

addition, temporary possession of a fish for the purpose of determining the species or for measuring the fish to determine compliance with the minimum size requirements of this chapter, shall not constitute harvesting such fish, provided that it is examined and measured immediately after taking, and immediately returned to the water free, alive and unharmed if it is a protected species or if undersize. "Hook and line gear" includes any handline, rod and reel, or any pole to which hook and line are attached, as well as any bob, float, weight, lure, plug, spoon, or standard bait attached thereto.

(4) "Lower jaw fork length" means the length of a fish as measured from the foremost point of the lower jaw to the rear center edge of the tail. "Longline gear" means any single line or series of connected lines to which more than ten hooks are attached and which is used to harvest fish.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 3-31-88, Formerly 46-33.002, Amended \_\_\_\_\_.

68B-33.003 Marlin and Sailfish Possession Limits; Prohibition of Harvest for Spearfish; Prohibition of Sale; Exception; Gear Restrictions.

(1) Except as provided in subsection (4)(3), no person shall possess more than one blue marlin, white marlin or sailfish, either individually or in combination billfish at any time. Possession of more than one such fish billfish within the state shall constitute a violation of this rule.

(2) No person shall harvest in or from state waters, nor possess while in or on the waters of the state, or land, any longbill spearfish, Mediterranean spearfish, or any roundscale spearfish. The purchase, sale, or exchange of any such spearfish is prohibited.

(3) Except as provided in subsection (4)(3), no person, firm, or corporation shall buy, sell, trade, barter, or exchange billfish in any form or manner, or receive anything of value for any billfish with or without changing possession thereof. This subsection shall not be construed to prohibit billfish tournaments that award monetary or other prizes, so long as all other requirements of this chapter are met.

(4)(3) The possession limit and prohibition of sale contained in this rule shall not apply to the following situations:

(a) Blue marlin, white marlin or sailfish, Billfish may be kept on the premises of a wholesale or retail seafood business or restaurant for the limited purpose of smoking such fish billfish for the harvesters thereof, so long as each such fish or part is packaged or otherwise clearly labeled to indicate the name and address of the owner and no portion of the fish billfish is exchanged for the service.

(b) Blue marlin, white marlin, or sailfish, Billfish may be transported by and kept on the premises of a taxidermist for the limited purpose of mounting such fish billfish for the

harvesters thereof, so long as each such fish is clearly labeled to indicate the name and address of the owner and no portion of the fish billfish is exchanged for the service.

(5)(4) The possession of any billfish aboard a vessel fishing in state waters with longline gear or any gill or trammel net is prohibited.

(6)(5) The taking or attempted taking of billfish in or from state waters is prohibited except by use of hook and line gear.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 3-31-88, Amended 7-15-96, Formerly 46-33.003, Amended \_\_\_\_\_.

68B-33.004 Size Limits.

(1) No person shall harvest, possess in or on the waters of the state, or land, any blue marlin with a lower jaw fork length less than 99 inches.

(2) No person shall harvest, possess in or on the waters of the state, or land, any white marlin with a lower jaw fork length less than 66 inches.

(3) No person shall harvest, possess in or on the waters of the state, or land, any sailfish with a lower jaw fork length less than 63 inches.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Florida Fish and Wildlife Conservation Commission, 2540  
Executive Center Circle, West, Suite 106, Tallahassee, Florida  
32301

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

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: July 8, 1999

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

**DEPARTMENT OF INSURANCE**

RULE CHAPTER NO.: 4-127  
RULE CHAPTER TITLE: Fees and Procedures Regarding  
Department Information and  
Services

**SECOND 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., Florida Statutes, published in Vol. 25, No. 15, April 16, 1999, of the Florida Administrative Weekly and amended in Vol. 25, No. 19, May 14, 1999:

4-127.001 Database Information will be changed to read as follows:

The cost for the Annual Report of the Department of Insurance, pursuant to 624.313(1), Florida Statutes, is \$30.00.

