Florida 32789

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sandra S. Glenn, Executive Director, East Central Florida Regional Planning Council, 1011 Wymore Road, Suite 105, Winter Park, Florida 32789

THE FULL TEXT OF THE PROPOSED RULES IS:

29F-7.001 Affirmative Action Policy.

Specific Authority 160.02 FS, Title VII, USCA. Law Implemented 120.53, 120.54 FS. History—New 9-16-75, Formerly 29F-7.01, Repealed.

29F-7.002 Communication of Policy.

Specific Authority 160.02 FS, Title VII USCA. Law Implemented 120.53, 120.54 FS. History—New 9-16-75, Formerly 29F-7.02, Repealed.

29F-7.003 Assignment of Responsibilities.

Specific Authority 160.02 FS, Title VII USCA. Law Implemented 120.53, 120.54 FS. History—New 9-16-75, Formerly 29F-7.03, Repealed.

29F-7.004 Goals.

Specific Authority 160.02 FS, Title VII USCA. Law Implemented 120.53, 120.54 FS. History–New 9-16-75, Formerly 29F-7.04, Repealed.

29F-7.005 Objectives.

Specific Authority 160.02 FS, Title VII USCA. Law Implemented 120.53, 120.54 FS. History–New 9-16-75, Formerly 29F-7.05, Repealed.

29F-7.006 Continuing Affirmative Action Program.

Specific Authority 160.02 FS, Title VII USCA. Law Implemented 120.53, 120.54 FS. History–New 9-16-75, Formerly 29F-7.06, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sandra Glenn, Executive Director

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Hon. Larry Whaley, Chairman, ECFRPC

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 21, 1999

REGIONAL PLANNING COUNCILS

East Central Florida Regional Planning Council

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Coastal Management Policy	29F-9
RULE TITLES:	RULE NOS.:
Vital	29F-9.001
Conservation	29F-9.002
Prime Agriculture and Development	29F-9.003
General Policy Recommendations Applicable to Activities Throughout the Coastal Zone	29F-9.004

PURPOSE AND EFFECT: These rules are proposed to be repealed in an effort to remove unnecessary rule sections or rules which have lost their statutory authority or which have been superceded by newer programs.

SUMMARY: These rules provide policies applicable to activities in the coastal zone for the Council’s guidance. These criteria have been superceded by the Strategic Regional Policy Plan adopted as Rule 29F-21, FAC.

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 day of this notice.

SPECIFIC AUTHORITY: 120.536, 186.505 FS.

LAW IMPLEMENTED: 120.536 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:

TIME AND DATE: 10:00 a.m., Monday, June 28, 1999

PLACE: East Central Florida Regional Planning Council, 1011 Wymore Road, Suite 105, Winter Park, Florida 32789

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sandra S. Glenn, Executive Director, East Central Florida Regional Planning Council, 1011 Wymore Road, Suite 105, Winter Park, Florida 32789

THE FULL TEXT OF THE PROPOSED RULES IS:

29F-9.001 Vital.

Specific Authority 160.02(1) FS. Law Implemented 160.02(1) FS. History–New 8-29-79, Amended 5-13-80, Formerly 29F-9.01, Repealed.

29F-9.002 Conservation.

Specific Authority 160.02(1) FS. Law Implemented 160.02(1) FS. History–New 8-29-79, Amended 5-13-80, Formerly 29F-9.02, Repealed.

29F-9.003 Prime Agriculture and Development.

Specific Authority 160.02(1) FS. Law Implemented 160.02(1) FS. History–New 8-29-79, Amended 5-13-80, Formerly 29F-9.03, Repealed.

29F-9.004 General Policy Recommendations Applicable to Activities Throughout the Coastal Zone.

Specific Authority 160.02(1) FS. Law Implemented 160.02(1) FS. History–New 8-29-79, Amended 5-13-80, Formerly 29F-9.04, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sandra Glenn, Executive Director

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Hon. Larry Whaley, Chairman, ECFRPC

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 21, 1999

REGIONAL PLANNING COUNCILS

East Central Florida Regional Planning Council

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Energy Policy	29F-10
RULE TITLES:	RULE NOS.:
Government	29F-10.001
Land Use	29F-10.002
Transportation	29F-10.003
Housing	29F-10.004
Business and Industry	29F-10.005
Recreation	29F-10.006

PURPOSE AND EFFECT: These rules are proposed to be repealed in an effort to remove unnecessary rule sections or rules which have lost their statutory authority or which have been superceded by newer programs.

SUMMARY: These rules provide review criteria on energy issues for the Council’s guidance. These criteria have been superceded by the Strategic Regional Policy Plan adopted as Rule 29F-21, FAC.

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 day of this notice.

SPECIFIC AUTHORITY: 120.536, 186.505 FS.

LAW IMPLEMENTED: 120.536 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:

TIME AND DATE: 10:00 a.m., Monday, June 28, 1999

PLACE: East Central Florida Regional Planning Council, 1011 Wymore Road, Suite 105, Winter Park, Florida 32789

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sandra S. Glenn, Executive Director, East Central Florida Regional Planning Council, 1011 Wymore Road, Suite 105, Winter Park, Florida 32789

THE FULL TEXT OF THE PROPOSED RULES IS:

29F-10.001 Government.

Specific Authority 160.02(1) FS. Law Implemented 160.02(1) FS. History--New 8-29-79, Amended 5-13-80, Formerly 29F-10.01, Repealed.

29F-10.002 Land Use.

Specific Authority 160.02(1) FS. Law Implemented 160.02(1) FS. History--New 8-29-79, Amended 5-13-80, Formerly 29F-10.02, Repealed.

29F-10.003 Transportation.

Specific Authority 160.02(1) FS. Law Implemented 160.02(1) FS. History--New 8-29-79, Formerly 29F-10.03, Repealed.

29F-10.004 Housing.

Specific Authority 160.02(1) FS. Law Implemented 160.02(1) FS. History--New 8-29-79, Formerly 29F-10.04, Repealed.

29F-10.005 Business and Industry.

Specific Authority 160.02(1) FS. Law Implemented 160.02(1) FS. History--New 8-29-79, Formerly 29F-10.05, Repealed.

29F-10.006 Recreation.

Specific Authority 160.02(1) FS. Law Implemented 160.02(1) FS. History--New 8-29-79, Formerly 29F-10.06, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sandra Glenn, Executive Director

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Hon. Larry Whaley, Chairman, ECFRPC

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 21, 1999

REGIONAL PLANNING COUNCILS

East Central Florida Regional Planning Council

RULE CHAPTER TITLE: Local Government Comprehensive
 RULE CHAPTER NO.: 29F-11

Plan Review Fees 29F-11

RULE TITLES: General 29F-11.001

Review Fee Schedule 29F-11.002

PURPOSE AND EFFECT: These rules are proposed to be repealed in an effort to remove unnecessary rule sections or rules which have lost their statutory authority or which have been superceded by newer programs.

SUMMARY: These rules provide a schedule for collecting fees from local governments to cover the cost of reviewing comprehensive plans and amendments. The Council does not wish to continue this program.

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 day of this notice.

SPECIFIC AUTHORITY: 120.536, 186.505 FS.
 LAW IMPLEMENTED: 120.536 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:

TIME AND DATE: 10:00 a.m., Monday, June 28, 1999

PLACE: East Central Florida Regional Planning Council, 1011 Wymore Road, Suite 105, Winter Park, Florida 32789

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sandra S. Glenn, Executive Director, East Central Florida Regional Planning Council, 1011 Wymore Road, Suite 105, Winter Park, Florida 32789

THE FULL TEXT OF THE PROPOSED RULES IS:

29F-11.001 General.

29F-11.002 Review Fee Schedule.

Specific Authority 186.505 FS. Law Implemented 120.53, 120.54 FS. History--New 9-14-89, Repealed.

Specific Authority 186.505 FS. Law Implemented 120.53, 120.54 FS. History--New 9-14-89, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sandra Glenn, Executive Director

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Hon. Larry Whaley, Chairman, ECFRPC

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 21, 1999

REGIONAL PLANNING COUNCILS

East Central Florida Regional Planning Council

RULE CHAPTER TITLE: Regional Comprehensive Policy Plan
 RULE CHAPTER NO.: 29F-19
 RULE TITLE: East Central Florida Comprehensive Regional Policy Plan
 RULE NO.: 29F-19.001

PURPOSE AND EFFECT: These rules are proposed to be repealed in an effort to remove unnecessary rule sections or rules which have lost their statutory authority or which have been superceded by newer programs.

SUMMARY: These rules provide a Comprehensive Regional Policy Plan for the region. This plan has been superceded by the Strategic Regional Policy Plan adopted as Rule 29F-21, FAC.

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 day of this notice.

SPECIFIC AUTHORITY: 120.536, 186.505 FS.

LAW IMPLEMENTED: 120.536 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:

TIME AND DATE: 10:00 a.m., Monday, June 28, 1999

PLACE: East Central Florida Regional Planning Council, 1011 Wymore Road, Suite 105, Winter Park, Florida 32789

THE PERSON TO BE CONTACTED REGARDING THE OF PROPOSED RULE IS: Sandra S. Glenn, Executive Director, East Central Florida Regional Planning Council, 1011 Wymore Road, Suite 105, Winter Park, Florida 32789

THE FULL TEXT OF THE PROPOSED RULE IS:

29F-19.001 East Central Florida Comprehensive Regional Policy Plan.

Specific Authority 120.54, 186.505 FS. Law Implemented 120.53, 120.54, 186.505, 186.507, 186.508 FS. History—New 6-26-87, Amended 9-18-88, 10-1-91, 7-5-93, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sandra Glenn, Executive Director

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Hon. Larry Whaley, Chairman, ECFRPC

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 21, 1999

REGIONAL PLANNING COUNCILS

East Central Florida Regional Planning Council

RULE TITLES:	RULE NOS.:
Purpose	29F-20.001
Definitions	29F-20.002
Participation	29F-20.003
Costs	29F-20.004
Timeframes	29F-20.005
Administrative Protocols	29F-20.006
Public Notice, Records and Confidentiality	29F-20.007
Pre-Initiation Meeting	29F-20.008
Situation Assessment	29F-20.009
Initiation of the Process by Jurisdictions	29F-20.010
Requests to Initiate Submitted by Others	29F-20.011
Settlement Meetings	29F-20.012
Mediation	29F-20.013
Advisory Decision-Making	29F-20.014
Settlement Agreements and Reports	29F-20.015
Other Existing Dispute Resolution Processes	29F-20.016

PURPOSE AND EFFECT: These rules are proposed to be repealed as they were judged to possibly be exceeding their statutory authority. New rules using substantially the same language is proposed for adoption as Rule 29F-20.100, FAC.

SUMMARY: These rules provide a Dispute Resolution Process for the region. They are being reviewed and it is expected that they will be submitted for adoption using substantially the same language.

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 day of this notice.

SPECIFIC AUTHORITY: 120.536, 186.505 FS.

LAW IMPLEMENTED: 120.536 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:

TIME AND DATE: 10:00 a.m., Monday, June 28, 1999

PLACE: East Central Florida Regional Planning Council, 1011 Wymore Road, Suite 105, Winter Park, Florida 32789

THE PERSON TO BE CONTACTED REGARDING THIS NOTICE OF PROPOSED RULES IS: Sandra S. Glenn, Executive Director, East Central Florida Regional Planning Council, 1011 Wymore Road, Suite 105, Winter Park, Florida 32789

THE FULL TEXT OF THE PROPOSED RULES IS:

29F-20.001 Purpose.

Specific Authority 186.505 FS. Law Implemented 186.509 FS. History--New 4-12-94, Repealed.

29F-20.002 Definitions.

Specific Authority 186.505 FS. Law Implemented 186.509 FS. History--New 4-12-94, Repealed.

29F-20.003 Participation.

Specific Authority 186.505 FS. Law Implemented 186.509 FS. History--New 4-12-94, Repealed.

29F-20.004 Costs.

Specific Authority 186.505 FS. Law Implemented 186.509 FS. History--New 4-12-94, Repealed.

29F-20.005 Timeframes.

Specific Authority 186.505 FS. Law Implemented 186.509 FS. History--New 4-12-94, Repealed.

29F-20.006 Administrative Protocols.

Specific Authority 186.505 FS. Law Implemented 186.509 FS. History--New 4-12-94, Repealed.

29F-20.007 Public Notice, Records and Confidentiality.

Specific Authority 186.505 FS. Law Implemented 186.509 FS. History--New 4-12-94, Repealed.

29F-20.008 Pre-Initiation Meeting.

Specific Authority 186.505 FS. Law Implemented 186.509 FS. History--New 4-12-94, Repealed.

29F-20.009 Situation Assessment.

Specific Authority 186.505 FS. Law Implemented 186.509 FS. History--New 4-12-94, Repealed.

29F-20.010 Initiation of the Process by Jurisdictions.

Specific Authority 186.505 FS. Law Implemented 186.509 FS. History--New 4-12-94, Repealed.

29F-20.011 Requests to Initiate Submitted by Others.

Specific Authority 186.505 FS. Law Implemented 186.509 FS. History--New 4-12-94, Repealed.

29F-20.012 Settlement Meetings.

Specific Authority 186.505 FS. Law Implemented 186.509 FS. History--New 4-12-94, Repealed.

29F-20.013 Mediation.

Specific Authority 186.505 FS. Law Implemented 186.509 FS. History--New 4-12-94, Repealed.

29F-20.014 Advisory Decision-Making.

Specific Authority 186.505 FS. Law Implemented 186.509 FS. History--New 4-12-94, Repealed.

29F-20.015 Settlement Agreements and Reports.

Specific Authority 186.505 FS. Law Implemented 186.509 FS. History--New 4-12-94, Repealed.

29F-20.016 Other Existing Dispute Resolution Processes.

Specific Authority 186.505 FS. Law Implemented 186.509 FS. History--New 4-12-94, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sandra Glenn, Executive Director

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Hon. Larry Whaley, Chairman, ECFRPC

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 21, 1999

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: Permit Application Processing Fees RULE NO.: 40E-1.607

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to increase the District's existing permit application processing fee structure at the direction of the South Florida Water Management District Governing Board. Specifically, these fees are assessed in order to defray the cost of processing, monitoring, and inspecting for compliance required in connection with consideration of such applications. Additionally, the right of way fee provisions found in Rule 40E-1.607(6), FAC are being transferred to Chapter 40E-6, FAC.

