

(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.: RULE CHAPTER TITLE:
9M-1 Coastal Management

Program Grants

RULE NOS.: RULE TITLES:
9M-1.002 Policy
9M-1.003 Definitions
9M-1.004 Application Procedures
9M-1.0045 Limitations on the Use of
Subgrant Funds
9M-1.007 Review Procedures and Criteria
9M-1.009 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rules which appeared in Vol. 24, No. 51 of the Florida Administrative Weekly on December 18, 1998 are hereby withdrawn.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hereby given that the above rule, as noticed in Vol. 25, No. 14 (April 9, 1999), Florida Administrative Weekly has been withdrawn.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.: RULE TITLE:
29F-1.005 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.: RULE TITLE:
29F-1.105 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.

(2) The Council shall meet once each month, provided there is business to conduct; the Annual Meeting will to be held in September June.

(3) At the Annual Meeting, the Council shall elect the officers and the Executive Committee; adopt the Annual Budget and Work Program; establish a schedule of regular meetings for the upcoming balancee of the fiscal year; and conduct other business as ~~which may be~~ deemed appropriate. The schedule of meetings may be amended ~~from time to time~~ by vote of the Council or by the Chairperson, when the Chairperson, in consultation with the Executive Director, determines that:

(a) There is insufficient business to convene a meeting on the regularly scheduled date, in which case, the meeting will be postponed to the next regularly scheduled date; or

(b) Timely action of the Council is required in order to prevent a missed opportunity that is dependent upon Council action before the next regular meeting by a time certain.

(4) The chairperson or any five voting representatives of the Council shall call special meetings of the Council. Calls for special meetings shall be in writing to the Executive Director sufficiently in advance to accommodate the requirements for the publication of public meeting notices in the Florida Administrative Weekly and Rule 29F-1.005(5), FAC.

(5) Written notice of Council meetings shall be mailed to each representative, at the representative's address, as it appears on the records of the Council, at least seven (7) days prior to that meeting. The notice shall state the time, place, ~~and object of the meeting~~ and the business to be transacted. Business transacted at all meetings shall be confined to the subject stated in the notice, except that business of an emergency nature requiring timely action of the Council may be acted upon provided that the nature of the emergency is first declared by the Chairperson and recorded in the minutes of the Council meeting.

(6) Representatives entitled to cast one-third (1/3) of the total number of votes on the Council shall constitute a quorum at any Council meeting. When a quorum is present, the majority of the votes cast shall decide any question, other than Rules revision or amendment brought to a vote before the Council.

(7) The appointing authority may designate a standing alternate for each of their members, who may attend in that member's place. Alternates shall have the same rights as members, including voting.

~~(8)(7) For the general conduct of business, e~~Each representative on the Council shall have one (1) vote on all matters under consideration.

~~(8) For votes adopting the Annual Work Program and Budget and adopting subsequent amendments of either, a weighted voting shall be held by the voting representatives present at the time of the vote who also represent members in good standing at the time of the vote. The county and~~

~~municipal populations used in calculating the number of votes for each shall be the official population figures for the State of Florida as of July 1 of the current fiscal year. The distribution of votes between the member counties, cities and gubernatorial representatives shall be as follows:~~

~~(a) The member cities shall collectively have 27.5% of the total Council vote. These votes shall be allocated among the member cities as follows:~~

~~A city with a population of from 1 up to and including 10,000 shall have 1 vote. Cities with populations greater than 10,000 shall receive an additional vote for each additional increment of 6,667 citizens, according to the following table:~~

Population Range	# of Votes
1—10,000	1
10,001—16,667	2
16,668—23,334	3
23,335—30,001	4
30,002—36,668	5
36,669—43,335	6
43,336—56,669	8
56,670—63,336	9
63,337—70,003	10
70,004—76,670	11
76,671—83,337	12
83,338—90,004	13
90,005—96,671	14
96,672—103,338	15
103,339—110,005	16
110,006—116,672	17
116,673—123,339	18
123,340—130,006	19
130,007—136,673	20
136,674—143,340	21
143,341—150,007	22
150,008—156,674	23
156,675—163,341	24
163,342—170,008	25
170,009—176,675	26
176,676—183,342	27
183,343—190,009	28
190,010—196,676	29
196,677—203,343	30