~~(1) This rule establishes procedures for individuals and entities purchasing certain data contained in the Department's computer database. These data are: the Department's annual report; other special reports; lists; labels; and bar codes.~~

~~(2) All insurers, firms, individuals, or other entities requesting the information described in subsection (1) from the Department's computer database system shall submit their request in writing to the Bureau of Data Control, Division of Insurer Services, Department of Insurance, Larson Building, 200 East Gaines Street, Tallahassee, Fl. 32399-0300.~~

The remainder of the rule will read as published.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Consumer Services**

RULE NO.:                      RULE TITLE:  
5J-13.004                      Security Claims

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 25, No. 18, May 7, 1999, Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF EDUCATION**

**Board of Regents**

RULE NO.:                      RULE TITLE:  
6C-8.009                      Definition and Process for  
  Establishing Educational Sites

NOTICE OF CHANGE

Notice is hereby given that additional changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 24, June 18, 1999, issue of the Florida Administrative Weekly. The rule has been amended in Paragraph (1)(a) to include the criteria to be used by the Board of Regents in assessing the need to offer lower-division courses at a branch campus, center or site. No change was made to Paragraph (1)(b) of the rule. Rule 6C-8.009(1)(a) is revised to read, as follows:

6C-8.009 Definition and Process for Establishing Educational Sites.

(1) The following definitions and processes for establishment shall apply to educational locations of public universities within the state:

(a) Main campus is defined as the focal point of university educational and administrative activities, authorized by Section 240.2011, F.S. Lower-division courses are offered only on the main campus of each university unless the university receives specific Board of Regents approval to offer lower-division courses at a branch campus, center or site. Approval will be

based on a consideration of the following: the university's mission; an assessment of student demand; availability of necessary facilities, equipment and faculty; discussion with the educational institutions impacted by the proposed course offerings; and PEPC's review of those course offerings.

Specific Authority 240.209(1), (3)(o)(~~g~~) FS. Law Implemented 240.209(1),(3)(o), 240.2011 FS. History--New 4-9-87, Amended 6-8-92, 2-15-94, \_\_\_\_\_.

**DEPARTMENT OF REVENUE**

NOTICE OF CABINET MEETING ON AUGUST 24, 1999  
The Governor and Cabinet, on August 24, 1999, sitting as head of the Department of Revenue, will consider approving the proposed amendments to Rule 12A-1.0911, F.A.C. (Self-Accrual Authorization). These proposed amendments provide that the Department may authorize a dealer that uses independent sellers to sell its merchandise to remit tax on the retail sales price charged to the ultimate consumer, in lieu of having the independent seller register as a dealer and remit the tax. The proposed amendments to Rule 12A-1.0911, F.A.C., were originally noticed in the Florida Administrative Weekly of June 18, 1999, Vol. 25, No. 24, pp. 2830-2831. A public hearing on these proposed rule amendments was held on July 13, 1999. No one appeared at the hearing to testify, and no one submitted written comments. The Joint Administrative Procedures Committee of the Florida Legislature submitted comments which resulted in the Department making changes to the rule as originally noticed. Subsequently, the Department published a Notice of Change in the July 30, 1999, edition of the Florida Administrative Weekly.

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NO.:                      RULE TITLE:  
12A-1.0911                      Self-Accrual Authorization

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., 1998 Supplement, published in the Vol. 25, No. 24, pp. 2830-2831, June 18, 1999, issue of the Florida Administrative Weekly. These changes are being made in response to comments received from the Joint Administrative Procedures Committee of the Florida Legislature.

12A-1.0911 Self-Accrual Authorization.

(1) through (4) No change.

(5)(a) The Department will may authorize a dealer that uses independent sellers to sell its merchandise to remit tax on the retail sales price charged to the ultimate consumer in lieu of having the independent seller register as a dealer and remit the tax, if such dealer properly complies with the provisions of chapter 212, F.S., and this rule. The dealer applicant must

agree to report and pay directly to the Department all sales tax liabilities that are transferred from the independent sellers to the dealer applicant as a result of the request.

(b)1. A dealer applicant seeking authorization to remit sales tax on behalf of its independent sellers must send a written application request for such authorization to:

Florida Department of Revenue  
 Central Registration  
 P. O. Box 2096  
 Tallahassee, Florida 32316-2096

2. The application request shall include:

a. the date;

b. the signature of the dealer applicant's President or Chief Executive Officer;

c. a statement by the dealer applicant agreeing to report and pay directly to the Department all sales and use tax liabilities that are transferred from the independent sellers to the dealer applicant as a result of the request;

d. the dealer applicant's sales tax certificate of registration number;

e. the dealer applicant's address and telephone number;

f. a description of the property being sold by the independent sellers;

g. documentation of dealer applicant's financial resources, including certified financial statements; and

h. a detailed description of the dealer applicant's information processing system to be used for the tax liabilities assumed and to allocate the local taxes involved.

