

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-92, Amended 11-29-93, 1-1-96, 6-3-96, 7-16-96 Formerly 46-31.009, Amended.

68B-31.0135 Southeast Region: Biscayne Bay (Dade County) Food Shrimp Production Season and Weekly Closures.

(1) No person shall engage in food shrimp production in any waters of the Southeast Region in Dade County, except during the open season for such production. The open season shall begin on October 15 each year and continue through May 15 of the following year, subject to the weekly closures specified in subsection (2).

(2) During the open season specified in subsection (1), no person shall engage in food shrimp production in any waters of the Southeast Region in Dade County during the period each week beginning at 6:00 a.m. on Saturday and ending at 6:00 a.m. on Sunday.

Specific Authority Art. IV, Sec 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Marine Fisheries

RULE CHAPTER TITLE: Shrimp

RULE TITLE: State Recreational Shrimping Restrictions
 RULE NO.: 68B-31.007

PURPOSE AND EFFECT: In conjunction with amendment of the Commission’s general gear rules, the purpose of this rule development effort is to convert the current specification for the maximum allowable size for a cast net used to harvest shrimp recreationally from a radius measurement – 12 feet, 7 inches – to a circumference maximum of 79 feet, 3 inches. The effect should be to give Division of Law Enforcement personnel a more certain way to measure cast nets aboard a vessel.

SUBJECT AREA TO BE ADDRESSED: Cast net gear specifications for the recreational harvest of shrimp.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

A HEARING ON THE PROPOSED RULE WILL BE HELD IN CONJUNCTION WITH THE COMMISSION'S PUBLIC MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 9:00 a.m., each day, October 6-8, 1999

PLACE: Specific location of Commission meeting to be later announced in this publication

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting

by contacting: Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dr. Russell Nelson, Executive Director, Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301, (850)487-0554

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-31.007 Statewide Recreational Shrimping Restrictions.

Except for persons harvesting shrimp commercially as either a food shrimp producer or a live bait shrimp producer, each person harvesting shrimp in or on the waters of the state shall comply with the requirements specified in this rule.

(2) Allowable Gear – No person subject to the requirements of this rule shall use any type of gear to harvest shrimp other than those types of gear specified herein:

(a) Landing or dip net with an opening no larger than 96 inches around the perimeter.

(b) Cast net with a circumference ~~radius~~ no greater than 79 ~~12 1/2 feet, 3 inches~~.

(c) Push net.

(d) One frame net with an opening no larger than 16 feet around the perimeter, if deployed from a vessel or from a structure other than an operational bridge or causeway or catwalk attached to such bridge or causeway.

(e) Shrimp traps meeting the requirements of Section 370.15(5), Florida Statutes.

(f) Beach or haul seine with a mesh area no larger than 500 square feet.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-92, Amended 1-1-96, 6-3-96, Formerly 46-31.007, Amended.

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Marine Fisheries

RULE CHAPTER TITLE: Mullet

RULE TITLE: Allowable Harvesting Gear
 RULE NO.: 68B-39.0047

PURPOSE AND EFFECT: In conjunction with amendment of the Commission’s general gear rules, the purpose of this rule development effort is to convert the current specification for the maximum allowable size for a cast net used to harvest mullet from a radius measurement – 12 feet, 7 inches – to a circumference maximum of 79 feet, 3 inches. The effect should

be to give Division of Law Enforcement personnel a more certain way to measure cast nets aboard a vessel in a fishery that is increasingly reliant on cast nets for commercial harvest. SUBJECT AREA TO BE ADDRESSED: Cast net gear specifications for the harvest of mullet.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution. A HEARING ON THE PROPOSED RULES WILL BE HELD IN CONJUNCTION WITH THE COMMISSION'S PUBLIC MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., each day, October 6-8, 1999
PLACE: Specific location of Commission meeting to be later announced in this publication

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dr. Russell Nelson, Executive Director, Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301, (850)487-0554

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-39.0047 Allowable Harvesting Gear.

(1) The harvest or attempted harvest of any mullet by or with the use of any gear or method other than the following is prohibited.

(a) Cast net with a ~~circumference~~ ~~radius~~ no greater than ~~79~~ ~~42~~ feet ~~3~~ ~~7~~ inches, provided that no more than two such nets shall be fished from any vessel at any time.