SUMMARY: This rule proposes to increase the permit application processing fees for Water Use, Water Well Construction, Environmental Resource, Surface Water Management, Wetland Resource (dredge and fill), Proprietary Authorizations under Ch. 253 and 258, F.S., and Formal Determinations of Wetlands and other Surface Waters. The right of way fee provisions currently in Rule 40E-1.607(6), FAC are being transferred to Chapter 40E-6, FAC and are therefore being deleted from this Rule. Chapter 40E-6, FAC will not be addressed at this time, this section is being addressed under a separate Notice of Rulemaking published May 28, 1999.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement of estimated regulatory cost has been prepared and will be provided to any person requesting it.

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: 373.109, 373.421(6)(b) FS.

LAW IMPLEMENTED: 373.109, 373.421(6)(b) FS.

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

TIME AND DATE: 9:00 a.m., July 15, 1999

PLACE: South Florida Water Management District Headquarters, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: For technical questions, Claudia Kugler, Director, Business Operations, Regulation Department, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406-4680, telephone 1(800)432-2045, extension 6850 or (561)682-6850, e-mail: ckugler@sfwmd.gov, or for legal/administrative questions, Julie Jennison, Sr. Legal Research Assistant, 1(800)432-2045, Extension 6294 or (561)682-6294, e-mail: jjenniso@sfwmd.gov.

Although Governing board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 40E-1.607 follows. See Florida Administrative Code for present text).

40E-1.607 Permit Application Processing Fees.

A permit application processing fee is required and shall be paid to the District when certain applications are filed pursuant to District rules. An application shall not be considered complete until the appropriate application fee is submitted. These fees are assessed in order to defray the cost of evaluating, processing, monitoring, and inspecting for compliance required in connection with consideration of such applications. Fees are non-refundable in whole or part unless the activity for which an application is filed is determined by the District to be exempt or the fee submitted is determined by the District to be incorrect. Failure of any person to pay the applicable fees established herein is grounds for the denial of an application. Activities that do not require a permit and are exempt pursuant to Rules 40E-2.051, F.A.C. or 40E-3.051, F.A.C. are not subject to the following permit application fees. The District's permit application processing fees are as follows:

(1) Water Use Permit Application processing fees are in the following table:

TABLE 40E-1.607(1)
 PERMIT APPLICATION PROCESSING FEES FOR
 WATER USE PERMIT APPLICATIONS
 REVIEWED PURSUANT TO CHAPTERS 40E-2
 AND 40E-20, F.A.C.

Fee amounts shall apply to applications for new permits,
 permit modifications, and permit renewals, except as noted.

<u>Category</u>	<u>Amount</u>
<u>Individual Public Water Supply</u>	
<u>Maximum daily allocation</u>	
<u>Greater than 0.1 million gallons per day (mgd)</u>	
<u>through 1 mgd</u>	<u>\$2700</u>
<u>Greater than 1 mgd through 10 mgd</u>	<u>\$5500</u>
<u>Greater than 10 mgd</u>	<u>\$7000</u>
<hr/>	
<u>Individual Agriculture Irrigation renewal with a duration less than 20 years</u>	<u>\$1000</u>
<hr/>	
<u>Individual Irrigation; except Individual Agriculture Irrigation renewal with a duration less than 20 years</u>	
<u>Maximum daily allocation</u>	
<u>Greater than 0.1 mgd through 1 mgd</u>	<u>\$1000</u>
<u>Greater than 1 mgd through 10 mgd</u>	<u>\$2500</u>
<u>Greater than 10 mgd</u>	<u>\$3500</u>
<hr/>	
<u>Individual Mining (Dewatering)</u>	
<u>Maximum daily allocation</u>	
<u>Greater than 0 mgd through 1 mgd</u>	<u>\$1800</u>
<u>Greater than 1 mgd through 10 mgd</u>	<u>\$3250</u>
<u>Greater than 10 mgd</u>	<u>\$4000</u>
<hr/>	
<u>Individual Industrial</u>	
<u>Maximum daily allocation</u>	
<u>Greater than 0.1 mgd through 1 mgd</u>	<u>\$1400</u>
<u>Greater than 1 mgd through 10 mgd</u>	<u>\$2750</u>
<u>Greater than 10 mgd</u>	<u>\$3500</u>
<hr/>	
<u>General</u>	<u>\$350</u>
<hr/>	
<u>Short-term Dewatering</u>	<u>\$500</u>
<hr/>	
<u>Permit Transfer to Another Entity Pursuant to Rules 40E-1.611 and 40E-2.351, F.A.C.</u>	<u>\$450</u>
<hr/>	
<u>Letter Modification to Individual Permit</u>	<u>no fee</u>
<hr/>	
<u>Letter Modification to General Permit</u>	<u>no fee</u>

(2) Water Well Construction Permit Application processing fees are in the following table:

TABLE 40E-1.607(2)

PERMIT APPLICATION PROCESSING FEES FOR WATER WELL CONSTRUCTION PERMIT APPLICATIONS

REVIEWED PURSUANT TO CHAPTER 40E-3, F.A.C.

<u>Category</u>	<u>Amount</u>
<u>Water Well Construction</u>	<u>\$100</u>
<u>Water Well Abandonment</u>	<u>no fee</u>

(3)(a) Environmental Resource Permit Application processing fees are in the following table:

TABLE 40E-1.607(3)(a)

PERMIT APPLICATION PROCESSING FEES FOR ENVIRONMENTAL RESOURCE PERMIT APPLICATIONS

REVIEWED PURSUANT TO CHAPTERS 40E-4, 40E-40, AND 40E-400, F.A.C.

Fee amounts shall apply to applications for conceptual and construction, or conceptual, or construction, except as noted.

<u>Category</u>	<u>Amount</u>
<u>New Individual Permit, except Mitigation Bank</u>	
<u>Project area less than 100 acres</u>	
<u>Agriculture</u>	\$3050
<u>All others</u>	\$5000
<u>Project area 100 acres to less than 640 acres</u>	
<u>Agriculture</u>	\$4000
<u>All others</u>	\$7500
<u>Project area 640 acres or more</u>	
<u>Agriculture</u>	\$5000
<u>All others</u>	\$10,000
<hr/>	
<u>New Individual Permit, Mitigation Bank</u>	
<u>Project area less than 100 acres</u>	\$5000
<u>Project are 100 acres to less than 640 acres</u>	\$7500
<u>Project area 640 acres or more</u>	\$10,000
<hr/>	
<u>Individual Permit Modification, except Mitigation Bank</u>	
<u>Project area less than 100 acres</u>	
<u>Agriculture</u>	\$2050
<u>All others</u>	\$3500
<u>Project area 100 acres to less than 640 acres</u>	
<u>Agriculture</u>	\$2500
<u>All others</u>	\$5000
<u>Project area 640 acres or more</u>	
<u>Agriculture</u>	\$3500
<u>All others</u>	\$7500
<hr/>	
<u>Individual Permit, Modification, Mitigation Bank</u>	
<u>Project area less than 100 acres</u>	\$3500
<u>Project are 100 acres to less than 640 acres</u>	\$5000
<u>Project area 640 acres or more</u>	\$7500
<hr/>	
<u>New Standard General Permit (excluding incidental site activities) pursuant to Section 40E-40.042, F.A.C.</u>	
<u>Agriculture</u>	\$650
<u>All others</u>	\$2000
<hr/>	
<u>Standard General Permit Modification including application for phase construction under a Conceptual Approval Application for individual permit modification for a system which does not exceed the criteria in Section 40E-40.041, F.A.C. and which is not required to obtain an individual environmental resource permit for the reasons in Rule 40E-40.011(2),F.A.C.</u>	
<u>Agriculture</u>	\$500
<u>All others</u>	\$1000
<hr/>	
<u>Noticed General Permit pursuant to Chapter 40E-400, F.A.C., including aquaculture</u>	
	\$100
<hr/>	
<u>Single family residential homesite consisting of 10 acres or less in total land area</u>	
	\$100
<hr/>	
<u>Standard General Permit for incidental site activities pursuant to Section 40E-40.042, F.A.C.</u>	
	\$500
<hr/>	
<u>Transfer of permit (including Mitigation Bank) to another entity pursuant to sections 40E-1.6107 and 40E-4.351, F.A.C.</u>	
	\$450
<hr/>	
<u>Variance associated with an environmental resource permit application</u>	
<u>From Rule 40E-4.301(1)(e), F.A.C.</u>	\$100
<u>From other permitting standards, permit conditions, or water quality standards</u>	\$500
<hr/>	
<u>New Individual Operation Permit</u>	
	\$3500
<hr/>	
<u>Letter Modification</u>	
	\$100

1. When used in Table 40E-1.607(3)(a), "Agriculture" shall be defined as set forth in Section 570.02, F.S.

2. For permit applications which involve a combination of fee categories, the highest fee that applies shall be charged.

3. Any individual permit application submitted concurrently with a conceptual approval application – where the individual permit application represents a phase of the conceptual approval application – is exempt from the above environmental resource permit fees.

4. For projects grandfathered pursuant to Section 373.414, F.S., the letter modification, conceptual approval, individual or general surface water management permit application fee shall be the same as listed in Table 40E-1.607(3)(a).

(b) Permit application processing fees for projects grandfathered pursuant to Section 373.414, F.S. wetland resource (dredge and fill) are in the following table:

TABLE 40E-1.607(3)(b)
PERMIT APPLICATION PROCESSING FEES FOR
PROJECTS GRANDFATHERED PURSUANT TO
SECTION 373.414, F.S.

WETLAND RESOURCE (DREDGE AND FILL)
PERMIT APPLICATIONS
REVIEWED PURSUANT TO CHAPTERS
40E-4, 40E-40 AND 40E-400, F.A.C.

<u>Category</u>	<u>Amount</u>
<u>Construction projects up to and including 5 years</u>	
<u>Standard form projects including dredge and fill activities that affect 10 or more acres of jurisdictional area, pursuant to Rule 62-312.070(2), F.A.C. (1993)</u>	<u>\$4000</u>
<u>Short form construction projects including dredging and filling activities that affect less than 10 acres of jurisdictional area, pursuant to Rule 62-312.070(2), F.A.C. (1993)</u>	<u>\$500</u>
<u>Short form construction projects involving the construction of new docking or boardwalk facilities, pursuant to Section 62-312.070(2), F.A.C. (1993) that provide:</u>	
<u>0-2 new boat slips</u>	<u>\$300</u>
<u>3-9 new boat slips</u>	<u>\$500</u>
<hr/>	
<u>Dredge and fill construction permits in excess of 5 years</u>	
<u>Short form permits from 6 years up to and including 10 years</u>	<u>\$3000</u>
<u>Standard form permit application processing fee for a construction period of 6 years shall be \$6000 and shall increase by \$1000 for each year beyond 6 years, up through and including 25 years and a corresponding fee of \$25,000</u>	
<hr/>	
<u>Variance associated with a wetland resource permit application</u>	
<u>From the prohibition Rule 62-312.080(7), F.A.C.</u>	<u>\$100</u>
<u>From other permitting standards, permit conditions, or water quality standards</u>	<u>\$500</u>
<hr/>	
<u>General Permits</u>	<u>\$100</u>
<hr/>	
<u>Minor modifications of permits that do not require substantial technical evaluation by the District, in conformance with Rules 62-4.050(6) and (7), F.A.C. (1993), do not require a new site inspection by the District, and will not lead to substantially different environmental impacts or will lessen the impacts of the original permit:</u>	
<u>Transfer of permits or time extensions</u>	<u>\$50</u>
<u>Minor technical changes</u>	
<u>Existing permit fee is less than \$300, except for modification to permits issued pursuant to Section 403.816, F.S.</u>	<u>\$50</u>
<u>Existing permit fee is equal to or more than \$300</u>	<u>\$250</u>

1. For the purposes of determining the fee for wetland resource management permits, the term of duration for the permit shall be reduced by the period of time (in yearly increments) during which no dredging or filling activity occurs or no reclamation, restoration, or mitigation occurs and only minor monitoring and maintenance activities are required. The fee for the full term shall be submitted with the application. After the District determines the period of time that the term of the permit can be reduced, the excess fee shall be returned.

2. For permit applications which involve a combination of the project fee categories listed above, the highest fee that applies to the appropriate standard form or short form project, pursuant to Section 62-312.070, F.A.C., shall be charged.

3. A single additional fee of \$500 shall be required for projects in which monitoring and evaluation to determine the success of the mitigation will be required beyond the period of time to which the permit fee will ordinarily apply. If it is determined at the time of the permit application that monitoring and evaluation to determine the success of the mitigation will be required beyond the time period to which the permit fee will ordinarily apply, then this single additional fee shall be due when it is determined that this monitoring and evaluation is required.

(4) Application for proprietary authorization under Chapters 253 and 258, F.S., except consent of use authorizations, processing fees are in the following table:

Category	Amount
Property less than or equal to 1 acre	\$250
Property greater than 1 acre but less than or equal to 10 acres	\$550
Property greater than 10 acres but less than or equal to 40 acres	\$750
Property greater than 40 acres but less than or equal to 120 acres	\$1500
Property greater than 120 acres	\$1500
Each additional 100 acres or portion thereof	\$200
Renewal	\$250

(6) Permit Processing Fee Waiver for Certain Local Governments. Notwithstanding the provisions set forth above in this rule, the District shall waive permit processing fees for permit applications submitted by the governing body of a county with a population of less than 50,000, a municipality with a population of less than 25,000, a county or municipality not included within a metropolitan statistical area, or a third party under contract with such a county or municipality, provided:

(a) The project for which the fee waiver is sought serves a public purpose; and

(b) The governing body submits Form No. 889 certifying that the fee reduction is necessary due to an environmental need for a particular project or activity; or

TABLE 40E-1.607(4)
PERMIT APPLICATION PROCESSING FEES FOR PROPRIETARY AUTHORIZATIONS UNDER CHAPTERS 253 AND 258, F.S. EXCEPT CONSENT OF USE AUTHORIZATIONS

Category	Amount
Application	\$200

(5) Petition for Formal Determination of Wetlands and Other Surface Waters processing fees are in the following table:

TABLE 40E-1.607(5)
DETERMINATION PETITION PROCESSING FEES FOR FORMAL DETERMINATION OF WETLANDS AND OTHER SURFACE WATERS

For the validation of informal, non-binding wetland determinations pursuant to Section 373.421(6), F.S. the fees shall be the same as formal determinations listed in Table 40E-1.607(5).

(c) The governing body submits Certification of Waiver of Permit Application Processing Fee, Form No. 889, certifying that the permit processing fee is a fiscal hardship due to one of the following factors:

1. Per capita taxable value is less than the statewide average for the current fiscal year;

2. Percentage of assessed property value that is exempt from ad valorem taxation is higher than the statewide average for the current fiscal year;

3. Any condition specified in Section 218.503, F.S., that determines a state of financial emergency;

4. Ad valorem operating millage rate for the current year is greater than 8 mills; or

5. A financial condition is documented in annual statements at the end of the current fiscal year which indicates an inability to pay the permit processing fee during that fiscal year.