~~Greater than 203,343 One (1) additional vote for every additional 6,667 citizens.~~

~~The total votes for each member city shall be evenly distributed among the authorized representatives of that city, whether or not all are present at the meeting.~~

~~(b) The member counties shall collectively have 45% of the total Council votes. These votes shall be allocated among the member counties based on their population as a percentage of the total population of the member counties. The total votes~~

for each member county shall be evenly distributed among the authorized representatives of that county, whether or not all are present at the meeting.

(e) ~~The member gubernatorial appointees shall collectively have 27.5% of the total Council vote. The total gubernatorial vote shall be equally apportioned between each of the authorized gubernatorial appointees.~~

(9) All official meetings of the Council shall be open to the public as required by the Florida Sunshine Law, Chapter 286, Florida Statutes, and shall meet the requirements of the applicable sections of the Florida Administrative Procedures Act, Chapter 120, Florida Statutes.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 98-36R

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
62-528	Underground Injection Control
RULE NO.:	RULE TITLE:
62-528.307	Underground Injection Control: General Conditions for Permits

NOTICE OF CHANGE

The Department has received comments from the Joint Administrative Procedures Committee, and as a result has made changes to the proposed rule which appeared in the Florida Administrative Weekly, Vol. 24, No. 36, dated September 4, 1998. The following section will read as set forth below:

62-528.307 Underground Injection Control: General Conditions for Permits.

(1)(a) through (l) No change.

(m) The permittee shall comply with the following:

1. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records shall be extended automatically unless ~~otherwise stipulated by the Department~~ determines that the records are no longer required.

(s) This permit may be modified, revoked and reissued, or terminated for cause, as provided in 40 C.F.R. sections 144.39(a), 144.40(a), and 144.41 (1998).

(2) All UIC Construction Permits.

(f) Mechanical Integrity.

4. The Department shall ~~may~~ allow the permittee to continue operation of the well that lacks mechanical integrity if the permittee has made a satisfactory demonstration that fluid movement into or between underground sources of drinking water is not occurring.

(3) All UIC Operation Permits.

(e) Mechanical Integrity.

4. The Department shall ~~may~~ allow the permittee to continue operation of the well that lacks mechanical integrity if the permittee has made a satisfactory demonstration that fluid movement into or between underground sources of drinking water is not occurring.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 95-08R

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
62-610	Reuse of Reclaimed Water and Land Application
RULE NOS.:	RULE TITLES:
62-610.463	Monitoring and Operating Protocol
62-610.466	Aquifer Storage and Recovery (ASR)
62-610.472	Supplemental Water Supplies
62-610.475	Edible Crops
62-610.525	Projects Involving Additional Levels of Preapplication Treatment
62-610.568	Monitoring and Operating Protocol
62-610.865	Blending of Demineralization Concentrate with Reclaimed Water

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 24, No. 52, December 24, 1998, issue of the Florida Administrative Weekly:

62-610.463 Monitoring and Operating Protocol.

(1) No change.

(2) The treatment facility shall include continuous on-line monitoring for turbidity before application of the disinfectant. Continuous on-line monitoring of total chlorine residual or for residual concentrations of other disinfectants, if used, shall be provided at the compliance monitoring point. Instruments for continuous on-line monitoring of turbidity and disinfectant residuals shall be equipped with an automated data logging or recording device. Continuous on-line monitoring instruments and shall be routinely calibrated according to the requirements of Chapters 62-160 and 62-601, F.A.C. Continuous on-line monitoring instruments shall be and maintained according to the manufacturer's operation and maintenance instructions. In accordance with Rule 62-610.320, F.A.C., the permittee shall develop, and the Department shall approve, an operating protocol designed to ensure that the high-level disinfection criteria will be met before the reclaimed water is released to the system storage or to the reclaimed water reuse system. The operating protocol shall be reviewed and updated as required in

Rule 62-610.320, F.A.C. Reclaimed water produced at the treatment facility that fails to meet the criteria established in the operating protocol shall not be discharged into system storage or to the reuse system. Such substandard reclaimed water (reject water) shall be either stored for subsequent additional treatment or shall be discharged to another permitted reuse system requiring lower levels of preapplication treatment or to a permitted effluent disposal system.