(b) Beach or haul seine with a total area (mesh area plus the area of any other attached material that adds to the fishing surface of the net) no larger than 500 square feet, provided that no more than two such nets unconnected shall be fished from any vessel at any time.

(c) Until January 1, 2000, skimmer net meeting the following specifications:

1. No skimmer net shall have an opening larger than 28 feet around the perimeter.

2. No more than two skimmer nets shall be attached to or fished from a single vessel.

3. No skimmer net shall have a total area (mesh area plus the area of any other attached material that adds to the fishing surface of the net) larger than 500 square feet. No skimmer net shall be longer than 30 feet long in a stretched condition.

4. The bag of any skimmer net shall be constructed of no smaller than #12 dipped nylon mesh. The use of monofilament netting material in any part of the net is prohibited. The mesh size in the final 8 feet of the net shall not exceed 3 1/2 inches stretched mesh and the mesh size in the remainder of the net shall not exceed 4 1/2 inches stretched mesh.

5. No skimmer net shall come in contact with the sea bottom while being deployed from a vessel under power.

(d) Hook and line gear.

(e) Spearing.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 3-3-97, Amended 1-1-98, 11-16-98, 12-31-98, Formerly 46-39.0047, Amended.

Section II Proposed Rules

DEPARTMENT OF BANKING AND FINANCE

Division of Banking

RULE TITLE: Application
RULE NO.: 3C-105.402

PURPOSE AND EFFECT: The proposed rule amends to Rule 3C-105.402, F.A.C., conform the Division's administrative rule relating to financial institution branches to recent statutory changes pursuant to Chapter 99-138, Laws of Florida.

SUMMARY: The proposed changes eliminate the requirement for a branch office application by financial institutions operating in a safe and sound manner.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs 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: 655.012(3), 658.26(2)(c) FS.

LAW IMPLEMENTED: 658.26(2), 665.013 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., August 30, 1999

PLACE: Suite 636, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda B. Charity, Chief, Division of Banking, Suite 636, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9510

THE FULL TEXT OF THE PROPOSED RULE IS:

3C-105.402 Application.

Forms and Filing. A ~~strong, well-managed~~ state financial institution operating in a safe and sound manner may submit a notice to the Department file for approval to establish a branch office at least 30 days before opening such branch on Form DBF-C-16A. For the purpose of this section, a safe and sound ~~strong, well-managed~~ financial institution is an institution that has been in operation for at least 24 months, is well-capitalized, has adequate management, has received an aggregate rating at the institution's most recent state or federal safety and soundness examination of no less than "2," and is not the object of any enforcement action. Other financial institutions shall apply for approval to establish a branch office through filing Form DBF-C-16.

Specific Authority 655.012(3), 658.26(2)(c) FS. Law Implemented 658.26(2)(a), (b), 665.013 FS. History--New 3-22-76, Amended 5-27-78, 7-27-81, 8-12-82, Formerly 3C-13.02, Amended 3-24-86, Formerly 3C-13.002, Amended 8-14-94, 4-15-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Linda Charity, Chief, Bureau of Research

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:

Art Simon, Director, Division of Banking

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

July 12, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

July 23, 1999

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE TITLE: Certificate of Authority; Financial Requirements

RULE NO.: 3F-5.0016

PURPOSE AND EFFECT: The purpose of the proposed amendments is to further clarify the financial requirements of the Certificate of Authority holder.

SUMMARY: The Board will be amending portions of the rule concerning financial requirements of the Certificate of Authority holder.

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: 497.103 FS.

LAW IMPLEMENTED: 497.405, 497.407 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: Diana M. Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0350

THE FULL TEXT OF THE PROPOSED RULE IS:

3F-5.0016 Certificate of Authority; Financial Requirements.

(1) through (2) No change.

(3) The Certificate of Authority holder must attest to Financial statements must demonstrate the following levels of net worth:

(a) Certificate of Authority holder that has total a preneed contracts contract liability of \$100,000 or less – \$5,000 net worth;

(b) Certificate of Authority holder that has total a preneed contracts contract liability of \$100,001 to \$200,000 – \$10,000 net worth;

(c) Certificate of Authority holder that has total a preneed contracts contract liability of \$200,001 to \$300,000 – \$15,000 net worth;

(d) Certificate of Authority holder that has total a preneed contracts contract liability of \$300,001 to \$400,000 – \$20,000 net worth;

(e) Certificate of Authority holder that has total a preneed contracts contract liability of greater than \$400,001 ~~\$400,000~~ – \$25,000 net worth.