(c)1. Upon receipt of an application request for authorization, the Department will inform the dealer applicant in writing that the application request is complete and has been accepted, if the application meets the requirements set forth in chapter 212, F.S., and this rule; or, that the application request is deficient and specify what additional information is required to make the application request complete. Upon acceptance of a complete application request for authorization, the Department will approve the request if it meets the requirements set forth in chapter 212, F.S., and this rule, or deny the request and notify the dealer applicant in writing of its decision.

2. through (d)1. No change.

2. The dealer shall notify the Department within 30 days of any change of circumstances that might affect the dealer's qualification for the authorization. The authorization will ~~can~~ be revoked at any time if it is determined by the Department that the holder no longer meets the requirements set forth in chapter 212, F.S., or this rule subsection.

Specific Authority 212.17(6), 212.18(2),(3), 212.183, 213.06(1) FS. Law Implemented 212.05(1)(e)3.,4., 212.0598, 212.06(11), 212.08(8),(9), 212.12(13), 212.18(3), 212.18(3) FS. History—New 4-7-92, Amended 5-19-93, 9-14-93, 11-16-93,\_\_\_\_\_.

**DEPARTMENT OF REVENUE**

**NOTICE OF CABINET MEETING ON AUGUST 24, 1999**

The Governor and Cabinet, on August 24, 1999, sitting as head of the Department of Revenue, will consider approving the proposed repeal of Rules 12B-7.001 (Imposition of Tax), 12B-7.002 (Administration), 12B-7.007 (Liability for Tax), 12B-7.009 (Payment of Tax; Interest and Penalties), and 12B-7.023 (Penalties and Interest), F.A.C. The proposed repeal of Rules 12B-7.001, 12B-7.002, 12B-7.007, 12B-7.009, and 12B-7.023, F.A.C., is necessary to conform to the legislative mandate in s. 120.74(1), F.S., that each agency review and revise its rules to remove language which is redundant of statute. These rules were originally noticed in the Florida Administrative Weekly of June 18, 1999, Vol. 25, No. 24, pp. 2831-2832. A public hearing on these proposed rule repeals was held on July 13, 1999. No one appeared at the hearing to testify, and no one submitted written comments.

**STATE BOARD OF ADMINISTRATION**

|                  |                         |
|------------------|-------------------------|
| <b>RULE NO.:</b> | <b>RULE TITLE:</b>      |
| 19-8.010         | Reimbursement Contract  |
|                  | <b>NOTICE OF CHANGE</b> |

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. 25, No. 24, June 18, 1999, issue of the Florida Administrative Weekly:

1) In Article V(g), regarding the definition of "estimated claims-paying capacity," the word "bonding" at the end of the sentence will be changed to "borrowing" to conform it with the statutory language.

2) The last sentence of the third full paragraph in Article X(c) of the Addendum to the 1999 Reimbursement Contract being adopted and incorporated by reference in Rule 19-8.010 shall now read: "If the Company's retention must be recalculated as the result of an exposure resubmission and if the newly-recalculated retention changes the FHCF's reimbursement obligations, then the Company shall submit additional reports of claims and losses to facilitate the recalculation of the FHCF's obligations."

**PUBLIC SERVICE COMMISSION**

|                             |   |
|-----------------------------|---|
| <b>DOCKET NO. 990206-TI</b> |   |
| <b>RULE NO.:</b>            | <b>RULE TITLE:</b>  |
| 25-4.005                    | Transfer of Certificate of Public Convenience and Necessity to all or portion of Service Area |
|                             | <b>NOTICE OF CHANGE</b>   |

Notice is hereby given that the following changes have been made to Subsection (4) of the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 24, No. 42, October 16, 1998, issue of the Florida Administrative Weekly:

(4) Any subscriber or group of subscribers of a telephone company may petition the Commission for transfer from the service area of such telephone company to that of another telephone company serving contiguous territory. ~~After public hearing, if one is requested, the Commission may, on a finding of just cause, require such transfer and amend the existing certificates of the telephone companies involved or change the exchange service area maps to reflect any changes found justified.~~

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-22.012  
 RULE TITLE: Rules of Prohibited Conduct and Penalties for Infraction  
 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. 25, No. 21, May 28, 1999, issue of the Florida Administrative Weekly:

33-22.012 is changed as follows:  
 9-30 Self Mutilation – self disfigurement 30 DC + 60 GT ~~such as includes~~ body piercing, scarring or other non-life threatening acts.  
Determination of whether an act constitutes self-mutilation as opposed to a suicide attempt shall be made ~~as determined~~ by health care staff.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE CHAPTER NO.: 40E-6  
 RULE CHAPTER TITLE: Works or Lands of the District  
 RULE NOS.: Part I  
 RULE TITLES:  
 40E-6.011 Policy and Purpose  
 40E-6.021 Definitions  
 40E-6.031 Implementation  
 40E-6.041 Consent Required  
 40E-6.051 Exemptions  
 40E-6.091 Publications Incorporated by Reference  
 Part II – Permits  
 Subpart A – Notice General Permits  
 40E-6.101 Content of Application  
 40E-6.121 Conditions for Issuance of Notice General Permits  
 Subpart B – Standard Permits  
 40E-6.201 Content of Application  
 40E-6.221 Conditions for Issuance of Standard Permits

Subpart C – General Provisions

40E-6.311 Access to Works and Lands of the District; Closures  
 40E-6.321 Duration of Permits  
 40E-6.331 Modification of Permits  
 40E-6.341 Revocation of Permits  
 40E-6.351 Transfer of Permits  
 40E-6.361 Financial Assurances and Insurance  
 40E-6.381 Limiting Conditions  
 Part III – Emergencies  
 40E-6.451 Emergency Authorization  
 40E-6.481 Emergency Measures  
 Part IV – Violations  
 40E-6.501 Unlawful Use and Civil Penalties  
 40E-6.521 Self Help  
 Part V – Processing Fees  
 40E-6.601 Permit Application Processing Fees

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 21, May 28, 1999 issue of the Florida Administrative Weekly:

The changes were made in response to comments received from The Florida Legislature Joint Administrative Procedures Committee and the public.

The first sentence in subsection 40E-6.011(2) has been changed so that when adopted it will read: “Due to the critical importance of works and lands of the District in providing flood protection and other benefits, it is considered essential that the District retain complete dominion and control over the use of such works or lands, including those subject to right of way occupancy permits.”

In the Specific Authority of Rule 40E-6.011, “373.044” and “373.1395” have been deleted.

In the Law Implemented of Rule 40E-6.011, “373.083(1)” and “373.616, 373.6161” have been deleted.

Subsection 40E-6.021(2) has been deleted.

Subsection 40E-6.021(3) has been renumbered to read: 40E-6.021(2).

Subsection 40E-6.021(4) has been renumbered to read: 40E-6.021(3).

Subsection 40E-6.021(5) has been renumbered to read: 40E-6.021(4).

Subsection 40E-6.021(6) has been renumbered to read: 40E-6.021(5).

Subsection 40E-6.021(7) has been renumbered to read: 40E-6.021(6) and has been changes to that when adopted it will read: “The term “marina” when used in these rules is intended to mean a docking facility for four (4) or more watercraft.”

Subsection 40E-6.021(8) has been renumbered to read: 40E-6.021(7).

Subsection 40E-6.021(9) has been renumbered to read: 40E-6.021(8) and has been changed so that when adopted it will read: "The term "notice general permit" when used in these rules is intended to mean a revocable license..."

Subsection 40E-6.021(10) has been renumbered to read: 40E-6.021(9).

Subsection 40E-6.021(11) has been renumbered to read: 40E-6.021(10).

Subsection 40E-6.021(12) has been renumbered to read: 40E-6.021(11).

Subsection 40E-6.021(13) has been renumbered to read: 40E-6.021(12).

Subsection 40E-6.021(14) has been renumbered to read: 40E-6.021(13) and has been changed so that when adopted it will read: "The term "right of way occupancy permit" when used in these rules is intended to mean a revocable license..."

Subsection 40E-6.021(15) has been renumbered to read: 40E-6.021(14).

Subsection 40E-6.021(16) has been renumbered to read: 40E-6.021(15) and has been changed so that when adopted it will read: "The term "standard permit" when used in these rules is intended to mean a revocable license..."

Subsection 40E-6.021(17) has been renumbered to read: 40E-6.021(16).

Subsection 40E-6.021(18) has been renumbered to read: 40E-6.021(17).

Subsection 40E-6.021(19) has been renumbered to read: 40E-6.021(18).

Subsection 40E-6.021(20) has been renumbered to read: 40E-6.021(19).

Subsection 40E-6.021(21) has been renumbered to read: 40E-6.021(20).

Subsection 40E-6.021(22) has been renumbered to read: 40E-6.021(21).

Subsection 40E-6.021(23) has been renumbered to read: 40E-6.021(22).

Subsection 40E-6.021(24) has been renumbered to read: 40E-6.021(23).

Subsection 40E-6.021(25) has been renumbered to read: 40E-6.021(24).