Specific Authority 373.109, 373.421(6)(b) FS. Law Implemented 373.109, 373.421(6)(b) FS. History--New 1-8-89, Amended 1-2-91, 11-15-92, 6-1-93, 1-23-94, 10-3-95, 4-1-96.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Terrie Bates, Director, Regulation Department
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: South Florida Water Management District Governing Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 13, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 12, 1999

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: Content of Application

RULE NO.: 40E-3.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to make a cross-reference to rule 40E-1.607, where the subject fees are currently located.

SUMMARY: This rule proposes to make a cross-reference to Rule 40E-1.607, where the subject fees are currently located.

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: 373.044, 373.113, 373.171 FS.
LAW IMPLEMENTED: 373.109, 373.308, 373.309, 373.313 FS.

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

TIME AND DATE: 9:00 a.m., July 15, 1999
PLACE: South Florida Water Management District Headquarters, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: For technical questions, Claudia Kugler, Director, Business Operations, Regulation Department, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406-4680, telephone 1(800)432-2045, Extension 6850 or (561)682-6850, e-mail: ckugler@sfwmd.gov, or for legal/administrative questions, Julie Jennison, Sr. Legal Research Assistant, 1(800)432-2045, Extension 6294 or (561)682-6294, e-mail: jjenniso@sfwmd.gov.

Although Governing board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-3.101 Content of Application.

(1) Permits will only be issued to the owner or his agent on whose property the well is located.

(2) Applications for permits required by this chapter shall be filed with the District. The application shall contain:

(a) Form "0123" Application to the South Florida Water Management District for the construction, repair or abandonment of water wells,

(b) The name, address, telephone number & license number of the licensed contractor who will be constructing the wells,

(c) The name, address and telephone number of the property owner and his agent, if applicable, on whose property the well is to be drilled,

(d) The location of the well (to the nearest one-quarter section, or latitude and longitude to the nearest second, or Florida coordinate system (state planar coordinates) to the nearest one hundred feet, and site map of the well location, depicting land marks and providing a scale,

(e) The expected depth of the well,

(f) The proposed use of the well,

(g) The estimated daily volume of the proposed use,

(h) The specification for well construction including the size(s) of the casing to be used, the proposed construction, repair, or abandonment specifications including casing types, diameters and depths; open hole or screened intervals, sizes and screen openings; and proposed grouting materials;

(i) The proposed method of construction and completion of the well, or the method of plugging and abandoning of the well,

(j) The proposed pump capacity,

(k) The anticipated starting date,

(l) The District water use permit number, if applicable,

(m) A well completion report and log for any hole which becomes a water well.

(3) The application must be signed by the owner and his authorized agent, if applicable. The application must also be signed by a licensed contractor, if applicable under Rule 40E-3.051(3).

(4) The required fee pursuant to Rule 40E-1.607(2) ~~section 40E-3.201~~ shall be submitted with the permit application.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.308, 373.309, 373.313, 373.326, 373.342 FS. History—New 1-1-85, Amended 12-18-89, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Terrie Bates, Director, Regulation Department
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: South Florida Water Management District Governing Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 13, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 12, 1999

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: Permit Application Fees
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to eliminate the listing of specific application fees for water well construction and repair in Rule 40E-3.201, FAC. This section is being repealed as these fees are already listed in Rule 40E-1.607, FAC.

RULE NO.: 40E-3.201

SUMMARY: This rule proposes to repeal Rule 40E-3.201, FAC since this rule will be superseded by Rule 40E-1.607, FAC.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement of estimated regulatory cost has not 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: 373.044, 373.113, 373.171 FS.
LAW IMPLEMENTED: 373.109, 373.108, 373.309, 373.313 FS.

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

TIME AND DATE: 9:00 a.m., July 15, 1999
PLACE: South Florida Water Management District Headquarters, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: For technical questions, Claudia Kugler, Director, Business Operations, Regulation Department, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406-4680, telephone 1(800)432-2045, Extension 6850 or (561)682-6850, e-mail: ckugler@sfwmd.gov, or for legal/administrative questions, Julie Jennison, Sr. Legal Research Assistant, 1(800)432-2045, Extension 6294 or (561)682-6294, e-mail: jjenniso@sfwmd.gov

Although Governing board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-3.201 Permit Application Fees.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.109, 373.308, 373.309, 373.313 FS. History—New 1-1-85, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Terrie Bates, Director, Regulation Department
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: South Florida Water Management District Governing Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 13, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 12, 1999

FLORIDA LAND AND WATER ADJUDICATORY COMMISSION

Indigo Community Development District

RULE CHAPTER TITLE: The Indigo Community Development District
RULE CHAPTER NO.: 42U-1
RULE TITLE: Boundary
RULE NO.: 42U-1.002

PURPOSE, EFFECT AND SUMMARY: The purpose of this proposed rule amendment is to amend the boundaries of the Indigo Community Development (“District”), a community development district (CDD), established pursuant to Chapter 190, F.S. The petition to amend the boundaries of the District submitted by the District requests that the Florida Land and Water Adjudicatory Commission amend Florida Administrative Code Chapter 42U-1 by adding approximately 87.64 acres (expansion parcel A and parcel B) to the existing CDD and removing approximately 18.98 (the contraction parcel) acres from the District for a net addition of approximately 68.66 acres. Expansion parcel A is located south of the City of Daytona Beach Municipal Stadium and is 78.8 acres in size. The parcel is located within the Ladies Professional Golf Association Development of Regional Impact but was not included in the original boundaries of the District. Expansion parcel B is located at the northeast corner of LPGA Boulevard and U.S. 92 and is 8.84 acres in size. This parcel was previously owned by Volusia County at the time the District was established. The parcel was previously part of the

right-of-way for LPGA Boulevard, but has since been returned to private ownership. Expansion parcel B has been annexed into the City of Daytona Beach. The contraction parcel consists of approximately 18.98 acres located east of the Tomoka River. (According to the Petition, at the establishment of the District, the contraction parcel lands were intended to be comprised of undevelopable conservation buffers. However, with the realignment of Tomoka Farms Road, portions of developable lands are now included with the legal description. Deletion of these developable lands will cause the eastern border of the District to return to conservation uses as intended.) The lands within the District are currently functioning as one interrelated community. The District has written consent to amend the District from the owners of 100% of the real property to be added to and subtracted from the District. The current land uses for expansion parcel A are mixed-used commercial. Expansion parcel B does not currently have a land use designation as it is abandoned road right-of-way. Expansion parcel B is bounded by retail/commercial. The proposed development plan for expansion parcels A and B contemplate residential and retail uses. The lands within expansion parcel A and the contraction parcel are included within the Ladies Professional Golf Association Development of Regional Impact (DRI). Expansion parcel B is not included within the DRI. Land development regulations of the City of Daytona Beach will govern development of expansion parcel B. The contraction parcel lands are currently undeveloped and are bounded by commercial uses and the Tomoka River buffer. The petition evidences the District's intention to provide certain master storm-water management systems, street lighting systems, potable water, wastewater and reuse utility systems, a roadway and entranceway system, a recreational open space lands system, and enhancement and maintenance of landscaping at the LPGA Boulevard and I-95 Interchange. Certain capital costs associated with these improvements would be borne by the District and may be financed through the use of non-ad valorem special assessments, fees or other user charges. No new infrastructure systems, facilities or services are required as a result of inclusion of expansion parcels A and B. The owners of the lands within the contraction parcels will provide for the services and facilities of said parcels.

SPECIFIC AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 FS.

SUMMARY OF THE STATEMENT OF ESTIMATED REGULATORY COSTS: The District has prepared a Statement of Estimated Regulatory Costs (SERC). The complete text of the SERC is contained as Exhibit 7 to the petition to amend the boundaries of the District. The amendment of the District's boundaries would result in no costs to the State or its citizens other than administrative costs associated with rule adoption and will benefit the State and its citizens through improved planning and growth management

for the new areas to be served. Costs of rule adoption to Volusia County, the City of Daytona Beach, and their citizens are minimal. Both the City and the County waived the applicable filing fees. With regard to expansion parcel B that has been annexed into the City of Daytona Beach, the taxable property located within the City will increase slightly. Those individuals or businesses who may ultimately reside or be located on the lands to be included within the expansion of the District will be required to pay District assessments and fees over and above their City of other local taxes. However, these assessments and fees are imposed to provide to those lands a higher level of services than would otherwise be available, and location or residence within the District is voluntary. Expansion of the District will have only incidental or a positive impact on small businesses and will not have any impact on small counties and cities. Volusia County is not a small county as defined and the City of Daytona Beach is not defined as a small city. The Secretary of the Florida Land and Water Adjudicatory Commission (the "Commission") has summarized the estimate of agency costs for amendment of the District. Administrative costs would be incurred by the Commission, the District, the Department of Community Affairs, and the Bureau of Local Government Finance of the Department of Banking and Finance. Other than administrative costs, no costs would be incurred by the State of Florida or the general citizenry.

Any person who wishes to provide the Florida Land and Water Adjudicatory Commission information regarding the statement of estimated regulatory costs, or wishes to provide a proposal for a lower cost regulatory alternative as provided by section 120.541(1), must do so in writing within twenty-one (21) days of the date of this notice. Information should be filed with: Teresa Tinker, Florida Land and Water Adjudicatory Commission, The Capitol, Room 2105, Tallahassee, Florida 32399-0001.

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

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

PLACE: Room 2106, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the hearing because of a disability should contact Barbara Leighty, (850)488-7793, at least 3 business days in advance to make appropriate arrangements.

COPIES OF THE PROPOSED RULE AND ESTIMATED REGULATORY COSTS STATEMENT MAY BE OBTAINED BY CONTACTING: Jonathan Johnson, Hopping Greens Sams & Smith, P. A., 123 South Calhoun Street, P. O. Box 6526, Tallahassee, Florida 32314, telephone (850)222-7500, or Barbara Leighty, Senior Governmental Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 2105, Tallahassee, Florida 32399-0001, telephone (850)488-7793

THE FULL TEXT OF THE PROPOSED RULE IS:

42U-1.002 Boundary.

The boundaries of the district are as follows

A portion of Sections 8, 9, 16, 17, 20, 21, 22, 27, 28, 29, 32, 33, and 34, all being in Township 15 South, Range 32 East, Volusia County, Florida, being more particularly described as follows: As a Point of Reference, commence at a concrete monument marking the West one-quarter corner of said Section 9, being also the East one-quarter corner of said Section 8; thence run North 000 46' 29" West, along the West line of said Section 9, being also the East line of said Section 8, a distance of 55.73 feet to a point in the Southerly right-of-way line of the 125-foot wide right-of-way of Eleventh Street, as shown on the State of Florida, Department of Transportation (F.D.O.T.) Right-of-Way Map, Section 79507-2602, sheet 11, revision dated October 29, 1974, said point being the POINT OF BEGINNING of this description, said point also lying in a curve, concave Southeasterly, and having a radius of 75.00 feet; thence run Northerly and Easterly, along said curve, a distance of 85.25 feet (85.22 feet per F.D.O.T. map), or through a central angle of 650 07' 49" (650 06' 15" per F.D.O.T. map), having a chord distance of 80.73 feet and a chord bearing of North 310 47' 25" East, to the Point of Tangency thereof; thence run North 640 21' 19" East (North 640 17' 40" East per F.D.O.T. map), along said Southerly right-of-way line, a distance of 1250.13 feet to a point therein; thence, departing said Southerly right-of-way line of Eleventh Street, run Southerly and Easterly, along a curve, concave Easterly, and having a radius of 397.81 feet; thence run Southerly and Easterly, along said curve, a distance of 268.87 feet, or through a central angle of 380 43' 28", having a chord distance of 263.78 feet and a chord bearing of South 440 06' 11" East to the Point of Tangency thereof; thence run South 240 44' 27" East a distance of 230.27 feet; thence run South 390 17' 04" East a distance of 192.82 feet to the Point of Tangency of a curve to the left, said curve having a radius of 4703.96 feet and a central angle of 040 07' 28"; thence run Southerly and Easterly, along said curve, a distance of 338.61 feet, having a chord distance of 338.53 feet and a chord bearing of South 190 03' 59" East to the Point of Compound Curvature of a curve to the left, said curve having a radius of 1638.51 feet and a central angle of 120 20' 12"; thence run Southerly and Easterly, along said curve, a distance of 352.80 feet, having a chord distance of 352.12 feet and a chord bearing of South 270 17' 49" East to the Point of Compound Curvature of a curve to the left, said curve having a radius of 471.84 feet and a central angle of 270 19' 26"; thence run Southerly and Easterly, along said curve, a distance of 225.02 feet, having a chord distance of 222.89 feet and a chord bearing of South 470 07' 39" East to the Point of Reverse Curvature of a curve to the right, said curve having a radius of 27654.59 feet and a central angle of 010 08' 14"; thence run Southerly and Easterly, along said curve, a distance of 548.95 feet, having a chord distance of