(4) through (5) No change.

Specific Authority 497.103 FS. Law Implemented 497.405, 497.407 FS. History--New 5-21-95, Amended 12-7-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Funeral and Cemetery Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:

Board of Funeral and Cemetery Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

May 26, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

June 18, 1999

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE TITLE: Processing Fee

RULE NO.: 3F-8.007

PURPOSE AND EFFECT: The purpose of the proposed rule is to define "Processing Fee" and when and how a processing fee may be charged to the customer.

SUMMARY: The proposed rule defines "processing fee" and establishes procedures on when and how the processing fee may be charged to the customer.

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: 497.103 FS.

LAW IMPLEMENTED: 497.103 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: Diana M. Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0350

THE FULL TEXT OF THE PROPOSED RULE IS:

3F-8.007 Processing Fee.

(1) A "processing fee" means a fee paid by a customer for services provided to process and archive a contract and related documents. A processing fee is subject to the trusting requirement for services unless the seller has qualified to write contracts pursuant to s. 497.423, F.S. or s. 497.425, F.S. This rule does not apply to contracts before the effective date of this rule.

(2) A licensee or certificate holder may charge a processing fee on a preneed or at-need contract to a purchaser if the following requirements are met:

(a) The fee was previously disclosed to the purchaser on the licensee's or certificate holder's General Retail Price List, Disclosure Price List or any printed or typewritten disclosure of fees that the licensee uses to comply with s. 497.333(2), F.S.

(b) The fee is clearly disclosed as a processing fee in the contract.

(c) The processing fee is not included, or implied to be included, in any other fee charged to the purchaser.

(3) A processing fee may be charged on any contract for burial rights, merchandise or services if purchased on separate contracts at different dates. However, a licensee shall not charge a processing fee on a contract for the purchase of an opening and closing of a grave or installation of a vault in a grave in which burial rights have previously been purchased.

Specific Authority 497.103 FS. Law Implemented 497.103 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Funeral and Cemetery Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral and Cemetery Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 18, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 18, 1999

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE TITLE: Disbursement from the Preneed Funeral

RULE NO.:

Contract Consumer Protection Trust Fund 3F-10.002

PURPOSE AND EFFECT: The purpose of the Preneed Contract Consumer Protection Trust Fund is to provide restitution to preneed contract purchasers and their estates due to a Certificateholder or otherwise covered provider's failure to provide the benefits of a preneed contract or failure to refund the appropriate principal amount by reason of cancellation thereof.

SUMMARY: The proposed rule provides restitution to preneed contract purchasers and their estates due to a Certificateholder or otherwise covered provider's failure to provide the benefits of a preneed contract or failure to refund the appropriate principal amount by reason of cancellation thereof.

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: 497.103, 497.413(7) FS.

LAW IMPLEMENTED: 497.413 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: Diana M. Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0350

THE FULL TEXT OF THE PROPOSED RULE IS:

3F-10.002 Disbursement from the Preneed Funeral Contract Consumer Protection Trust Fund.

The purpose of the Preneed Contract Consumer Protection Trust Fund is to provide restitution to preneed contract purchasers and their estates due to a Certificateholder's or otherwise covered provider's failure to provide the benefits of a preneed contract or failure to refund the appropriate principal

amount by reason of cancellation thereof. All restitution to be paid from the Preneed Funeral Contract Consumer Protection Trust Fund shall be subject to review and approval of the Board. Amounts disbursed from the Preneed Funeral Contract Consumer Protection Trust Fund shall be determined in accordance with the following criteria:

(1) The Board shall determine to its satisfaction that the Certificateholder or otherwise covered provider ~~preneed contract seller~~ does not possess the financial means to deliver or provide the prearranged merchandise or services. Such determination will be based on information the Board will require for review and may include the following if applicable shall include the following:

(a) Review of delinquency proceedings pursuant to Chapter 631 against a Certificateholder or otherwise covered provider;

(b) Review of bankruptcy proceedings in Federal court;

(c) Review of Trust Accounts held by or entered into by the Certificateholder or otherwise covered provider;

(d) Review of any the funding source used for the preneed contracts for the preneed contract to determine if the Certificateholder utilized Section 497.417, Section 497.429, Section 497.423 or Section 497.425, Florida Statutes;