Subsection 40E-6.021(26) has been renumbered to read: 40E-6.021(25).

In the Law Implemented of Rule 40E-6.021, "373.083(1)" has been deleted.

Subsection 40E-6.031(3) has been changed so that when adopted it will read: "All applications, and permit application processing fees, for permits received by the District prior to the effective date of these rules shall be processed using the criteria set forth in Volume V, Criteria Manual for Use of Works of the District – Permit Information Manual, adopted \_\_\_\_\_."

Subsection 40E-6.031(4) has been changed so that when adopted it will read: "All applications, and permit application processing fees..."

Subsection 40E-6.041(1) has been changed so that when adopted it will read: "Unless expressly exempt by law or District rule, a right of way occupancy permit..."

Subsection 40E-6.041(3) has been changed so that when adopted it will read: "These rules do not apply to property managed by the District pursuant to either Chapter 40E-7, Part V, F.A.C., or the District's Real Estate Policy, except as otherwise limited by Rule 40E-6.221(8), F.A.C."

Subsection 40E-6.041(4) has been changed so that when adopted it will read: "These rules do not apply to the Seminole Tribe of Florida at such time as there exists a District approved agreement specifically addressing the use and management of District rights of way between the District and the Seminole Tribe of Florida."

Subsection 40E-6.041(5) has been changed so that when adopted it will read: "Except when works or lands of the District have been affirmatively opened to public vehicular use, a right of way occupancy permit must be obtained prior to traveling on or across such works or lands."

In the Law Implemented of Rule 40E-6.041, "373.083(1)" has been deleted.

Subsection 40E-6.051(5) has been deleted.

In the Law Implemented of Rule 40E-6.051, "373.083(1)" has been deleted.

In the Law Implemented of Rule 40E-6.091, "373.083(1)" has been deleted.

Subsection 40E-6.101(1)(h) has been changed so that when adopted it will read: "Six copies of a scaled or fully dimensioned 8 1/2" x 11" drawing, reflecting the proposed use in plan and elevation views, related to the applicable work of the District, and tied to a known reference point in the immediate area of the proposed use. Larger drawings or aerial photographs shall be required, if necessary to adequately show the location and nature of the proposed use. A property survey indicating the location of the District right of way boundary line shall also be provided."

Subsection 40E-6.101(1)(h)3. has been changed so that when adopted it will read: "Except where exempt pursuant to section 471.003, F.S., drawings for bridge crossings, bulkheads, seawalls, retaining walls, hard shoreline stabilization and revetment installations shall be signed and sealed by a Florida registered professional engineer."

In the Law Implemented of Rule 40E-6.101, "373.083(1)" has been deleted.

Subsection 40E-6.121(3) has been changed so that when adopted it will read: "The District has determined that the proposed activity fully complies with all of the criteria set forth in Rule 40E-6.091, F.A.C."

Subsection 40E-6.121(6) has been changed so that when adopted it will read: "Any and all above ground facilities located within the clear 40 foot wide right of way, as set forth in Rule 40E-6.011(4), F.A.C., or within the right of way at locations where the right of way is less than 40 feet wide, as measured from the top of the canal bank, are prohibited."

In the Law Implemented of Rule 40E-6.121, "373.083(1)" has been deleted.

Subsection 40E-6.201(1)(h) has been changed so that when adopted it will read: "Six copies of a scaled or fully dimensioned 8 1/2" x 11" drawing, reflecting the proposed use in plan and elevation views, related to the applicable work of the District, and tied to a known reference point in the immediate area of the proposed use. Larger drawings or aerial photographs shall be required, if necessary to adequately show the location and nature of the proposed use. A property survey indicating the location of the District right of way boundary line shall also be provided."

In the Law Implemented of Rule 40E-6.201, "373.083(1)" has been deleted.

Subsection 40E-6.221(1) has been changed so that when adopted it will read: "The District has determined that certain uses shall be authorized under a standard permit when located in an authorized zone and when they comply with the criteria..."

Subsection 40E-6.221(2) has been changed so that when adopted it will read: "In determining whether a standard permit should be issued, the District shall consider whether the proposed activity unduly burdens the District's interests. In making this decision, the District shall weigh the following critical factors:"

Subsection 40E-6.221(2)(m) has been added so that when adopted it will read: "The nature of the District's property interest."

Subsection 40E-6.221(5) has been changed so that when adopted it will read: "The District shall also consider the cumulative impact of allowing the proposed use. Based upon the cumulative impact of allowing similar uses in the affected area, the District shall deny uses which appear insignificant with regard to the above criteria if the cumulative impact is significant."