548.94 feet and a chord bearing of South 600 13' 14" East to the Point of Compound Curvature of a curve to the right, said curve having a radius of 817.82 feet and a central angle of 190 47' 54"; thence run Southerly and Easterly, along said curve, a distance of 282.59 feet, having a chord distance of 281.19 feet and a chord bearing of South 490 45' 10" East to the Point of Compound Curvature of a curve to the right, said curve having a radius of 689.52 feet and a central angle of 300 16' 48"; thence run Southerly and Easterly, along said curve, a distance of 364.40 feet, having a chord distance of 360.18 feet and a chord bearing of South 240 42' 50" East, to the Point of Reverse Curvature of a curve to the left, said curve having a radius of 44977.15 feet and a central angle of 000 54' 22"; thence run Southerly and Easterly, along said curve, a distance of 711.30 feet, having a chord distance of 711.29 feet and a chord bearing of South 100 01' 37" East to the Point of Reverse Curvature of a curve to the right, said curve having a radius of 85351.12 feet and a central angle of 000 15' 35"; thence run Southerly and Easterly, along said curve, a distance of 386.86 feet, having a chord distance of 386.86 feet and a chord bearing of South 100 21' 01" East to the Point of Reverse Curvature of a curve to the left, said curve having a radius of 2145.74 feet and a central angle of 090 15' 55"; thence run Southerly and Easterly, along said curve, a distance of 346.99 feet, having a chord distance of 346.61 feet and a chord bearing of South 140 51' 11" East, to the Point of Compound Curvature of a curve to the left, said curve having a radius of 881.18 feet and a central angle of 210 38' 42"; thence run Southerly and Easterly, along said curve, a distance of 332.89 feet, having a chord distance of 330.91 feet and a chord bearing of South 300 18' 29" East, to the Point of Reverse Curvature of a curve to the right, said curve having a radius of 634.07 feet and a central angle of 240 08' 12"; thence run Southerly and Easterly, along said curve, a distance of 267.11 feet, having a chord distance of 265.14 feet and a chord bearing of South 290 03' 44" East to the Point of Reverse Curvature of a curve to the left, said curve having a radius of 7337.11 feet and a central angle of 020 02' 20"; thence run Southerly and Easterly, along said curve, a distance of 261.10 feet, having a chord distance of 261.08 feet and a chord bearing of South 180 00' 48" East to the Point of Tangency thereof; thence run South 750 29' 28" East a distance of 61.32 feet; thence run South 450 02' 04" East a distance of 70.58 feet; thence run South 550 22' 59" East a distance of 74.58 feet; thence run South 530 54' 44" East a distance of 123.51 feet; thence run South 530 27' 15" East a distance of 110.00 feet; thence run South 250 20' 31" East a distance of 199.03 feet; thence run South 610 52' 08" West a distance of 217.66 feet; thence run South 210 39' 56" East a distance of 456.10 feet; thence run North 700 19' 19" East a distance of 249.84 feet; thence run South 070 17' 17" East a distance of 254.15 feet; thence run South 010 10' 43" East a distance of 246.45 feet; thence run South 280 04' 00" West a distance of 57.51 feet; thence run South 270 37' 10" West a distance of 91.14 feet; thence run South 290 24' 23" West a distance of

101.59 feet; thence run South 280 22' 25" West a distance of 56.54 feet; thence run South 230 10' 06" West a distance of 116.83 feet to a point, said point lying in a curve, concave Easterly, said curve having a radius of 2566.72 feet and a central angle of 040 16' 12"; thence run Southerly and Easterly, along said curve, a distance of 191.29 feet, having a chord distance of 191.24 feet and a chord bearing of South 020 24' 11" East, to the Point of Compound Curvature of a curve to the left, said curve having a radius of 3397.22 feet and a central angle of 140 20' 40"; thence run Southerly and Easterly, along said curve, a distance of 850.52 feet, having a chord distance of 848.30 feet and a chord bearing of South 110 42' 37" East to the Point of Compound Curvature of a curve to the left, said curve having a radius of 1230.00 feet and a central angle of 250 00' 33"; thence run Southerly and Easterly, along said curve, a distance of 536.88 feet, having a chord distance of 532.63 feet and a chord bearing of South 310 23' 13" East to the Point of Compound Curvature of a curve to the left, said curve having a radius of 1009.14 feet and a central angle of 120 59' 42"; thence run Southerly and Easterly, along said curve, a distance of 228.88 feet, having a chord distance of 228.39 feet and a chord bearing of South 500 23' 21" East, to the Point of Tangency thereof; thence run South 560 53' 12" East a distance of 101.20 feet to the Point of Curvature of a curve to the right, said curve having a radius of 405.47 feet and a central angle of 530 07' 57"; thence run Southerly and Easterly, along said curve, a distance of 376.01 feet, having a chord distance of 362.68 feet and a chord bearing of South 300 19' 14" East, to the Point of Compound Curvature of a curve to the right, said curve having a radius of 834.58 feet and a central angle of 260 48' 32"; thence run Southerly and Westerly, along said curve, a distance of 390.50 feet, having a chord distance of 386.95 feet and a chord bearing of South 090 39' 01" West to the Point of Reverse Curvature of a curve to the left, said curve having a radius of 540.74 feet and a central angle of 530 48' 25"; thence run Southerly and Easterly, along said curve, a distance of 507.81 feet, having a chord distance of 489.36 feet and a chord bearing of South 030 50' 55" East to the Point Reverse Curvature of a curve to the right, said curve having a radius of 7495.84 feet and a central angle of 020 38' 23"; thence run Southerly and Easterly, along said curve, a distance of 345.34 feet, having a chord distance of 345.31 feet and a chord bearing of South 290 25' 57" East to the Point of Compound Curvature of a curve to the right, said curve having a radius of 623.80 feet and a central angle of 270 41' 49"; thence run Southerly and Easterly, along said curve, a distance of 301.55 feet, having a chord distance of 298.62 feet and a chord bearing of South 140 15' 51" East to the Point of Reverse Curvature of a curve to the left, said curve having a radius of 2412.56 feet and a central angle of 070 28' 54"; thence run Southerly and Easterly, along said curve, a distance of 315.03 feet, having a chord distance of 314.81 feet and a chord bearing of South 040 09' 23" East, to the Point of Compound Curvature of a curve to the left, said curve having a radius of 1127.49 feet

and a central angle of 100 57' 01"; thence run Southerly and Easterly, along said curve, a distance of 215.48 feet, having a chord distance of 215.16 feet and a chord bearing of South 130 22' 20" East, to a point; thence run South 300 31' 09" West a distance of 635.44 feet; thence run South 120 13' 30" East a distance of 98.61 feet; thence run South 160 03' 21" East a distance of 72.06 feet; thence run South 170 09' 45" East a distance of 11.25 feet; thence run South 170 05' 17" East a distance of 60.81 feet; thence run South 180 02' 24" East a distance of 72.04 feet; thence run South 190 05' 10" East a distance of 72.08 feet; thence run South 200 02' 54" East a distance of 71.99 feet; thence run South 210 05' 34" East a distance of 72.08 feet; thence run South 220 53' 29" East a distance of 108.95 feet; thence run South 040 10' 49" West a distance of 45.54 feet to a point, said point lying in a curve, concave Northeasterly, said curve having a radius of 4147.11 feet and a central angle of 000 38' 03"; thence run Southerly and Easterly, along said curve, a distance of 45.90 feet, having a chord distance of 45.90 feet and a chord bearing of South 230 57' 44" East to a point; thence run South 730 04' 08" West a distance of 247.53 feet; thence run South 160 55' 52" East a distance of 69.97 feet; thence continue South 160 55' 52" East a distance of 1234.58 feet; thence run South 670 37' 05" West a distance of 94.86 feet to a point in the Southerly right-of-way line of a 50-foot wide State of Florida Outfall Ditch Easement, as described in deed from Tomoka Land Company, dated June 16, 1941, and recorded in Deed Book 291, Page 272, of the Public Records of Volusia County, Florida; thence run North 810 20' 55" West (North 810 23' 36" West per deed), along the Southerly line of said Outfall Ditch Easement, a distance of 800 feet, more or less, to a point in the Easterly bank of the Tomoka River; thence run Southerly and Easterly, along the Easterly bank of the Tomoka River, a distance of 8100 feet, more or less, to a point lying 5 feet Northerly of, as measured at right angles to, the Northerly right-of-way line of the 240-foot wide right-of-way of State Road #600 (U.S. Highway #92), as shown on the State of Florida, Department of Transportation Right-of-Way Map, Section 7906, revision dated July 12, 1940; thence run South 510 01' 34" West (South 500 51' 45" West per F.D.O.T. map) a distance of 5455 feet, more or less, to a point, said point being 5 feet Northeasterly of the Easterly right-of-way line of the aforementioned Eleventh Street; thence, running parallel to and 5 feet Northerly or Easterly from the right-of-way line of said Eleventh Street run the following courses and distances: South 740 43' 02" West (South 740 38' 29" West per F.D.O.T. map), a distance of 388.29 feet; thence run North 750 52' 42" West (North 750 57' 15" West per F.D.O.T. map) a distance of 745.26 feet; thence run North 610 40' 39" West (North 610 45' 12" West per F.D.O.T. map) a distance of 588.04 feet; thence run South 390 33' 17" West to the Easterly right-of-way line of said Eleventh Street (at this point the right-of-way of Eleventh Street becomes 200 feet wide); thence run North 390 03' 42" West (North 390 08' 15" West, 4016.04 feet, per F.D.O.T. map) a

distance of 4015.80 feet to a point therein, said point lying in a curve, concave Northerly, and having a radius of 1841.75 feet; thence run Northerly and Westerly, along said curve, a distance of 864.15 feet, or through a central angle of 260 53' 00", having a chord distance of 886.25 feet and a chord bearing of North 250 37' 12" West to the Point of Cusp of a curve, concave Southerly, and having a radius of 100.00 feet; thence run Southerly and Easterly, along said curve, a distance of 170.88 feet, or through a central angle of 970 54' 24", having a chord distance of 150.83 feet and a chord bearing of South 610 12' 48" East to the Point of Reverse Curvature of a curve to the left, said curve having a radius of 2177.89 feet and a central angle of 100 25' 48"; thence run Northerly and Easterly, along said curve, a distance of 396.46 feet, having a chord distance of 395.91 feet and a chord bearing of North 640 37' 06" East to the Point of Compound Curvature of a curve to the left, said curve having a radius of 699.34 feet and a central angle of 160 47' 06"; thence run Northerly and Easterly, along said curve, a distance of 204.87 feet, having a chord distance of 204.14 feet and a chord bearing of North 510 00' 40" East to the Point of Curvature of a curve to the left, said curve having a radius of 2039.93 feet and a central angle of 190 56' 00"; thence run Northerly and Easterly, along said curve, a distance of 709.70 feet, having a chord distance of 706.13 feet and a chord bearing of North 320 39' 07" East to the Point of Reverse Curvature of a curve to the right, said curve having a radius of 1357.26 feet and a central angle of 220 20' 20"; thence run Northerly and Easterly, along said curve, a distance of 529.18 feet, having a chord distance of 525.83 feet and a chord bearing of North 330 51' 17" East to the Point of Tangency thereof; thence run North 450 01' 27" East a distance of 357.30 feet to the Point of Curvature of a curve to the left, said curve having a radius of 970.00 feet and a central angle of 020 36' 05"; thence run Northerly and Easterly, along said curve, a distance of 44.04 feet, having a chord distance of 44.04 feet and a chord bearing of North 430 43' 24" East to a point; thence run South 300 39' 13" East a distance of 91.14 feet; thence run North 390 50' 12" East a distance of 2033.09 feet to a point in the Southerly line of the City of Daytona Beach Sewage Treatment Plant, as described in Official Records Book 1875, Page 1551, of the Public Records of Volusia County, Florida; thence run North 890 33' 20" East (North 890 33' 15" East per deed), a distance of 294.14 feet to the Southeast corner of said parcel; thence run North 000 37' 30" West (North 000 37' 36" West, 1947.42 feet per deed) a distance of 1947.54 feet to the Northeast corner of said parcel, said point also lying in the Southerly line of a 50-foot wide City of Daytona Beach Easement as described in Official Records Book 1478, Page 598, of the Public Records of Volusia County, Florida; thence run South 700 42' 56" West (South 700 43' 27" West, 862.55 feet, per Sewage Treatment Plant deed and South 700 37' 55" West per Easement deed) along the Northerly line of said Sewage Treatment Plant parcel and the Southerly line of said Easement, a distance of 862.59 feet; thence run South 890 33' 29" West (South 890 33' 15"

West, 1183.16 feet per Sewage Treatment Plant deed and South 890 33' 15" West, 1183.93 feet per Easement deed) a distance of 1183.22 feet to the Northwest corner of said Sewage Treatment Plant parcel and the end of said Easement, said point also lying in the East line of the City of Daytona Beach Well Field Site, as described in Official Records Book 92, Page 687, of the Public Records of Volusia County, Florida; thence run North 000 34' 23" West, along the East line of said City of Daytona Beach Well Field Site, a distance of 50.00 feet to the Northeast corner thereof; thence run South 890 33' 09" West, along the North line of said City of Daytona Beach Well Field Site, being also the North line of Section 29, Township 15 South, Range 32 East, a distance of 1281.00 feet to an intersection with the Easterly right-of-way line of the aforementioned Eleventh Street; thence run North 000 06' 57" West (North 000 11' 30" West per F.D.O.T. map), along said Easterly right-of-way line, a distance of 11083.14 feet to the Point of Curvature of a curve to the right, said curve having a radius of 1809.86 feet and a central angle of 640 28' 16"; thence run Northerly and Easterly, along said curve, a distance of 2036.39 feet, having a chord distance of 1930.65 feet and a chord bearing of North 320 07' 11" East, to the Point of Tangency thereof; thence run North 640 21' 19" East (North 640 16' 30" East per F.D.O.T. map), along the Southerly line of said Eleventh Street, a distance of 1553.03 feet; thence run North 890 13' 54" East a distance of 67.62 feet to the POINT OF BEGINNING of this description, EXCEPTING THEREFROM the State of Florida Sovereignty Lands of the Tomoka River, the L.P.G.A. Golf Course, as described in Official Records Book 3799, Page 1647, the L.P.G.A. Entrance Road, Phase I (now known as Champions Drive), as described in Official Records Book 3713, Page 1288, and a portion of Section 33, Township 15 South, Range 32 East, deeded from Patricia Lagoni, as Trustee, to Florida Power & Light Company, as described in Official Records Book 3783, Page 2241, all of the Public Records of Volusia County, Florida, and the City of Daytona Beach Maintenance Building Access Road, said parcel also being subject to Florida Power & Light Company Easements as described in Official Records Book 170, Pages 347-349, Official Records Book 511, Pages 86-88, and Official Records Book 1335, Page 500, all of the Public Records of Volusia County, Florida, and also being subject to any other easements of record, said parcel having a net acreage of 2,480 acres, more or less.

Total Parcel Area 2480 acres, more or less.