(3) through (4) No change.

62-610.466 Aquifer Storage and Recovery (ASR).

(1) through (16) No change.

(17) The permittee shall ~~regularly~~ assess the performance of the aquifer storage and recovery system on a monthly basis.

(a) through (c) No change.

62-610.472 Supplemental Water Supplies.

(1) through (3) No change.

(4) Ground water supplies.

(a) Ground water supplies may be used to supplement the reclaimed water supply, if all of the following conditions are met:

1. through 2. No change.

3. Monitoring of the ground water supply shall be conducted quarterly for fecal coliforms, unless additional monitoring is required by Rule 62-610.472(4)(b), F.A.C. At the end of the first year of operation, monitoring of the ground water supply shall be reduced ~~or eliminated~~ if the applicant provides an affirmative demonstration that the ground water supply meets the high-level disinfection criteria for fecal coliforms and that public health will be protected.

4. No change.

(b) and (c) No change.

(5) through (7) No change.

62-610.475 Edible Crops.

(1) through (5) No change.

(6) If requested, the Department shall ~~may~~ authorize special demonstration projects to collect and present data related to the direct application of reclaimed water on crops which are not peeled, skinned, cooked, or thermally processed before consumption. Crops produced during such demonstration projects may be used as animal feeds or may be thermally processed or cooked for human consumption. If the applicant, based on the data collected, demonstrates to the Department that public health will be protected if their reclaimed water is directly applied to crops which are not peeled, skinned, cooked, or thermally processed, the Department shall waive the prohibition described in Rule 62-610.475(4), F.A.C., for that project. When considering such demonstration projects, the Department shall seek the advice of the Department of Health.

62-610.525 Projects Involving Additional Levels of Preapplication Treatment.

(1) through (7) No change.

(8) Drinking water standards.

(a) Wastewater treatment facilities shall be designed and operated to meet the primary and secondary drinking water standards established in Rules 62-550.310 and 62-550.320, F.A.C.

1. through 4. No change.

5. The reclaimed water shall be sampled for the parameters listed as primary or secondary drinking water standards as follows:

a. Parameters listed as primary drinking water standards that are imposed as reclaimed water limits shall be analyzed monthly. After the first three months, the Department shall ~~reduce may revise~~ the monitoring frequency if the applicant provides an affirmative demonstration that reclaimed water limits and ground water standards will be met and that public health will be protected ~~or list of parameters based on the available monitoring results~~. In no case shall the frequency of this monitoring be reduced below quarterly.

b. Parameters listed as secondary drinking water standards that are imposed as reclaimed water limits shall be analyzed quarterly. After the first year, the Department shall ~~reduce may~~ revise the monitoring frequency if the applicant provides an affirmative demonstration that reclaimed water limits and ground water standards will be met and that public health will be protected ~~or list of parameters based on the available monitoring results~~. In no case shall the frequency of this monitoring be reduced below annually. The pH of the reclaimed water shall be analyzed daily.

c. No change.

(b) through (c) No change.

(9) through (13) No change.

62-610.568 Monitoring and Operating Protocol.

(1) through (2) No change.

(3) The treatment facility shall include continuous on-line monitoring for turbidity before application of the disinfectant. Continuous monitoring for chlorine residual or for residual concentrations of other disinfectants, if used, shall be provided at the compliance monitoring point. Instruments for continuous on-line monitoring shall be equipped with an automated data logging or recording device. Continuous on-line monitoring instruments ~~and~~ shall be calibrated according to the requirements of Chapters 62-160 and 62-601, F.A.C. Continuous on-line monitoring instruments shall be ~~and~~ maintained according to the manufacturer's operation and maintenance instructions.

(4) No change.