Subsection 40E-6.221(8) has been changed so that when adopted it will read: "No commercial uses will be allowed on District rights of way. There shall, however, be no presumption against allowing commercial use of the District right of way by utilities."

Subsection 40E-6.221(11) has been deleted.

Subsection 40E-6.221(12) has been deleted.

In the Law Implemented of Rule 40E-6.221, "373.083(1)" has been deleted.

Subsection 40E-6.311(2) has been changed so that when adopted it will read: "Works and Lands of the District shall be closed to the public use temporarily under the following conditions:"

In the Law Implemented of Rule 40E-6.311, "373.083(1)" has been deleted.

The first sentence of Subsection 40E-6.321(1) has been changed so that when adopted it will read: "Permits issued prior to the effective date of \_\_\_\_\_ and which do not comply with the Basis of Review incorporated by reference in Rule 40E-6.091, F.A.C., shall expire upon the change of ownership of the property unless transferred pursuant to Rule 40E-6.351, F.A.C., below."

Subsection 40E-6.321(2) has been changed so that when adopted it will read: "Unless revoked or otherwise modified the duration of a right of way occupancy permit is:"

In the Law Implemented of Rule 40E-6.321, "373.083(1)" has been deleted.

In the Law Implemented of Rule 40E-6.331, "373.083(1)" has been deleted.

Subsection 40E-6.341(1)(e) has been changed so that when adopted it will read: "the permitted use is inconsistent with any provision..."

Subsection 40E-6.331(3)1. has been renumbered to read: 40E-6.331(3)(a).

Subsection 40E-6.331(3)2. has been renumbered to read: 40E-6.331(3)(b).

Subsection 40E-6.331(3)3. has been renumbered to read: 40E-6.331(3)(c).

Subsection 40E-6.341(1)(g) has been renumbered to read: 40E-6.341(1)(f).

Subsection 40E-6.341(4) has been deleted.

Subsection 40E-6.341(5) has been renumbered to read: 40E-6.341(4) and the first sentence has been changed so that when adopted it will read: "The provisions herein shall precedence over the general revocation provisions set forth in 40E-1.609(1)(a) through (e), F.A.C., as the permit program governing use of works and lands of the District is a proprietary based program."

In the Law Implemented of Rule 40E-6.341, "373.083(1)" has been deleted.

Subsection 40E.351(2) has been changed so that when adopted it will read: "Right of Way Occupancy Permits shall be transferred when:"

In the Law Implemented of Rule 40E-6.351, "373.083(1)" has been deleted.

Subsection 40E-6.361(1) has been changed so that when adopted it will read: "The District shall require the applicant..."

Subsection 40E-6.361(2) has been changed so that when adopted it will read: "In addition to the provision for financial assurances as provided in subsection (1), above, the District shall require liability insurance..."

In the Law Implemented of Rule 40E-6.361, "373.083(1)" has been deleted.

Subsection 40E-6.381(6) has been changed so that when adopted it will read: "Unless specifically prohibited or limited by statute, Permittee agrees to indemnify, defend and save the District (which used herein includes the District and its past, present and future employees, agents, representatives, officers and Governing Board members and any of their successors and assigns) from and against any and all lawsuits, actions, claims, demands, losses, expenses, costs, attorneys fees (including but not limited to the fair market value of the District's inhouse attorneys' fees based upon private attorneys' fees/rates), judgments and liabilities which arise from or may be related to the ownership, construction, maintenance or operation of the permitted use or the possession, utilization, maintenance, occupancy or ingress and egress of the District's right of way which arise directly or indirectly and are caused in whole or in part by the acts, omissions or negligence of the District or of third parties. Permittee agrees to provide legal counsel acceptable to the District if requested for the defense of any such claims."

Subsection 40E-6.381(8) has been changed so that when adopted it will read: "...Permittee shall be responsible for any costs incurred by the District resulting from any such interference, as set forth in (a), (b), and (c), above."

Subsection 40E-6.381(13) has been changed so that when adopted it will read: "The District has the right to change, regulate, limit, schedule, or suspend discharges into, or withdrawals from, works of the District in accordance with criteria established by the Big Cypress Basin, the District, or the U.S. Army Corps of Engineers for the works of the District."

In the Law Implemented of Rule 40E-6.381, "Chapters 25209 and 25270, Laws of Florida, 196.199(1), 373.083(1)" has been deleted.