ALSO:

A portion of Section 9, Township 15 South, Range 32 East, Volusia County, Florida, being more particularly described as follows: As a Point of Reference, commence at a concrete monument marking the Southwest corner of said Section 9; thence run North 000 39' 55" West, along the West line of said Section 9, a distance of 1137.09 feet to an intersection with the Northeasterly line of a 234-foot wide Florida Power & Light

Co. Transmission Line Easement, as described in Official Records Book 511, Pages 86-88, Official Records Book 950, Page 613, and Official Records Book 1335, Page 500, all of the Public Records of Volusia County, Florida; thence run North 440 01' 44" West, along said easement line, a distance of 937.94 feet; thence, departing said easement line, run North 340 45' 18" West a distance of 14.25 feet; thence run North 370 39' 33" East a distance of 111.68 feet; thence run North 140 09' 21" East a distance of 44.54 feet; thence run North 390 07' 07" East a distance of 53.63 feet; thence run North 420 55' 18" East a distance of 110.70 feet; thence run North 450 36' 16" East a distance of 144.01 feet; thence run North 540 05' 16" East a distance of 79.06 feet; thence run North 550 21' 12" East a distance of 49.01 feet; thence run South 650 27' 32" East a distance of 22.01 feet; thence run South 150 17' 51" West a distance of 15.70 feet; thence run South 460 24' 08" East a distance of 16.57 feet; thence run North 750 20' 16" East a distance of 10.37 feet; thence run North 600 42' 21" East a distance of 27.40 feet; thence run North 550 27' 25" East a distance of 33.61 feet; thence run North 250 19' 03" East a distance of 50.11 feet; thence run North 420 23' 32" East a distance of 62.59 feet; thence run North 460 53' 22" East a distance of 72.64 feet; thence run North 490 02' 28" East a distance of 59.44 feet; thence run North 690 06' 07" East a distance of 36.77 feet; thence run North 640 14' 10" East a distance of 38.91 feet; thence run North 870 30' 29" East a distance of 40.97 feet; thence run North 720 01' 29" East a distance of 36.93 feet; thence run South 830 29' 44" East a distance of 41.82 feet to the POINT OF BEGINNING of this description; thence run South 830 29' 44" East a distance of 111.70 feet; thence run South 720 23' 14" East a distance of 110.00 feet; thence run South 500 23' 14" East a distance of 40.00 feet; thence run South 390 36' 46" West a distance of 20.00 feet; thence run South 640 31' 03" West a distance of 103.45 feet; thence run North 890 17' 23" West a distance of 33.79 feet; thence run North 450 25' 24" West a distance of 152.95 feet; thence run North 050 25' 14" East a distance of 23.70 feet to the POINT OF BEGINNING of this description, said parcel containing 0.4233 acres, more or less, said parcel also being subject to any other easements or rights-of-way of record.

ALSO:

A portion of Section 21, Township 15 South, Range 32 East, Volusia County, Florida, being more particularly described as follows: As a Point of Reference, commence at a concrete monument marking the Northwest corner of said Section 21; thence run South 000 45' 52" East, along the West line of said Section 21, a distance of 180.16 feet to a point therein, said point being the Northwesterly corner of Parcel 6 of the L.P.G.A. International Golf Course and also lying on the Southerly line of Parcel 1 of the L.P.G.A. International Golf Course, all as described in Official Records Book 3799, Pages 1647-1659, of the Public Records of Volusia County, Florida; thence, departing said Section line and along said boundary

line of the L.P.G.A. International Golf Course the following courses and distances: run South 830 15' 47" East, a distance of 137.41 feet; thence, run South 590 00' 00" East a distance of 192.00 feet; thence, run South 710 30' 00" East a distance of 103.31 feet to the POINT OF BEGINNING of this description; thence, departing the boundary line of said L.P.G.A. International Golf Course, thence run North 290 00' 00" East a distance of 32.91 feet; thence run South 720 00' 00" East a distance of 130.00 feet; thence run North 850 00' 00" East a distance of 93.00 feet; thence run North 710 00' 00" East a distance of 116.00 feet; thence run North 080 00' 00" East a distance of 246.67 feet; thence run South 650 00' 00" East a distance of 239.96 feet to a point lying on the Southerly line of Parcel 1 of the L.P.G.A. International Golf Course; thence continue along said Southerly line the following courses and distances: run South 270 30' 00" West a distance of 91.00 feet; thence run South 550 00' 00" West a distance of 60.00 feet; thence run South 750 30' 00" West a distance of 120.00 feet; thence run South 510 00' 00" West a distance of 128.00 feet; thence run South 740 00' 00" West a distance of 51.00 feet to the Northeast corner of Parcel 6 of the L.P.G.A. International Golf Course; thence run South 280 01' 12" West, along the Easterly line of said Parcel 6, a distance of 391.82 feet to an intersection with the Northerly right-of-way line of the variable width right-of-way of Champions Drive, as described in Official Records Book 4040, Pages 4724 to 4742, of the Public Records of Volusia County, Florida; thence run North 620 57' 26" West, along said Northerly right-of-way line, a distance of 12.41 feet to the Point of Curvature of a curve to the left; thence run Northerly and Westerly, along said curved right-of-way line, having a radius of 518.00 feet, an arc distance of 43.42 feet, or through a central angle of 040 48' 10", having a chord distance of 43.41 feet, and a chord bearing of North 650 21' 30" West, to the Point of Tangency thereof; thence run North 670 45' 36" West, along said right-of-way line, a distance of 126.37 feet to the Point of Curvature of a curve to the left; thence run Northerly and Westerly, along said curved right-of-way line, having a radius of 518.00 feet, an arc distance of 18.07 feet, or through a central angle of 010 59' 57", having a chord distance of 18.07 feet, and a chord bearing of North 680 45' 33" West, to the Point of Tangency thereof; thence run North 690 45' 33" West, along said Northerly right-of-way line, a distance of 14.25 feet to the Point of Curvature of a curve to the right; thence run Northerly and Westerly, along said curved right-of-way line, having a radius of 482.00 feet, an arc distance of 32.10 feet, or through a central angle of 030 48' 57", having a chord distance of 32.09 feet, and a chord bearing of North 670 51' 03" West, to a point therein; thence, departing said right-of-way line, run North 290 00' 00" East a distance of 358.09 feet to the POINT OF BEGINNING of this description, said parcel containing 3.2947 acres, more or less, said parcel also being subject to any other easements or rights-of-way of record.

ALSO:

A portion of Sections 9 and 16, Township 15 South, Range 32 East, Volusia County, Florida, being more particularly described as follows: As a Point of Reference, commence at a concrete monument marking the West one-quarter corner of said Section 9; thence run North 00°46'29" West, along the West line of said Section 9, a distance of 55.73 feet to a point in the Southerly right-of-way line of the 125-foot wide right-of-way of Eleventh Street, as shown on the State of Florida, Department of Transportation (F.D.O.T.) Right-of-Way Map, Section 79507-2602, sheet 11, revision dated October 29, 1974, said point also lying in a curve, concave Southeasterly, and having a radius of 75.00 feet; thence run Northerly and Easterly, along said curve, a distance of 85.25 feet (85.22 feet per F.D.O.T. map), or through a central angle of 65°07'49" (65°06'15" per F.D.O.T. map), having a chord distance of 80.73 feet and a chord bearing of North 31°47'25" East, to the Point of Tangency thereof; thence run North 64°21'19" East (North 64°17'40" East per F.D.O.T. map), along said Southerly right-of-way line, a distance of 1250.13 feet to a point therein and the POINT OF BEGINNING of this description; thence, departing said Southerly right-of-way line of Eleventh Street, run Southerly and Easterly, along a curve, concave Easterly, and having a radius of 397.81 feet; thence run Southerly and Easterly, along said curve, a distance of 268.87 feet, or through a central angle of 38°43'28", having a chord distance of 263.78 feet and a chord bearing of South 44°06'11" East to the Point of Tangency thereof; thence run South 24°44'27" East a distance of 230.27 feet; thence run South 39°17'04" East a distance of 192.82 feet to the Point of Tangency of a curve to the left, said curve having a radius of 4703.96 feet and a central angle of 04°07'28"; thence run Southerly and Easterly, along said curve, a distance of 338.61 feet, having a chord distance of 338.53 feet and a chord bearing of South 19°03'59" East to the Point of Compound Curvature of a curve to the left, said curve having a radius of 1638.51 feet and a central angle of 12°20'12"; thence run Southerly and Easterly, along said curve, a distance of 352.80 feet, having a chord distance of 352.12 feet and a chord bearing of South 27°17'49" East to the Point of Compound Curvature of a curve to the left, said curve having a radius of 471.84 feet and a central angle of 27°19'26"; thence run Southerly and Easterly, along said curve, a distance of 225.02 feet, having a chord distance of 222.89 feet and a chord bearing of South 47°07'39" East to the Point of Reverse Curvature of a curve to the right, said curve having a radius of 27654.59 feet and a central angle of 01°08'14"; thence run Southerly and Easterly, along said curve, a distance of 548.95 feet, having a chord distance of 548.94 feet and a chord bearing of South 60°13'14" East to the Point of Compound Curvature of a curve to the right, said curve having a radius of 817.82 feet and a central angle of 19°47'54"; thence run Southerly and Easterly, along said curve, a distance of 282.59 feet, having a chord distance of 281.19 feet and a chord bearing of South 49°45'10"

East to the Point of Compound Curvature of a curve to the right, said curve having a radius of 689.52 feet and a central angle of 30°16'48"; thence run Southerly and Easterly, along said curve, a distance of 364.40 feet, having a chord distance of 360.18 feet and a chord bearing of South 24°42'50" East, to the Point of Reverse Curvature of a curve to the left, said curve having a radius of 44977.15 feet and a central angle of 00°22'21"; thence run Southerly and Easterly, along said curve, a distance of 292.46 feet, having a chord distance of 292.46 feet and a chord bearing of South 09°45'37" East to an intersection with the Northerly right-of-way line of a 234-foot wide Florida Power & Light Company Easement as described in Official Records Book 511, Pages 86-88, Official Records Book 950, Page 613, and Official Records Book 1335, Page 500, all of the Public Records of Volusia County, Florida; thence continue Southerly and Easterly, along said curved line, having a radius of 44977.15 feet, an arc distance of 418.84 feet, or through a central angle of 00°32'01", having a chord distance of 418.84 feet, and a chord bearing of South 10°12'48" East, to the Point of Reverse Curvature of a curve to the right, said curve having a radius of 85351.12 feet and a central angle of 00°15'35"; thence run Southerly and Easterly, along said curve, a distance of 386.86 feet, having a chord distance of 386.86 feet and a chord bearing of South 10°21'01" East to the Point of Reverse Curvature of a curve to the left, said curve having a radius of 2145.74 feet and a central angle of 03°14'26"; thence run Southerly and Easterly, along said curve, a distance of 121.36 feet, having a chord distance of 121.34 feet and a chord bearing of South 11°50'26" East, to a point therein, said point lying on the boundary of a St. Johns River Water Management District (S.J.R.W.M.D.) easement, as described in Official Records Book 4109, Page 4037, of the Public Records of Volusia County, Florida; thence, departing said curved line, run Northerly and Westerly, along the Easterly line of said S.J.R.W.M.D. easement, the following courses and distances: thence run North 82°58'33" West a distance of 91.79 feet; thence run North 56°47'33" West a distance of 29.98 feet; thence run South 75°03'58" West a distance of 85.56 feet; thence run South 82°29'25" West a distance of 26.35 feet; thence run North 25°04'21" West a distance of 298.75 feet (367.95 feet per said easement deed); thence run North 03°50'01" West a distance of 76.04 feet; thence run North 26°29'28" East a distance of 54.72 feet; thence run North 63°37'42" East a distance of 43.03 feet; thence run North 07°43'21" West a distance of 135.93 feet; thence run North 07°09'34" West a distance of 57.56 feet; thence run North 37°20'52" West a distance of 48.82 feet; thence run North 49°47'32" West a distance of 71.80 feet; thence run North 13°15'15" West a distance of 141.32 feet; thence run North 86°56'05" East a distance of 30.06 feet; thence run North 37°15'02" East a distance of 50.36 feet; thence run North 15°39'47" East a distance of 38.22 feet; thence run North 15°39'47" East a distance of 34.83 feet; thence run North 08°05'45" East a distance of 82.36 feet;

thence run North 23°08'36" West a distance of 137.68 feet; thence run North 13°24'54" East a distance of 69.93 feet; thence run North 44°24'53" West a distance of 66.75 feet; thence run North 00°08'14" East a distance of 7.70 feet to the Point of Cusp of a curve, concave Southerly; thence run Northerly and Westerly, along said curve, having a radius of 50.00 feet, an arc distance of 106.38 feet, or through a central angle of 121°54'11", having a chord distance of 87.42 feet, and a chord bearing of North 60°48'52" West, to the Point of Cusp on said curve; thence run South 58°14'03" West a distance of 78.75 feet; thence run South 14°08'29" West a distance of 36.28 feet; thence run South 62°22'32" West a distance of 25.47 feet; thence run North 26°27'06" West a distance of 80.72 feet; thence run North 75°03'51" West a distance of 49.93 feet; thence run North 15°20'52" West a distance of 55.15 feet; thence run North 17°00'32" East a distance of 36.21 feet to the Point of Cusp of a curve, concave Westerly; thence run Northerly and Westerly, along said curve, having a radius of 50.00 feet, an arc distance of 85.21 feet, or through a central angle of 97°38'35", having a chord distance of 75.27 feet, and a chord bearing of North 31°48'46" West, to the Point of Cusp on said curve; thence run North 36°15'35" West a distance of 68.85 feet; thence run South 85°08'58" West a distance of 50.07 feet; thence run North 38°10'24" West a distance of 59.18 feet; thence run North 83°46'11" West a distance of 83.01 feet; thence run South 75°55'23" West a distance of 32.38 feet; thence run North 72°16'49" West a distance of 74.49 feet; thence run North 61°41'41" West a distance of 41.11 feet; thence run North 29°45'48" West a distance of 97.11 feet; thence run North 42°17'34" West a distance of 98.18 feet; thence run North 35°52'06" West a distance of 109.26 feet; thence run North 74°35'30" West a distance of 68.38 feet; thence run North 41°12'40" West a distance of 41.65 feet; thence run North 34°20'57" West a distance of 133.32 feet; thence run North 86°38'56" West a distance of 59.39 feet; thence run North 45°59'49" West a distance of 35.93 feet; thence run North 14°03'44" West a distance of 39.69 feet; thence run North 04°04'42" West a distance of 184.52 feet; thence run North 15°25'58" West a distance of 63.48 feet; thence run North 17°51'28" West a distance of 52.44 feet; thence run North 26°32'10" West a distance of 94.49 feet; thence run North 02°06'34" West a distance of 53.71 feet; thence run North 18°29'24" West a distance of 54.78 feet; thence run North 10°13'44" East a distance of 59.39 feet; thence run North 07°49'22" East a distance of 60.21 feet; thence run North 06°08'39" West a distance of 104.78 feet; thence run North 21°23'21" West a distance of 51.01 feet; thence run North 36°14'49" West a distance of 85.55 feet; thence run North 55°07'33" West a distance of 61.53 feet; thence run North 11°29'20" East a distance of 51.11 feet; thence run North 09°10'58" West a distance of 25.46 feet; thence run North 34°56'42" East a distance of 44.73 feet to the Point of Cusp of a curve, concave Westerly; thence run Northerly and Easterly, along said curve, having a radius of

50.00 feet, an arc distance of 48.01 feet, or through a central angle of 55°00'54", having a chord distance of 46.19 feet, and a chord bearing of North 07°26'14" East to a Point of Cusp on said curve; thence run North 20°04'13" West a distance of 51.56 feet; thence run North 41°33'02" West a distance of 151.59 feet; thence run North 56°49'59" West a distance of 59.84 feet; thence run North 78°52'00" West a distance of 53.17 feet to a point in the Southerly right-of-way line of the aforementioned 125-foot wide right-of-way of L.P.G.A. Boulevard (formerly Eleventh Street); thence run North 64°21'19" East, along said Southerly right-of-way line, a distance of 29.48 feet to the POINT OF BEGINNING of this description, said parcel containing 18.9759 acres, more or less, and also being subject to any other easements or rights-of-way of record.