(5) Treatment facilities that are required to meet the drinking water standards shall sample the reclaimed water for parameters regulated as drinking water standards as follows:

(a) No change.

(b) Parameters listed as primary drinking water standards that are imposed as reclaimed water limits shall be analyzed monthly. After the first year, the Department ~~shall reduce~~ may revise the monitoring frequency if the applicant provides an affirmative demonstration that reclaimed water limits and ground water standards will be met and that public health will be protected ~~or list of parameters based on the available monitoring results~~. In no case shall the frequency of this monitoring be reduced below quarterly.

(c) Parameters listed as secondary drinking water standards that are imposed as reclaimed water limits shall be analyzed quarterly. After the first year, the Department ~~shall reduce~~ may revise the monitoring frequency if the applicant provides an affirmative demonstration that reclaimed water limits and ground water standards will be met and that public health will be protected ~~or list of parameters based on the available monitoring results~~. In no case shall the frequency of this monitoring be reduced below annually. The pH of the reclaimed water shall be analyzed daily.

(d) No change.

(6) through (8) No change.

(9) The surface water or ground water receiving the reclaimed water shall be sampled quarterly for the parameters for which primary or secondary drinking water standards have been established. After the first year of operation, the Department shall reduce the sampling frequency if the applicant provides an affirmative demonstration that water quality standards will be met in the receiving surface water or ground water and that public health will be protected ~~and parameters may be reduced based on sampling results during the previous year~~. For ground water recharge projects, reductions in monitoring shall only be considered after the injected reclaimed water reaches a monitoring well. The complete list of all regulated parameters shall be sampled and analyzed for at least annually.

(10) through (12) No change.

62-610.865 Blending of Demineralization Concentrate with Reclaimed Water.

(1) through (7) No change.

(8) Monitoring.

(a) through (c) No change.

(d) Continuous monitoring equipment shall be equipped with an automated data logging or recording device. Continuous monitoring equipment ~~and~~ shall be maintained ~~and calibrated~~ according to the manufacturer's operation and maintenance instructions. Continuous monitoring equipment shall be calibrated according to the requirements of Chapters 62-160 and 62-601, F.A.C.

(e) The blend shall be monitored as required by the appropriate part of Chapter 62-610, F.A.C. Monitoring requirements in Chapter 62-601, F.A.C., shall apply to the

blend. Total suspended solids, fluoride, total dissolved solids, chlorides, pH, and sodium adsorption ratio shall be monitored weekly in the blend. Additional parameters to be sampled and analyzed for in the blend on a weekly basis shall be established in the permit based on characterization of the concentrate and the blend contained in the engineering report. After the first year of operation, the Department shall reduce the sampling frequency if the applicant provides an affirmative demonstration that ground water standards will be met and that site vegetation and public health will be protected ~~and parameters to be sampled in the blend may be adjusted based on results of the previous year's sampling results~~.

(f) An annual scan of the parameters listed as primary and secondary drinking water standards in Chapter 62-550, F.A.C. (except for turbidity, total coliforms, color, and corrosivity), shall be accomplished for the reclaimed water, the concentrate, and the blend. After the first year, the Department shall reduce the parameters to be reported in the annual scan if the applicant provides an affirmative demonstration that ground water standards will be met and that site vegetation and public health will be protected ~~may be reduced based on the previous year's results~~. At least once during each permit cycle, the full list of parameters listed as primary and secondary drinking water parameters shall be reported for the reclaimed water and the blend.

(9) through (13) No change.