In the Law Implemented of Rule 40E-6.451, "373.083(1)" has been deleted.

In the Law Implemented of Rule 40E-6.481, "373.083(1)" has been deleted.

Subsection 40E-6.501(2) has been changed so that when adopted it will read: "...The District shall use any remedy available to it under Florida common law and the statutory law and the District's rules, to remove or cause the unpermitted use to be removed, as well as the assessment of civil penalties pursuant to this rule. The District shall, in furtherance of the purposes of Chapter 373, F.S., allow the permitted use to be brought into compliance with the permit by means of a permit modification if the unlawful use complies with the criteria set forth in rule 40E-6.091, F.A.C."

Subsection 40E-6.501(6) has been changed so that when adopted it will read: "Vessels which are being occupied or used as temporary or permanent residence or business, or other vessels which have an adverse impact on the District's ability

to construct, operate, and maintain its canals and structures, will not be permitted within District works or lands. However, this limitation shall not be construed to prohibit vessels which are actively navigating from place to place."

In the Law Implemented of Rule 40E-6.501, "120.68, 373.083(1)" has been deleted.

In the Law Implemented of Rule 40E-6.521, "120.68, 373.083(1)" has been deleted.

Subsection 40E-6.601 has been changed so that when adopted it will read: "...An application is not deemed complete and shall not be processed until the appropriate application fee is submitted. These fees are assessed in order to defray the cost of evaluating, processing, and mailing 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."

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Building Construction**

|           |  |
|-----------|--|
| RULE NO.: | RULE TITLE:  |
| 60D-7.005 | Minimum Codes for State Construction under the Jurisdiction of the Department of Management Services |

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 25, No. 15. April 16, 1999, Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Auctioneers**

|            |                           |
|------------|---------------------------|
| RULE NO.:  | RULE TITLE:               |
| 61G2-2.002 | Examination for Licensure |

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 25, No. 13, of the Florida Administrative Weekly on April 2, 1999, has been withdrawn.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Ed Broyles, Executive Director, Board of Auctioneers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

|             |             |
|-------------|-------------|
| RULE NO.:   | RULE TITLE: |
| 61H1-20.001 | Licensee    |

**NOTICE OF CHANGE**

The Board of Accountancy hereby gives notice that the above rule, published in Vol. 25, No. 19, of the May 14, 1999, Florida Administrative Weekly, has been changed due to comments received from the Joint Administrative Procedures Committee.

Subsection (2) of the rule shall now read as follows:

(2) A "suspended certified public accountant" is prohibited from practicing public accounting and using the CPA designation.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Martha P. Willis, Executive Director, Board of Accountancy, 2610 Northwest 43rd Street, Suite 1-A, Gainesville, Florida 32606.

**DEPARTMENT OF HEALTH**

**Board of Chiropractic**

RULE NO.: 64B2-17.0045  
 RULE TITLE: Chiropractic Physician Training Program

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 25, No. 17, April 30, 1999, Florida Administrative Weekly has been withdrawn.

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

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE NO.: 64B12-9.001  
 RULE TITLE: Examination for Licensure

**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. 25, No. 18, May 7, 1999, issue of the Florida Administrative Weekly. The changes set forth below are in response to comments receive from the Joint Administrative Procedures Committee.

Subsection (7) of the rule shall now read as follows:

The neutralization portion of the examination for opticianry licensure shall require candidates to neutralize lenses within the tolerances set out in the American National Standard (Z80.1-1987) which is incorporated herein by reference to achieve a score of seventy percent (70%).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Opticianry/MQA, 2020 Capital Circle, S. E., Bin #C08, Tallahassee, Florida 32399-3258.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE NO.: 65A-1.900  
 RULE TITLE: Overpayment and Benefit Recovery  
 CONTINUATION OF PROPOSED RULEMAKING

The Department of Children and Family Services announces a public hearing to which all persons are invited.

TIME AND DATE: 2:00 p.m., August 10, 1999

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

This rule was originally noticed in Vol. 25, No. 19, May 14, 1999, Florida Administrative Weekly.

PURPOSE: To allow the department to further amend policy statements in administrative rule 65A-1.900, FAC.

Any person desiring special accommodations under the Americans with Disabilities Act or desiring a copy of the agenda for this hearing should contact Audrey Mitchell, Program Administrator, Economic Self-Sufficiency Program, Building 3, Room 412D, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700 or telephone (850)488-3090. If special accommodations are required, please make the contact at least 24 hours prior to the hearing.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self Sufficiency Program**

RULE NO.: 65A-4.301  
 RULE TITLE: Drug Screening and Testing of Temporary Cash Assistance Applicants  
 CONTINUATION OF PROPOSED RULEMAKING

The Department of Children and Family Services announces a public hearing to which all persons are invited.