SURVEYOR'S NOTES:

(1) The expected use of the land, as classified in the Minimum Technical Standards (61G17-6, F.A.C) is "Commercial/High Risk". The minimum relative accuracy for this type of boundary survey is 1 foot in 10,000 feet. The accuracy obtained by measurement with an electronic total station and calculation of a closed geometric figure was found to exceed this requirement.

(2) This is a NEW description prepared for this transaction. A Title Report/Abstract was not provided for reference. Plats of record and referenced documents of the subject properties were obtained from the Clerk of the Court's office in Volusia County.

(3) All equipment was tested and calibrated. Two sets of angles were turned and averaged. Distances were measured in feet and meters and averaged with the distances shown in feet.

(4) There are no inconsistencies with the boundary. All corners found were within acceptable standards for location and new corner monumentation was set at the missing corners.

(5) Unless otherwise noted, all bearings and distances are field measured and are in agreement with the provided deed or record plat.

(6) Bearings are based on the Florida State Plane Coordinate System, East Zone, NAD83, as determined from traverses between National Geodetic Survey control monuments I-95 71 A-26, I-95 71 A-28, I-95 71 A-29, I-95 71 A-29 Azimuth Mark, I-95 71 A-31, I-95 71 A-30 and I-95 71 A-30 Azimuth Mark, with the monumented West line of Section 9, Township 15 South, Range 32 East having a bearing of North 00°47'18" West.

(7) Ownership of fences was not known or determined.

(8) Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without the written consent of the signing party or parties. (Section 61G17-6.003(2)(e), F.A.C.)

(9) The property is vacant at this time with medium to dense underbrush.

4147.LEG	02-23-94	<u>INDIGO DEVELOPMENT, INC.: C.D.D. BOUNDARY DESCRIPTION</u>
	05-24-94	<u>AMENDED DESCRIPTION</u>
	06-21-94	<u>AMENDED DESCRIPTION</u>
5460.LEG	12-09-98	<u>NEW DESCRIPTION FOR C.D.D. REVISION</u>
	12-16-98	<u>REVISED DESCRIPTION</u>

ALSO:

A portion of the Southwest one-quarter of Section 33, Township 15 South, Range 32 East, Volusia County, Florida, being more particularly described as follows: Commence on the West line of Section 33, Township 15 South, Range 32 East, at a point 2,124.79 feet North of the Southwest corner of said Section 33; thence run South 39°08'15" East, 299.45 feet to the centerline construction Station 24+45 as shown on Right of Way Map, 11th Street Extension (now L.P.G.A. Boulevard), as recorded in Road Plat Book 1, Page 47, of the Public Records of Volusia County, Florida; thence run North 50°51'45" East, 68.00 feet to the POINT OF BEGINNING on the Easterly right of way line of said L.P.G.A. Boulevard; thence run North 50°51'45" East a distance of 5.42 feet; thence run South 61°45'12" East a distance of 586.95 feet; thence run South 75°57'15" East a distance of 745.26 feet; thence run North 74°38'29" East a distance of 387.14 feet; thence run South 39°08'15" East a distance of 5.46 feet to a point in the Northerly right of way line of State Road 600, as shown on the aforementioned right of way map; thence run South 50°51'45" West, along said Northerly right of way line, a distance of 388.00 feet to the Point of Curvature of a curve to the right; thence run Northerly and Westerly, along said curved right-of-way line, having a radius of 644.00 feet, an arc distance of 1011.59 feet, or through a central angle of 90°00'00", having a chord distance of 910.75 feet, and a chord bearing of North 84°08'15" West, to the Point of Tangency thereof; thence run North 39°08'15" West, along said right of way line, a distance of 656.00 feet to the POINT OF BEGINNING of this description, said parcel containing 8.8448 acres, said parcel also being subject to any other easements or rights of way of record.

NOTE:

(1) Bearings are based on the Right of Way Map, 11th Street Extension (now L.P.G.A. Boulevard), as recorded in Road Plat Book 1, Page 47, of the Public Records of Volusia County, Florida with the monumented West line of Section 33, Township 15 South, Range 32 East having a bearing of North 01°05'45" West.

5541.LEG 03-03-99 PLATINUM TRIANGLE AND ADJACENT 5' BUFFER

ALSO:

A portion of Sections 28 and 29, Township 15 South, Range 32 East, Volusia County, Florida, being more particularly described as follows: As a Point of Reference, commence at a 4" x 4" concrete monument marking the Northwest corner of said Section 28, being also the Northeast corner of said Section 29; thence run South 00°39'06" East, along the East line of said

Section 29, being also the West line of said Section 28, a distance of 1719.05 feet to a point therein and the POINT OF BEGINNING of this description; thence, departing said Section line, run North 89°33'10" East a distance of 375.61 feet; thence run South 39°50'12" West a distance of 2032.50 feet; thence run North 31°00'25" West a distance of 89.92 feet; thence run South 45°01'27" West a distance of 401.08 feet to the Point of Curvature of a curve to the left; thence run Southerly and Westerly, along said curved line, having a radius of 1357.26 feet, an arc distance of 529.18 feet, or through a central angle of 22°20'20", having a chord distance of 525.83 feet, and a chord bearing of South 33°51'17" West, to the Point of Reverse Curvature of a curve to the right; thence run Southerly and Westerly, along said curved line, having a radius of 2039.93 feet, an arc distance of 709.70 feet, or through a central angle of 19°56'00", having a chord distance of 706.13 feet, and a chord bearing of South 32°39'07" West, to the Point of Compound Curvature of a curve to the right; thence run Southerly and Westerly, along said curved line, having a radius of 699.34 feet, an arc distance of 204.87 feet, or through a central angle of 16°47'06", having a chord distance of 204.14 feet, and a chord bearing of South 51°00'40" West, to the Point of Compound Curvature of a curve to the right; thence run Southerly and Westerly, along said curved line, having a radius of 2177.89 feet, an arc distance of 400.56 feet, or through a central angle of 10°32'16", having a chord distance of 399.99 feet, and a chord bearing of South 64°40'21" West, to the Point of Compound Curvature of a curve to the right; thence run Northerly and Westerly, along said curved line, having a radius of 100.00 feet, an arc distance of 171.23 feet, or through a central angle of 98°06'18", having a chord distance of 151.06 feet, and a chord bearing of North 61°00'22" West, to the Point of Tangency thereof, said point being an intersection with the Easterly right-of-way line of L.P.G.A. Boulevard, a 200-foot wide right-of-way; thence run North 01°22'59" West, along said Easterly right-of-way line, a distance of 1723.40 feet to an intersection with the Southerly line of the Daytona Beach Municipal Stadium Complex, as described in Official Records Book 2918, Page 0767, of the Public Records of Volusia County, Florida; thence, departing said Easterly right-of-way line and along the Southerly line of said Stadium Complex, run North 89°53'07" East a distance of 1307.16 feet to the Southeasterly corner thereof; thence run North 00°38'21" West, along the Easterly line of said Stadium Complex, a distance of 1285.90 feet to an intersection with the Southerly line of the City of Daytona Beach Sewerage Treatment Plant, as described in Official Records Book 1875, Page 1551, of the Public Records of Volusia County, Florida; thence run North 89°33'10" East, along said Southerly line, a distance of 1331.56 feet to the POINT OF BEGINNING of this description, said parcel containing 78.8 acres, more or less, said parcel also being subject to any other easements or rights-of-way of record.

4753.LEG 12-16-98

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History—New 1-3-95, Amended, 5-26-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Teresa Tinker, Florida Land and Water Adjudicatory Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 2, 1999

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Hospice Services
RULE NO.: 59G-4.140

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Hospice Services Coverage and Limitations Handbook, July 1999, and to repeal portions of the rule that are duplicated in the Medicaid handbooks, other Medicaid rules of general applicability, Florida Statutes, or federal regulations. The effect will be to incorporate by reference in the rule the current Florida Medicaid Hospice Services Coverage and Limitations Handbook and to eliminate duplication.

SUMMARY: This rule incorporates by reference the Florida Medicaid Hospice Services Handbook, July 1999.

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 in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 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., Tuesday, June 29, 1999

PLACE: 2728 Ft. Knox Blvd., Building 3, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elsa Kellberg, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)922-7353

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of 59G-4.140 follows. See Florida Administrative Code for present text.)

59G-4.140 Hospice Services.

(1) This rule applies to all hospice providers enrolled in the Medicaid program.

(2) All hospice providers enrolled in the Medicaid program must comply with the Florida Medicaid Hospice Services Coverage and Limitations Handbook, July 1999, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, UB-92, which is incorporated by reference in 59G-4.150. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906(12), 409.907(3), 409.908, 409.910, 409.913, 409.9081 FS. History—New 1-1-87, Amended 10-9-90, 5-13-92, 10-8-92, Formerly 10C-7.0533, Amended 2-14-95, 12-27-95,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Elsa Kellberg

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

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: Foreign Degrees
RULE NO.: 61G15-20.007

PURPOSE AND EFFECT: The Board proposes to amend this rule to further clarify the requirements necessary in order for foreign degrees to be accepted.

SUMMARY: The Board is amending Subsection (4) of this rule to clarify to applicants the necessary requirements the Educational Advisory Committee will consider when making its evaluation with regard to foreign degrees.

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: 471.008 FS.

LAW IMPLEMENTED: 471.013, 471.015 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dennis Barton, Executive Director, Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-20.007 Foreign Degrees.

(1) through (3) No change.

(4) The Educational Advisory Committee in making its evaluation will consider the following elements: faculty, curricula, students, administration and commitment.

(a) through (b) No change.

(c) Transcripts of coursework completed, course content syllabi, notarized testimonials from employers, college level, advance placement tests, Test of English as a Foreign Language (TOEFL) scores of at least 550 in the paper based version, or 213 in the computer based version, will be accepted as satisfactory evidence.

(5) through (9) No change.

Specific Authority 471.008 FS. Law Implemented 471.013, 471.015 FS. History—New 7-20-95, Amended 6-5-96, 4-16-98, 1-17-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 23, 1999

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Geologists

RULE TITLE: Schedule of Fees Adopted by the Board RULE NO.: 61G16-3.001

PURPOSE AND EFFECT: The proposed rule will set forth the various fees to be paid in connection with certain actions specified in the rule.

SUMMARY: The proposed rule will increase the fee to be paid for initial licensure as a professional geologists from fifty dollars (\$50.00) to one hundred dollars (\$100.00); increases the fee application for a certificate of authorization from three hundred dollars (\$300.00) to three hundred and fifty dollars (\$350.00); and increases the fee for renewal of a certificate of authorization from three hundred dollars (\$300.00) to three hundred and fifty dollars (\$350.00). The proposed rule also repeals the provisions of the current rule regarding the fee for application for a certificate of authorization during the second half of the biennial renewal period.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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: 455.217, 455.219, 455.271, 492.104, 492.1101 FS.

LAW IMPLEMENTED: 455.217, 455.219, 455.271, 492.105, 492.1101 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: James Rimes, Executive Director, Board of Professional Geologists, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 61G16-3.001 follows. See Florida Administrative Code for present text.)

61G16-3.001 Schedule of Fees Adopted by the Board.

The following fees are prescribed by the Board:

(1) Application for Licensure by Examination:

(a) The application fee for licensure by examination shall be one hundred dollars (\$100) and shall be nonrefundable.

(b) The examination fee for licensure by examination shall be two hundred and fifty dollars (\$250), and shall be refundable if the applicant is found to be ineligible to take the licensure examination.

(c) The initial license fee shall be one hundred dollars (\$100.00).

(2) Application for Licensure by Endorsement:

(a) The application fee for licensure by endorsement shall be one hundred dollars (\$100) and shall be nonrefundable.

(b) The initial license fee shall be fifty dollars (\$50).

(3) Applications for Certificates of Authorization:

(a) The fee for a certificate of authorization shall be three hundred and fifty dollars (\$350.00).

(4) License and Certificate Renewal, Reactivation:

(a) The biennial renewal fee for licensure as a professional geologist in an active status shall be one hundred and twenty-five dollars (\$125).

(b) The biennial renewal fee for licensure as a professional geologist in an inactive license status shall be fifty dollars (\$50.00).

(c) The fee for renewal of a certificate of authorization shall be three hundred and fifty dollars (\$350.00).

(d) The fee for reactivation of an inactive license to active status shall be fifty dollars (\$50.00).

(e) The delinquency fee to be paid when renewing a license or certificate of authorization at any time after the previous license or certificate of authorization shall have expired, regardless of the previous or proposed status of the license shall be one hundred dollars (\$100.00); and, shall be paid in addition to any and all other required renewal or processing fees.

(5) Miscellaneous Fees:

(a) The fee for a duplicate license shall be twenty-five dollars (\$25).

(b) The fee for a provisional license shall be four hundred dollars (\$400).

(c) The fee for processing a change in licensure status at any time other than the time designated by the Department as the time for changing licensure status shall be one hundred dollars (\$100.00).

Specific Authority 455.217, 455.219, 455.271, 492.104, 492.1101 FS. Law Implemented 455.217, 455.219, 455.271, 492.105, 492.1101 FS History—New 4-27-88, Amended 3-15-90, 2-21-91, 10-27-91, Formerly 21DD-3.001, Amended 5-27-96, 5-14-97, 9-18-97,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Professional Geologists

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Board of Professional Geologists

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: May 28, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: April 2, 1999

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE TITLE:

Medical Records of Deceased Veterinarians,

Retention, Time Limitations

RULE NO.:

61G18-18.001

PURPOSE AND EFFECT: The purpose of the proposed amendments is to change the time required for medical records to be retained, and the time the executor, administrator, personal representative or survivor should publish the notice indicating to the owner of the patients of the deceased veterinarian that the veterinarian's medical records will be disposed of or destroyed.

SUMMARY: The amendments will set forth requirements and procedures on the up keep of medical records that are used by veterinarians.

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: 474.206, 455.242 FS.

LAW IMPLEMENTED: 455.242 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., June 28, 1999

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Currie, Executive Director, Board of Veterinary Medicine, 1940 North Monroe, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G18-18.001 Medical Records of Deceased Veterinarian; Retention, Time Limitations.