DEPARTMENT OF HEALTH

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

RULE NO.:

RULE TITLE:

64B4-3.010

Incomplete Applications

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 25, No. 5, February 5, 1999, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE NO.:

RULE TITLE:

64B7-30.004

Citations

NOTICE OF CHANGE

NOTICE IS HEREBY GIVEN that in response to written comments by the Joint Administrative Procedures Committee, the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 14, April 9, 1999, issue of the Florida Administrative Weekly. In subsection (3)(i), the phrase "shall result in a penalty of \$250.00." should be added at the end of the sentence.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bill Buckhalt, Executive Director, Board of Massage Therapy, 2020 Capital Circle, S. E., Bin #C09, Tallahassee, Florida 32399-3259

NAVIGATION DISTRICTS

Florida Inland Navigation District

RULE NOS:	RULE TITLES:
66B-3.002	Definitions
66B-3.003	Noticing Requirements
66B-3.004	General Requirements
66B-3.005	Title Reports
66B-3.006	Appraisal Map or Survey
66B-3.007	Appraisal Procedures
66B-3.008	Determining the Maximum Amount
66B-3.009	Appraiser Selection
66B-3.010	Negotiations
66B-3.012	Purchase Instruments Closing
66B-3.013	Multiparty Acquisitions
66B-3.015	Property Donations

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 24, No. 52, December 24, 1998, issue of the Florida Administrative Weekly:

Florida Inland Navigation District

CHAPTER 66B-3

LAND ACQUISITION PROCEDURES

66B-3.001 Purpose.

No change.

66B-3.002 Definitions.

(1) No change.

(2) "Certified Survey" means a boundary survey which is certified to the District and the title company designated as the agent, signed and sealed by a professional Florida licensed surveyor and mapper authorized to practice surveying in the State of Florida. The survey must be approved by the District as being in compliance with the Minimum Technical Standards of Surveying in the State of Florida, as established by the Florida Department of Professional Regulation, and such additional requirements as may be required by the applicable contract between the District and the landowner(s) determined by the District to be necessary to meet the intent of the statute and this rule. The survey shall accurately portray to the greatest extent practicable the condition of the parcel as it currently exists. The survey must have been certified to the District, the title company and agent/law firm designated by the District within 90 days of the closing on the property unless this requirement is waived by the title insurer for the purpose of deleting the standard exceptions for survey matters and easements or claims of easements not shown by the public records from the owner's title policy and the District.

(3) No change.

(4) "Evidence of Marketable Title" means assurance of the marketability of the land being acquired, in the form of a marketability title commitment and policy (ALTA Form B). The coverage, form and exceptions of either title insurance or title opinion shall be as required by the applicable contract between the District and the landowner(s) is subject to the approval of the District in order to assure that the District's interests are fully protected. The terms "Title Policy" and "Title Opinion" are included within this definition.

(5) through (12) No change.

(13) "Title Commitment" means a written agreement binding a title insurance company to provide a policy insuring marketability of title for a specified time in the name of the District in the amount of the purchase price, or other appropriate value, complying with the requirements of the applicable form(s) approved for use in the State of Florida by the Department of Insurance and further complying with such additional terms, if any, contained in a contract between the District and the landowners(s) containing such coverage and exceptions, and in a form, approved by the District.

(14) No change.

66B-3.003 Noticing.

(1) Prior to acquiring any property for the deposit of dredged material, the District shall perform the noticing required in s. 374.984(1), F.S. inform the county and, if applicable, the municipalities in which the property to be acquired is located of the District's intent to acquire such property and the District shall further hold a public meeting to advise the residents of the area of its intent. Such public meeting shall be noticed in a paper of general circulation in the county in which the meeting is to be held not less than 15 days prior to the meeting, said notice to contain the date, time, and place of the meeting and to identify the potential acquisition site or sites.

Specific Authority 374.984(3) FS. Law Implemented 374.984(1)-(3) FS. History--New _____.

PART I

VOLUNTARY, NEGOTIATED LAND ACQUISITION PROCEDURES

66B-3.004 General Requirements.

(1) through (2) No change.

(3) ~~The Board may waive any provision of this rule when land is being conveyed to the Board from another State agency, except that the maximum amount requirements of this rule may not be waived.~~

(3)(4) Prior to the District initiating acquisition of property, the District shall contact the Department of Environmental Protection's Division of State Lands to determine the availability of existing suitable state-owned lands in the area which meet the public purpose for which the acquisition is being proposed. If the District determines that no

suitable state-owned lands exist, it may proceed to acquire the property by employing this rule and all available statutory authority for acquisition.