DATE AND TIME: 10:00 a.m., August 16, 1999

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

This rule was originally noticed in Vol. 24, No. 48, November 25, 1998.

PURPOSE: To determine if the department should further amend proposed administrative rule 65A-4.301, FAC, concerning drug screening and testing of temporary cash assistance applicants and recipients, based upon Florida Legal Services' written comments dated July 1, 1999.

Any person desiring special accommodations under the Americans with Disabilities Act or desiring a copy of the agenda for this hearing should contact Audrey Mitchell, Program Administrator, Economic Self-Sufficiency Program, Building 3, Room 412D, 1317 Winewood Boulevard,



Tallahassee, Florida 32399-0700 or telephone (850)488-3090. If special accommodations are required, please make the contact at least 24 hours prior to the hearing.

**Section IV  
Emergency Rules**

**NONE**

**Section V  
Petitions and Dispositions Regarding Rule  
Variance or Waiver**

**DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE IS HEREBY GIVEN that the Department issued a Final Order on July 14, 1999, in response to the Petition for Waiver filed by Sarasota County and assigned the number DCA99-WAI-094.

Notice of receipt of the petition appeared May 21, 1999, in Vol. 25, No. 20 of the Florida Administrative Weekly. It is ordered that the Petition for Waiver or Variance by Petitioner Sarasota County be, and by this Final Order is, hereby GRANTED with respect to Florida Communities Trust (FCT) application #98-072-P8A.

A copy of the Final Order may be obtained from: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

On June 16, 1999, the Department received a petition for variance under section 120.542 of the Florida Statutes from the City of West Melbourne for their Ray Bullard Water Reclamation Facility to obtain a variance from the specific criteria of rule 62-699.311(10) of the Florida Administrative Code. This rule addresses the requirement that the lead/chief operator for a Class A or B treatment plant be on duty for one full shift each duty day.

The petition for variance is being processed and is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., EST, Monday through Friday, except legal holidays, at the Department of Environmental Protection, Domestic Wastewater Section, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, Telephone (850)488-4524. Any interested person or agency may submit written comments on the petition within 14 days of this notice. Comments should be filed with the Department at the above address.

EMERGENCY VARIANCE NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on July 8, 1999, a petition from Ecology and

Environment, Inc., seeking a variance under section 120.542 of the Florida Statutes from the prohibition from a zone of discharge under rule 62-552.300(2)(a), Florida Administrative Code, for the use of a remediation product to clean up sites with contaminated ground water and soils. The petition has been assigned OGC case number 99-1140. Copies may be received from, and written comments submitted to, Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; Attn.: Cynthia Christen. Comments must be received no later than 14 days from the date of publication of this notice.

EMERGENCY VARIANCE NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on July 9, 1999, an emergency petition from Steinhatchee Water Association, Inc., seeking a variance from the public comment provision of rule 62-552.665(5)(b), Florida Administrative Code, as required by rule 62-552.680(1)(a)2.a., Florida Administrative Code. Rule 62-552.680(1)(a), F.A.C., requires that the 30-day public comment period be concluded before the Department publishes the notice of public hearing. The petition has been assigned OGC case number 99-1154. Copies may be received from, and written comments submitted to, Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; Attn.: Cynthia Christen. Comments must be received no later than 14 days from the date of publication of this notice.

The Department of Environmental Protection announces its entry of an Order Granting Request for Renewal of Variance, as required by Section 120.542(8), F.S.

NAME OF THE PETITIONERS: City of Tampa and Hillsborough County

DATE THE PETITION WAS FILED: March 5, 1999

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Section 403.708(13)(c), F.S., and Rule 62-701.300(8)(c), Florida Administrative Code (F.A.C.), which prohibit the disposal of yard trash in lined landfills.

THE DATE OF THE ORDER APPROVING THE VARIANCE OR WAIVER: July 12, 1999

THE GENERAL BASIS FOR THE AGENCY DECISION: Petitioners have requested that yard trash be temporarily allowed to be diverted to the Hillsborough County Southeast landfill during the period of time that the City of Tampa is retrofitting its Refuse-to-Energy Facility with air pollution control equipment. Petitioners have demonstrated that an undue economic burden would be created if the City was required to implement a separate yard trash collection program while the City facility was installing air pollution control equipment.