(1) The executor, administrator, personal representative or survivor of a deceased veterinarian licensed pursuant to Chapter 474, Florida Statutes, shall retain medical records in existence upon the death of the veterinarian concerning any patient of the veterinarian for at least a period of ~~two (2) three (3)~~ years from the date of the death of the veterinarian.

(2) No change.

(3) At the conclusion of a ~~twenty-two (22) thirty-four (34)~~ month period of time from the date of the veterinarian's death, or thereafter, the executor, administrator, personal representative, or survivor shall cause to be published once during each week for four (4) consecutive weeks, in the newspaper of greatest general circulation in the county where the veterinarian resided, a notice indicating to the owners of the patients of the deceased veterinarian that the veterinarian's medical records will be disposed of or destroyed one (1) month or later from the last day of the fourth week of publication of notice.

Specific Authority 474.206, 455.242 FS. Law Implemented 455.242 FS. History—New 9-15-80, Formerly 21X-18.01, Amended 7-26-90, Formerly 21X-18.001, Amended 7-4-95, 12-30-97,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Veterinary Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Board of Veterinary Medicine

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: April 21, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: May 7, 1999

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE TITLES:

Examination for Licensure

Course Content Documentation

Examination Review Procedures

PURPOSE AND EFFECT: The purpose is to amend these rule to update the rule text for clarity.

SUMMARY: The Board proposes to update Rule 64B4-3.003 by updating the subject area for Part I – Laws and Rules, and to delete certain language that is no longer necessary in Part II –

RULE NOS.:

64B4-3.003

64B4-3.005

64B4-3.007

Theory and Practice section of the rule to clarify the examination for licensure. In Rule 64B4-3.005, the Board proposes to update the rule text in Subsection (3) to notify the applicant the proper documentation to furnish in order to verify course content. Rule 64B4-3.007 requires amendments be made to further clarify the examination review procedures.

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, 491.004(5), 491.005 FS.

LAW IMPLEMENTED: 455.574, 491.005 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY. (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 2020 Capital Circle, S. E., Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULES IS:

64B4-3.003 Examination for Licensure.

(1) through (3) No change.

(4) PART I – LAWS AND RULES

(a) No change.

(b) The subject area of Part I of the Examination shall include:

SUBJECT	NO. OF QUESTIONS
Chapter 455, Part II, F.S. (Regulation of Professions and Occupations, General Provisions Department of Health)	3
Chapter 90.503 (Psychotherapist-Patient Privilege)	1
Chapter 394, F.S. (Part I Florida Mental Health Act)	2
Chapter 397, F.S.	3
Chapters 415 and 39, Part I, F.S. (Protection from Abuse, Neglect and Exploitation)	3
Chapter 491, F.S. (Clinical, Counseling and Psychotherapy Services)	10
Chapter 59P, F.A.C. (Rules of the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling)	8

(5) PART II – THEORY AND PRACTICE

(a) CLINICAL SOCIAL WORKERS

1. The theory and practice examination (Part II) for clinical social workers shall be the Clinical Level objective multiple choice examination developed by the American Association of State Social Work Boards (AASSWB). The minimum passing score is the recommended cut-off score provided by the national vendor established according to a standard-setting method. Candidates' raw scores are converted to a scaled score. The passing score is a scaled score of 75. ~~The content areas of the examination shall include: human development and behavior 15%; effects of culture, race, ethnicity, sexual orientation, and gender 2%; diagnosis and assessment in social work practice 20%; models of psychotherapy and clinical practice 33%; elements of therapeutic communication 3%; the therapeutic relationship 4%; professional values and ethics 3%; clinical supervision and consultation 6%; practice evaluation and the utilization of research 4%; policies and procedures governing service delivery 4%; clinical practice in the organization setting 6%.~~

2. No change.

(b) MENTAL HEALTH COUNSELORS

1. The national counselor examination (Part II) shall be an objective multiple choice examination developed by the National Board of Certified Counselors (NBCC). All items shall be weighted equally in scoring the examination. The minimum passing score shall be the recommended cut-off score provided by the national vendor and established according to the Angoff procedure. Candidates' raw scores are converted to a scaled score. The passing score is a scaled score of 75. ~~The content areas of the examination and the approximate weight assigned to each section are as follows: human growth and development (7.5%); social and cultural foundations (6.9%); helping relationships (22.5%); group work (10%); lifestyle and career development (12.5%); appraisal (12.5%); research and program evaluation (10%); and professional orientation and ethics (18.12%).~~

2. No change.

(c) MARRIAGE AND FAMILY THERAPISTS

1. The marital and family therapy examination (Part II) shall be an objective multiple choice examination developed by the Examination Advisory Committee of the Association of Marital and Family Therapy Regulatory Board (AMFTRB) and the Professional Examination Service. All items will be weighted equally in scoring the examination. The minimum passing score is the recommended cut-off score provided by the national vendor and established according to the Angoff procedure. A panel of experts in marriage and family therapy from across the country participate in the determination of the recommended passing score. Candidates' raw scores are converted to a scaled score. The passing score is a scaled score of 75. ~~The following subject areas will be tested on the examination and will be weighted approximately as~~

~~designated: joining/assessment/diagnosis (21%); designing treatment (12%); conducting course of treatment (45%); establishing and maintaining appropriate networks (6%); assessing outcome (7%); and maintaining professional standards (9%).~~

- 2. No change.
- (6) No change.

Specific Authority 491.004(5), 455.574 FS. Law Implemented 491.005, 455.574 FS. History—New 3-21-90, Amended 7-31-91, 3-10-92, 6-1-92, 1-27-93, Formerly 21CC-3.003, Amended 3-14-94, 7-20-94, Formerly 61F4-3.003, Amended 12-22-94, 9-18-95, 11-13-96, 6-1-97, Formerly 59P-3.003, Amended.

64B4-3.005 Course Content Documentation.

In the event the course titles which appear on the applicant's transcript do not clearly identify the content of the coursework, the applicant shall be required to provide additional documentation in the form of:

- (1) through (2) No change.
- (3) If neither (1) or (2) above is deemed adequate by the Board or its designee, the applicant must furnish an official statement on university letterhead from the college or university dean or the academic department ~~Agency~~ chairperson verifying the course contents.

Specific Authority 491.004(5), 491.005 FS. Law Implemented 491.005 FS. History—New 3-10-92, Formerly 21CC-3.005, 61F4-3.005, 59P-3.005, Amended.

64B4-3.007 Examination Review Procedures.

(1) An applicant is entitled to review the applicant's examination questions, answers, papers, grades and grading key used in Part I – Laws and Rules of the examination for licensure under such terms and conditions as prescribed by the Department of Health in rule 64B-1.013, F.A.C., unless prohibited or limited by rule 64B4-3.006, F.A.C., implementing security procedures.

(2) An applicant is not entitled to review the applicant's examination questions, answers, papers, grades and grading key used in Part II – Theory and Practice of the examination for licensure.

Specific Authority 455.574(2), 491.004(5) FS. Law Implemented 455.574(2) FS. History—New 8-18-93, Formerly 61F4-3.007, Amended 1-7-96, Formerly 59P-3.007, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 22, 1999

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

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE TITLE: _____ RULE NO.: _____

Definition of "Licensed Clinical Social Worker, or the Equivalent, Who is a Qualified Supervisor" 64B4-11.007

PURPOSE AND EFFECT: The rule amendment will expand the equivalency standards for a licensed clinical social worker or the equivalent, a "qualified supervisor".

SUMMARY: The Board proposes to amend this rule by expanding the equivalency standards for which a licensed clinical social worker or a qualified supervisor can choose from when claiming supervisory experience.

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: 491.004(5), 491.005(1)(c) FS.

LAW IMPLEMENTED: 491.005(1)(c) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY. (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 2020 Capital Circle, S. E., Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-11.007 Definition of "Licensed Clinical Social Worker, or the Equivalent, Who is a Qualified Supervisor."

- (1) through (2) No change.
- (3) After February 1, 2000, a qualified supervisor who provides supervision in Florida for interns and trainees must meet equivalency standards of (1) and
 - (a) Have completed training and supervision in one of the following:
 - 1. through 3. No change.
 - 4. A post-graduate training course for field instructors in clinical social work; and
 - (b) Have completed four (4) years of clinical social work experience, two (2) years of which can be earned during a post-masters clinical internship.

Specific Authority 491.004(5), 491.005(1)(c) FS. Law Implemented 491.005(1)(c) FS. History—New 7-6-88, Amended 1-4-90, 12-19-90, Formerly 21CC-11.007, 61F4-11.007, Amended 1-7-96, 12-29-96, 6-16-97, Formerly 59P-11.007, Amended 12-11-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Social Work, Marriage and Family Therapy
and Mental Health Counseling
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Clinical Social Work,
Marriage and Family Therapy and Mental Health Counseling
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: April 22, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: April 24, 1998

DEPARTMENT OF HEALTH

**Board of Clinical Social Work, Marriage and Family
Therapy and Mental Health Counseling**

RULE TITLE: RULE NO.:
Definition of "a Licensed Marriage and
Family Therapist with at Least Five
Years Experience or the Equivalent,
Who is a Qualified Supervisor" 64B4-21.007

PURPOSE AND EFFECT: The rule amendment will expand
the requirements for a licensed marriage and family therapist
with at least five years experience or the equivalent, a
"qualified supervisor".

SUMMARY: The Board proposes to amend this rule by adding
new text which expands the requirements for which a licensed
marriage and family therapist with at least five years
experience or a qualified supervisor can choose from when the
applicant is claiming supervisory experience.

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: 491.004(5), 491.005(3)(c),
491.003(3) FS.

LAW IMPLEMENTED: 491.005(3)(c) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF
THIS NOTICE, A HEARING WILL BE NOTICED IN THE
NEXT AVAILABLE ISSUE OF THE FLORIDA
ADMINISTRATIVE WEEKLY. (IF NOT REQUESTED,
THIS HEARING WILL NOT BE HELD).

THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULE IS: Sue Foster, Executive Director, Board
of Clinical Social Work, Marriage and Family Therapy and
Mental Health Counseling/MQA, 2020 Capital Circle, S. E.,
Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-21.007 Definition of "a Licensed Marriage and
Family Therapist with at Least Five Years Experience or the
Equivalent, Who is a Qualified Supervisor."

(1) "A licensed marriage and family therapist with at least
five years experience or the equivalent, who is a qualified
supervisor," as used in Section 491.005(3)(c), Florida Statutes,
is defined as an individual who, during the period for which the
applicant claims supervision, met one of the following:

(a) through (c) No change.

(d) Was licensed as a psychologist, clinical social worker,
or mental health counselor in Florida, or in the state in which
the supervision took place, and can document a minimum of
six (6) semester or eight (8) quarter hours of graduate
coursework in marriage and family systemic theories and
techniques, and five (5) years of clinical experience in
marriage and family therapy, two (2) years of which can be
earned during a post-masters clinical internship.

(2) through (3) No change.

Specific Authority 491.004(5), 491.005(3)(c), 491.003 FS. Law Implemented
491.005(3)(c) FS. History--New 7-6-88, Formerly 21CC-21.007, Amended
1-9-94, Formerly 61F4-21.007, Amended 12-29-96, Formerly 59P-21.007,
Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Social Work, Marriage and Family Therapy
and Mental Health Counseling

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Clinical Social Work,
Marriage and Family Therapy and Mental Health Counseling
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: April 22, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: April 24, 1998

DEPARTMENT OF HEALTH

**Board of Clinical Social Work, Marriage and Family
Therapy and Mental Health Counseling**

RULE TITLE: RULE NO.:
Definition of a "Licensed Mental
Health Counselor or the Equivalent
Who is a Qualified Sueprvisor" 64B4-31.007

PURPOSE AND EFFECT: The rule amendment will expand
the requirements for a licensed mental health counselor or the
equivalent, a "qualified supervisor" who claims supervisory
experience.

SUMMARY: The Board proposes to amend this rule by adding
new text which expands the requirements for which a licensed
mental health counselor or a qualified supervisor can choose
from when the applicant is claiming supervisory experience.

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: 491.004(5), 491.005(4)(c) FS.

LAW IMPLEMENTED: 491.005(4)(c) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY. (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 2020 Capital Circle, S. E., Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-31.007 Definition of a "Licensed Mental Health Counselor or the Equivalent Who is a Qualified Supervisor."

(1) through (2) No change.

(3) After February 1, 2000, a qualified supervisor who provides supervision in Florida for interns and trainees must meet equivalency standards of (1) and:

(a) No change.

1. through 3. No change.

4. A post-graduate training course for field instructors in clinical social work.

(b) Have completed five (5) years of clinical experience, two (2) years of which can be earned during a post-masters clinical internship.

Specific Authority 491.004(5), 491.005(4)(c) FS. Law Implemented 491.005(4)(c) FS. History--New 8-14-88, Amended 1-3-91, Formerly 21CC-31.007, 61F4-31.007, Amended 12-29-96, Formerly 59P-31.007, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 22, 1999

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

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: Examination Requirements

RULE NO.: 64B13-4.001

PURPOSE AND EFFECT: The proposed rule amendments are intended to set forth changes in the criteria for the licensure examination.

SUMMARY: The proposed rule amendments set forth changes in subject areas and associated weights with regard to the licensure examination.

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(1), 463.006(2) FS.

LAW IMPLEMENTED: 455.574(1), 463.006(2) 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., June 29, 1999

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-4.001 Examination Requirements.

The examination for licensure shall consist of the National Board of Examiners in Optometry examination (hereafter NBE0 examination), the certification examination, and Parts I and II of the state examination for licensure.

(1) No change.

(2) State Examination

(a) through (c) No change.

(d) Part II of the state examination shall consist of a clinical portion and a pharmacology/ocular disease portion.