~~(4)(5)~~ All conveyances to the District of fee title in land shall be by no less than a special warranty deed, unless the conveyance is from another governmental agency ~~the Federal Government, county government, other state agency,~~ or, if a gift or donation is made by quitclaim deed; and if the Board; or its designee, determines that accepting such quitclaim deed is adequate to convey fee title in the land to the District, with the District basing such determination on its review of title reports and receipt of adequate title insurance coverage in the best interest of the public. The District may accept a quitclaim deed to aid in clearing title or boundary questions.

Specific Authority 374.984(3) FS. Law Implemented 374.984(1)-(3) FS. History-New_____.

66B-3.005 Title Reports.

(1) No change.

(2) Final evidence of marketable title shall be provided prior to the conveyance of title. The form and content of such evidence of marketable title is subject to the approval of the District in order to assure that the District's interests are fully protected. If a title policy is to be furnished as evidence of marketable title, the final policy must be preceded by a title commitment. Title insurers issuing title policies, abstractors preparing abstracts, and attorneys issuing marketability opinions must be licensed in the State of Florida ~~must be approved by the District,~~ in order to assure that the District's interests are fully protected.

(3) The District shall ~~may~~ waive the requirement of the evidence of marketability for acquisition of property assessed by the county property appraiser at \$10,000 or less, where the District finds, based upon such review of the title records as is reasonable under the circumstances, that there is no apparent impediment to marketability, or to management and use of the property by the District.

(4) No change.

66B-3.006 Appraisal Map or Survey.

(1) For each ~~project or~~ parcel of property the District shall obtain a certified survey containing an adequate legal description of the property. In cases in which a survey cannot be practically completed or in which the cost of the survey would be prohibitive relative to the expected value of the parcel, the requirement for such certified survey shall ~~may, in whole or in part,~~ be waived by the Board.

Specific Authority 374.984(3) FS. Law Implemented 374.984(1)-(3) FS. History-New_____.

66B-3.007 Appraisal Procedures.

(1) Techniques and methods used by the fee appraiser shall be consistent with the Uniform Standards of Professional Appraisal Practice which are hereby incorporated by reference.

(2) through (3) No change.

(4) The report shall be accompanied by a sales history of the parcel for at least the prior five years. Such sales history shall list the parties to each transaction involving the subject parcel as well as the consideration paid with the amount of consideration verified, if possible. The report also shall show the tax assessed value for the previous five (5) years. If the sales history required by this section would not be useful or the cost would be prohibitive compared to the value of the parcel, it shall ~~may~~ be waived by the Board.

(a) through (b) No change.

(5) No change.

Specific Authority 374.984(3) FS. Law Implemented 374.984(1)-(3) FS. History-New_____.

66B-3.008 Determining the Maximum Amount.

(1) through (3) No change.

(4) No purchase offer by the District shall ~~may~~ exceed the value for that parcel as determined pursuant to the highest approved appraisal or the value determined pursuant to these rules, whichever value is less, except under the following circumstances:

~~(a)1.~~ The District has unsuccessfully attempted to negotiate a purchase, pursuant to the price restrictions in this subparagraph, for a period of two years after the date of the District's first written offer on all or a substantial part of the parcel, during which there have been at least two bona fide offers at a purchase price at or within ten (10) percent below the limits prescribed by this subparagraph. The Board shall ~~may~~ waive the two year period in cases in which it has directed the District to exercise eminent domain authority;

~~(b)2.~~ The Board determines that the parcel meets the requirements for acquisition by eminent domain and that the cost of acquisition by eminent domain, including jury determination of compensation and other costs and fees provided for in chapter 73 or 74, F.S., is likely to exceed the highest approved appraisal value of the parcel as otherwise determined pursuant by this rule. In this case, the total purchase price may not exceed one hundred and twenty five (125) percent of the limits otherwise prescribed by this subparagraph. The decision to acquire a parcel pursuant to sub-subparagraphs ~~(a)1.~~ and ~~(b)2.~~ must be made by a vote of a majority of the Board.

~~(c)3.~~ In the case of a joint acquisition by a state agency and a local government or other entity apart from the District, the joint purchase price may not exceed one hundred and fifty (150) per cent of the value for a parcel as determined in

accordance with this rule. The District's share of a joint purchase offer may not exceed what the District may offer singly as prescribed in this rule.

(5) When provided for pursuant to the terms of an informal acquisition agreement, ~~(The District shall may also disclose appraisal information to; or use an appraisal provided by a cooperating agency, pursuant to an informal acquisition agreement.~~

(a) ~~1.~~ If the District is disclosing the appraisal information, the agreement shall identify the individual who will have custody of the appraisal report, individuals within the cooperating agency who will have access to the appraisal information and require the written consent of the District prior to disclosing the information to any other person.

(b) ~~2.~~ If the cooperating agency is to provide the appraisal, the appraisal must be made by an appraiser meeting the District's requirements for appraisers as set forth in this rule. Such appraisal shall be subject to the same confidentiality restrictions as an appraisal provided by the District.

(6) The District shall ~~may~~ also disclose appraisal information to the owner of the property to be acquired if requested by the property owner and determined by the District that such disclosure will enhance the probability of a successful purchase.

Specific Authority 374.984(3) FS. Law Implemented 374.984(1)-(3) FS. History--New_____.

66B-3.009 Appraiser Selection.

(1) The selection of fee appraisers shall be accomplished as follows.

The District will determine whether the appraiser is a state certified appraiser pursuant to s. 66B-3.002(12); and is a MAI designated appraiser, ~~and whether he has demonstrated an acceptable level of appraisal competence and quality.~~ The name of each appraiser who is determined to be eligible will be placed on a list of approved appraisers for the appraisal project.

(b) through (c) No change.

Specific Authority 374.984(3) FS. Law Implemented 374.984(1)-(3) FS. History--New_____.

66B-3.010 Negotiations.

(1) The lack of received and approved appraisals shall not prevent (The District from negotiating and entering may negotiate and enter into a purchase agreement, so long as the purchase agreement provides that prior to the receipt and approval of appraisals, subject to the final purchase price shall being established by the approved appraisals. All owner contact shall be documented in the appropriate acquisition file of the acquiring agency. Initial contact with the landowner by the acquiring agency may be established prior to negotiations, provided that such contact is limited to the following:

(a) through (h) No change.

(2) through (4) No change.

Specific Authority 374.984(3) FS. Law Implemented 374.984(1)-(3) FS. History--New_____.

66B-3.011 Purchase Instruments.

(1) through (2) No change.

(3) Prior to the closing, the District will have obtained the following information:

(a) through (b) No change.

(c) Evidence of the marketability of the title. ~~The Executive Director may agree to defer submittal and approval of the title opinion or title policy until after Board approval of the purchase instrument. In such case the Executive Director must approve the opinion or policy prior to closing.~~

(d) through (j) No change.

(4) No change.

(5) The Board must authorize all acquisitions of land, title to which will vest in the District, prior to purchase. ~~The Board may approve, approve with modification, or reject a proposed acquisition. The Board may reconsider a rejected proposal for acquisition at any time.~~

(6) The District shall ~~may~~ consider an appraisal acquired by the seller, or any part thereof, in negotiating or approving any purchase, but such appraisal shall ~~may~~ not be used in lieu of an appraisal required by this rule to determine the maximum offer allowed by law except as otherwise provided by this rule.

Specific Authority 374.984(3) FS. Law Implemented 374.984(1)-(3) FS. History--New_____.

66B-3.012 Closing.

(1) No change.

(2) The District shall obtain all disclosures of beneficial interest required in s. 286.23, F.S., before entering into a purchase instrument. All other disclosures shall be obtained no later than ten (10) days prior to closing. Appropriate disclosures shall be filed with the Department of State as required by law. Disclosures not required by statute shall ~~may~~ be waived by the Board in the case of acquisitions of property for a price of \$250,000 or less where the Board finds that the difficulty on the person providing such disclosures outweighs the value of the disclosed information to the District.

(3) through (4) No change.

66B-3.013 Multi-Party Acquisitions.