1. The subject areas and associated weights for the clinical portion of the practical examination shall be as follows:

a. Pupillary Examination	6%
a. <u>b.</u> Confrontation <u>Visual</u> Field Testing for Neurologic Deficit (Finger Counting, <u>Visual Field Recognition, Location and Disease Process</u>)	9% 3%
<u>b.</u> Muscle Balance and Motility	4%
<u>c.</u> Pupillary Examination	8%

d.e. Objective Examination (Retinoscopy)	2% 6%
e.d. Subjective Refraction	3% 7%
f.e. Internal Examination by Means of Binocular Indirect Ophthalmoscopy Ophthalmoscope	18.5% 18%
g.f. Biomicroscopy Anterior	21.5% 20%
g. Goldmann Tonometry	10%
h. Biomicroscopy Posterior (Hruby Lens or Fundus Lens)	17% 20%
i. Goldmann Tonometry	10%
j.i. Gonioscopy	7% 10%
2. The grading criteria for each subject area and the points associated with each criterion shall be as follows:	
a. Pupillary Examination	
1.1. Conducts pupillary tests in a manner consistent with obtaining accurate findings	6
(Points for this criterion shall be assigned as follows: 2 points each for performance related to determining pupil size, direct and consensual response to light, and afferent pupillary reflex.)	
a.b. Confrontation Visual Field Testing for Neurologic Deficit (Finger Counting and Visual Field Defect Recognition, Location, and Disease Process)	
1.1. Conducts specified visual field test in a manner consistent with obtaining accurate findings. Accurately identify visual field defect name, location, and disease process.	3
b. Muscle Balance and Motility Testing	
1.1. Conducts examinations in a manner that will allow for evaluation of any phoric and or tropic posture, deficiencies in extra ocular muscles, or cranial nerve paresis.	4
c. Pupillary Examination	
1.1. Conducts pupillary tests in a manner consistent with obtaining accurate findings.	8
d.e. Objective Examination (Retinoscopy)	2
1.1. Conducts retinoscopy in a manner capable of obtaining a visual acuity of 20/30	6
e.d. Subjective Refraction	3
1.1. Conducts refraction in a manner capable of obtaining a visual acuity of 20/20	7
f.e. Internal Examination by Means of Binocular Indirect Ophthalmoscopy Ophthalmoscope	18.5
1.1. Accurately views and evaluates retinal landmark as requested	18
g.f. Biomicroscopy (Anterior)	21.5
1.1. Uses proper technique to demonstrate requested views of anterior structures of eye	20

h.g. Biomicroscopy Posterior (Hruby lens or Fundus lens)	17
1.1. Accurately views and evaluates posterior landmarks as requested	20
i.h. Goldmann Tonometry	10
1.1. Demonstrates accurate technique for the measurement of intra-ocular pressure	10
j.i. Gonioscopy	7
1.1. Demonstrates accurate technique for identifying angle structures	10
3. through 4. No change.	
5. Twenty-five case history items on the pharmacology/pathology portion of the practical examination are distributed according to the following content emphasis:	
a. Group A:	
Number of Case History Items: 7-9 cases	
Eye Structures: Adnexa (lids, lashes, lacrimal, apparatus), Conjunctiva (bulbar and palpebral), Sclera/episclera, Cornea, Iris/ciliary body	
Disease Type: Toxic, Inflammatory, Infectious	
b. Group B:	
Number of Case History Items: 4-6 cases	
Eye Structures: Lens, Vitreous, Retina/choroid, Macular disease	
Disease Type: Congenital, Degenerative, Dystrophic Vascular, Traumatic	
c. Group C:	
Number of Case History Items: 2-3 cases	
Eye Structures: Lens, Vitreous, Retina/choroid, Macular disease	
Disease Type: Toxic, Inflammatory, Infectious	
d. Group D:	
Number of Case History Items: 2-3 cases	
Eye Structures: Cornea, Iris/ciliary body, Lens, Vitreous, Retina/choroid, Macular disease	
Disease Type: Surgical Complications	
e. Group E:	
Number of Case History Items: 2-3 cases	
Eye Structures: Cornea, Iris/ciliary body	
Disease Type: Congenital, Degenerative, Dystrophic Vascular, Traumatic	
f. Group F:	
Number of Case History Items: 3-3 cases	
Disease Type: Primary and Secondary Open and Closed Angle Glaucoma	
g. Group G:	
Number of Case History Items: 3-3 cases	
Eye Structures: Neurological Disease (optic nerve, Visual pathway, orbit, motility)	
h. Group H:	
Number of Case History Items: 2-3 cases	

Eye Structures: Adnexa (lids, lashes, lacrimal, apparatus), Conjunctiva (bulbar and palpebral), Sclera/episclera, Cornea, Iris/ciliary body, Lens, Vitreous, Retina/choroid, Macular disease, Glaucoma, Neurological Disease (optic nerve, Visual pathway, orbit)

Disease Type: Tumors

6. No change.

(3) No change.

Specific Authority 455.574(1), 463.006(2) FS. Law Implemented 455.574(1), 463.006(2) FS. History—New 11-13-79, Amended 5-28-80, 7-10-80, 8-20-81, 2-14-82, 6-6-82, 10-3-82, 4-10-84, 5-29-85, Formerly 21Q-4.01, Amended 7-21-86, 11-20-86, 7-27-87, 7-11-88, 7-18-91, 4-14-92, Formerly 21Q-4.001, Amended 2-14-94, Formerly 61F8-4.001, Amended 8-8-94, 11-21-94, 4-21-96, Formerly 59V-4.001, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Optometry

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Board of Optometry

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: November 5, 1998

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: May 21, 1999

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLES:

Manner of Application

Requirements for Foreign Pharmacy

Graduates to be Admitted to the

Pharmacist Licensure Examination

RULE NOS.:

64B16-26.203

64B16-26.205

PURPOSE AND EFFECT: The Board proposed amendment to

rule 64B16-26.203 to sets forth the parameters for which applicants for licensure shall obtain licenses. The proposed amendment to rule 64B16-26.205 sets forth the test of English as a foreign language (TOEFL), to provide for the passing score if the computer version of the test is taken.

SUMMARY: The amendment to Rule 64B16-26.203 sets forth the parameters for obtaining licensure. The amendment to Rule 64B16-26.205 clarifies scoring for the TOEFL.

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: 465.604, 465.005 FS.

LAW IMPLEMENTED: 465.007, 465.022, 455.604 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., June 30, 1999

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John Taylor, Executive Director, Board of Pharmacy/MQA, 2020 Capital Circle, S. E., Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULES IS:

64B16-26.203 Manner of Application.

All applicants for licensure shall complete a course on HIV/AIDS prior to licensure. The course shall be no less than 3 contact hours and shall cover the subjects listed in 64B16-26.103(3).

(1) through (2) No change.

(3)(a) For candidates applying after the effective date of this subsection, all requirements for licensure must be met within one year of the receipt of the application. Applicants failing to meet this requirement must reapply.

(b) For candidates applying prior to the effective date of this subsection all requirements for licensure must be met within one year of the effective date of this subsection. Applicants failing to meet this requirement must reapply.

(c) Successful examination scores may be used upon reapplication only if the examination was completed within 3 years of the reexamination.

Specific Authority 465.005, 455.604 FS. Law Implemented 465.007, 455.604, 465.022 FS. History—New 10-17-79, Formerly 21S-12.04, 21S-12.004, Amended 7-31-91, 10-14-91, Formerly 21S-26.203, 61F10-26.203, Amended 7-1-97, Formerly 59X-26.203, Amended.

64B16-26.205 Requirements for Foreign Pharmacy Graduates to Be Admitted to the Pharmacist Licensure Examination.

In order for a foreign pharmacy graduate to be admitted to the professional licensure examination said applicant must:

(1) through (2) No change.

(3) Demonstrate proficiency in the use of English by passing the Test of English as a Foreign Language (TOEFL) which is given by the Educational Testing Service, Inc., with a score of at least 500 for the pencil and paper test or 173 for the computer version;

(4) through (5) No change.

Specific Authority 455.604, 465.005 FS. Law Implemented 455.604, 465.007 FS. History—New 4-18-84, Formerly 21S-12.06, Amended 9-17-87, Formerly 21S-12.006, Amended 7-31-91, 1-10-93, 4-8-93, Formerly 21S-26.205, 61F10-26.205, Amended 3-10-96, Formerly 59X-26.205, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Pharmacy

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Board of Pharmacy

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: February 1, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: April 16, 1999

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLES:	RULE NOS.:
Patient Consultation Area	64B16-28.1035
Class II Institutional Pharmacy – Emergency Department Dispensing	64B16-28.6021
Special Pharmacy – ESRD	64B16-28.850

PURPOSE AND EFFECT: The proposed rules 64B16-28.1035 and 64B16-28.6021 are intended to establish guidelines for consultation areas for patients and outline dispensing guidelines for dispensing medications in emergency department settings. The proposed amendment to the existing rule 64B16-28.850, is intended to expand the guidelines under which an ESRD pharmacy may operate.

SUMMARY: The proposed rules 64B16-28.1035 and 64B16-28.6021 establish guidelines for consultation areas for patients and outline dispensing guidelines for dispensing medications in emergency department settings. In addition, the proposed amendment to the existing rule 64B16-28.850, expands the guidelines under which an ESRD pharmacy may operate.

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: 465.005, 465.019(4), 465.0125 FS.
LAW IMPLEMENTED: 465.022, 465.019(2)(b),(4), 465.0196 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., June 30, 1999
PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John Taylor, Executive Director, Board of Pharmacy/MQA, 2020 Capital Circle, S. E., Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULES IS:

64B16-28.1035 Patient Consultation Area.

(1) A community pharmacy shall provide a private consultation area so all patients of the pharmacy will be able to obtain counseling without being overheard by others in the prescription dispensing area of the pharmacy. The consultation area must be accessible by the patient from the outside of the prescription dispensing area of the pharmacy without having to traverse a stockroom or the prescription dispensing area. In

determining whether the area is suitable, consideration shall be given to the proximity of the counseling area to the check-out or cash register area, the volume of pedestrian traffic in and around the consultation area, and the presence of walls or other barriers between the counseling area and the prescription dispensing area of the pharmacy. The consultation area may consist of designated private counter space. The area shall be designated with a sign bearing "Patient Consultation Area", or words that are substantially similar.

(2) This rule shall be effective for all new community pharmacy permits 60 days after the rule effective date. All existing community pharmacies or those permitted within 60 days of the effective date of the rule must comply within two years of the rule effective date.

Specific Authority 465.005 FS. Law Implemented 465.022(1) FS. History–New

64B16-28.6021 Class II Institutional Pharmacy – Emergency Department Dispensing.

(1) Individuals licensed to prescribe medicinal drugs in this state may dispense from the emergency department of a hospital holding a class II institutional pharmacy permit. Such dispensing must meet the requirements provided in section 465.019(4) and this section.

(2) The following records of prescribing and dispensing must be created by the prescriber/dispenser and maintained by the consultant pharmacist of record within the facility:

- (a) Patient name and address.
- (b) Drug and strength prescribed/dispensed.
- (c) Quantity prescribed/dispensed.
- (d) Directions for use.
- (e) Prescriber/dispenser.
- (f) Prescriber DEA registration, if applicable.
- (g) Reason community pharmacy services were not readily accessible.

(3) Labeling of the prescription container must meet the requirements of section 465.0276.

(4) Quantity dispensed must not exceed a 24-hour supply or the minimal dispensable quantity, whichever is greater.

(5) Violations of this section:

- (a) Violations of this section by the prescriber/dispenser shall be referred to the prescriber/dispenser’s regulatory board.
- (b) The Board of Pharmacy may restrict emergency department dispensing after repeated violations of this section.

Specific Authority 465.005, 465.019(4) FS. Law Implemented 465.022(1), 465.019(2)(b), 465.019(4), 465.0196 FS. History–New

64B16-28.850 Special Pharmacy – ESRD.

(1) through (7) No change.

(8) The ESRD pharmacy shall assemble the products to be delivered pursuant to the prescribing practitioner's prescription. In assembling such products for delivery, the ESRD pharmacy shall take steps necessary to assure the following:

(a) through (b) No change.

(c) All cartons and other packaging are properly labeled as noted below:

1. through 6. No change.

7. The date after which the drug(s) and/or device(s) must be discarded. Notwithstanding any other rule, the ESRD pharmacy may use, in lieu of a discard after date, the manufacturer's expiration date when such is displayed in an unopened sealed package.

(d) No change.

(9) through (17) No change.

Specific Authority 465.005, 465.0125 FS. Law Implemented 465.0196, 465.022 FS. History--New 10-2-94, Formerly 59X-28.850, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pharmacy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 1, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 16, 1999

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Coastal Management Program

RULE CHAPTER NO.: 9M-1
RULE CHAPTER TITLE: Coastal Management Program Grants

RULE NOS.: 9M-1.002, 9M-1.003, 9M-1.004, 9M-1.0045, 9M-1.007, 9M-1.009
RULE TITLES: Policy, Definitions, Application Procedures, Limitations on the Use of Subgrant Funds, Review Procedures and Criteria, Table of Eligible Counties and Cities

NOTICE OF WITHDRAWAL

Notice is hereby given that the Notice of Proposed Rulemaking for the above-referenced rules which appeared in Vol. 24, No. 51 of the Florida Administrative Weekly on December 18, 1998 are hereby withdrawn.

DEPARTMENT OF LAW ENFORCEMENT

Employee Relations

RULE CHAPTER TITLE: RULE CHAPTER NO.:

11I-1 Disciplinary Procedures and Standards for Disciplinary Actions

RULE NOS.: RULE TITLES:

11I-1.002 Disciplinary Actions: Definitions
11I-1.003 Authority for Disciplinary Actions
11I-1.004 Types of Discipline - Procedure
11I-1.005 Disciplinary Investigations
11I-1.006 Procedure for Suspension or Dismissal
11I-1.010 Appeals to the Public Employees Relations Commission
11I-1.011 Acts of Misconduct and Work Standard Violations for Department Employees
11I-1.014 Savings Clause

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 25, No. 14 (April 9, 1999), Florida Administrative Weekly has been withdrawn.

REGIONAL PLANNING COUNCILS

East Central Florida Regional Planning Council

RULE NO.: 29F-1.005
RULE TITLE: Council

NOTICE OF WITHDRAWAL

Pursuant to Section 120.54(3)(e)5., Florida Statutes, notice is hereby given that the proposed rule, as noticed in Vol. 24, No. 45, November 6, 1998 and changed in Vol. 25, No. 5, February 5, 1999 issues of the Florida Administrative Weekly, has been withdrawn.

REGIONAL PLANNING COUNCILS

East Central Florida Regional Planning Council

RULE NO.: 29F-1.105
RULE TITLE: Council

NOTICE OF CHANGE

Notice is hereby given that Rule 29F-1.105, published in the Florida Administrative Weekly, Vol. 24, No. 49 on December 4, 1998, changed as published in the Florida Administrative Weekly, Vol. 25, No. 5 on February 5, 1999 and changed as published in the Florida Administrative Weekly, Vol. 25, No. 10 on March 12, 1999 has been changed as follows in response to proposed objections by the Joint Administrative Procedures Committee and to reflect the direction of action at an April 21, 1999 public hearing held on the rule:

Rule 29F-1.105

(1) There shall be a council composed of voting representatives of member local governmental units and gubernatorial appointees.