(1) The District may enter into an acquisition agreement with a water management district, a local government, a member county, or a navigation related district for any property which has been determined necessary for dredged material management of the Atlantic Intracoastal and Okeechobee Waterways in Florida.

(2) through (3) No change.

Specific Authority 374.984(3) FS. Law Implemented 374.984(1)-(3) FS. History--New_____.

PART II EXCHANGES

66B-3.014 Property Exchanges.

(1) No change.

PART III DONATIONS

66B-3.015 Property Donations.

(1) Where the Board has determined that ownership of the land being offered to the District furthers one or more of the statutory duties of the District, [The Board shall ~~may~~ accept donations of land under the following conditions:

(a) The conveyance must be by no less than a special warranty deed, unless the conveyance is from another governmental agency the Federal Government, a county government, or another state agency or, if a gift or donation is made by quitclaim deed, and the Board determines that accepting such quitclaim deed is in the best interest of the public.

(b) Evidence of marketable title must be supplied either by the landowner or the District. The Board shall ~~may~~ waive the requirement of evidence of marketability for acquisitions of property assessed by the county property appraiser at \$10,000 or less, where the District finds, based upon such review of the title records as is reasonable under the circumstances, that there is no apparent impediment to marketability, or to management of the property by the state. The Board shall ~~may~~ accept a dedication, gift, grant, or bequest of lands and appurtenances without formal evidence of marketability if, upon recommendation by the District, the Board determines that such lands and appurtenances have value and are reasonably manageable by the state, and that their acceptance is in the public interest.

(c) An acceptable survey must be submitted to and approved by the District. The survey requirement shall ~~may~~ be waived by the Board, if donated lands are in their natural unimproved condition and no improvements are contemplated, if the donated lands are completely surrounded by District-owned lands, if a survey cannot practically be completed, or where the cost of the survey would be prohibitive relative to the expected value of the parcel. Where a survey requirement has been waived by the Board for either of the first two reasons set forth in the preceding sentence, the District shall have the ability to conduct its own survey and to consider the results of such survey in determining whether to accept the proposed donation of land.

(2) No change.

(3) Where less than fee simple title is to be donated, or to aid in clearing the title or otherwise resolving a boundary or title question in any acquisition, the District shall ~~may~~ accept less than a special warranty deed, provided District legal counsel recommends acceptance of such a conveyance.

Specific Authority 374.984(3) FS. Law Implemented 374.984(1)-(3) FS. History--New _____.

PART IV CONDEMNATION PROCEDURES

66B-3.016 Acquisition through Condemnation.

(1) through (2) No change.

Section IV
Emergency Rules

DEPARTMENT OF THE LOTTERY

RULE TITLE:

FLORIDA LOTTO and FANTASY 5

Prize Allocation

RULE NO.:

53ER99-27

SUMMARY OF THE RULE: The emergency rule amends specific prize allocation provisions set forth in FLORIDA LOTTO and FANTASY 5.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER99-27 FLORIDA LOTTO and FANTASY 5 Prize Allocation.

(1) Except for the FLORIDA LOTTO Jackpot prize which will pay the exact amount, the second, third and fourth prizes will be rounded down to the nearest fifty cents (\$.50); provided, however, that the fourth prize shall be no less than \$3.50. All rounding differences in the second, third and fourth prizes will be used to fund future prizes in Lottery games or for special Lottery prize promotions. This subsection (1) supersedes the provisions set forth in subsection 53-28.003(6), F. A. C.

(2) Except for the FANTASY 5 Grand Prize which will pay the exact amount, the second and third prizes will be rounded down to the nearest fifty cents (\$.50); provided, however, that the third prize shall be no less than \$3.50. All rounding differences in the second and third prizes will be used to fund future prizes in Lottery games or for special Lottery prize promotions. This subsection (2) supersedes the provisions set forth in subsection 53-29.003(5), F. A. C.

Specific Authority 24.109(1), 24.115(1) FS. Law Implemented 24.105(10)(e), 24.115(1) FS. History--New 5-24-99.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

Effective Date: May 24, 1999