(e) Review of all assets held by the Certificateholder or otherwise covered provider:-

(2) Requests for restitution shall be submitted on the Preneed Funeral Contract Consumer Protection Trust Fund Request for Disbursement form, DBF-TFD-1, effective May 23, 1994, which is incorporated herein by reference and available from the Department of Banking and Finance. Restitution will only be made if the Certificateholder or otherwise covered provider was licensed as a COA or was regulated under Chapter 470, F.S., when the contract was written. All requests for restitution from the Preneed Funeral Contract Consumer Protection Trust Fund shall be accompanied by a copy of the preneed contract and documentation which verifies the total funds paid on preneed contract, and that the applicant has not defaulted in the terms of the contract. In addition, ~~the person requesting restitution shall provide written~~ documentation that the Certificateholder or otherwise covered provider has failed to provide the benefits of the preneed contract or has failed to refund the appropriate principal amount by reason of cancellation.

(3) The Board and Department shall have the right to review, investigate, or request additional documentation from any person regarding any request for restitution, in order to determine the validity and correct amount of restitution, if any, to be made ~~to the contract purchaser or his estate.~~

(4) Restitution may only be obtained from the Preneed Funeral Contract Consumer Protection Trust Fund if adequate funds are not available in the Certificateholder's or otherwise

covered provider's preneed trust fund or in the possession of the Certificateholder or otherwise covered provider Non/Certificateholder's preneed trust fund or in the possession of the Certificateholder or Non/Certificateholder. Should a portion of the refund amount be reimbursed from the Preneed Trust, or other funds held by the Certificateholder or Non/Certificateholder, the Board shall only authorize restitution for the remaining balance due to the purchaser.

(5) As used herein the term "Restitution" means the disbursement of funds to a Certificateholder or other entity that is licensed by state law to provide services at-need from the Preneed Funeral Contract Consumer Protection Trust Fund after fulfillment of a previously breached contract. After fulfillment, interest accrued in a merchandise trust account or any similar account shall be transferred with the principal to the fulfilling Certificateholder or provider. The Board shall determine the amount of such restitution. However, the amount of any restitution shall not exceed the gross amount of the principal payment paid by the purchaser on the preneed contract.

(6) If a Certificateholder or provider has been assigned a breached contract by the purchaser, owner or beneficiary and is willing to completely fulfill the breached contract, an application for disbursement of funds to the purchaser, owner or beneficiary of a breached contract will not be considered by the Board. In addition, a purchaser, owner or beneficiary of a breached contract that would otherwise form the basis of a claim for restitution who cancels the contract and receives funds from a trustee will not be considered for restitution from the Preneed Funeral Contract Consumer Protection Trust fund.

(7) Notwithstanding the provisions of (5) or (6), direct monetary disbursements of funds from the Preneed Funeral Contract Consumer Protection Trust Fund will be made directly to the purchaser, owner or beneficiary if both of the following conditions exist:

(a) funds up to the amount paid on the breached contract do not exist in trust or one of the alternatives to trust as outlined in 497.417, 497.425 and 497.429, F.S., so long as the purchaser, owner or beneficiary has not received funds from the trustee, and

(b) a Certificateholder or otherwise covered provider that will fulfill the breached contract for the identical services and merchandise is not available.

Direct monetary disbursement of funds from the Preneed Funeral Contract Consumer Protection Trust Fund will also be made to the purchaser, owner or beneficiary if a provider breaches the original contract and the consumer is forced to purchase another contract. In this case, restitution will be made after fulfillment of the secondary contract for up to the amount paid on the original contract purchases less money trusted.

~~(8)~~(6) Nothing in this rule shall be construed to apply to insurance policies sold to fund preneed contracts or to permit payment of a request for restitution from the Preneed Funeral Contract Consumer Protection Trust Fund where the preneed contract was funded by a life insurance policy prior to July 1, 1996. The Department shall, at all times, retain jurisdiction in determining whether a contract purchased constitutes a preneed contract as defined by Chapter 497 or a prearranged burial plan funded by an insurance policy.

Specific Authority 497.103, 497.413 FS. Law Implemented 497.413 FS. History—New 5-23-94, Amended 12-4-95,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Funeral and Cemetery Services
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral and Cemetery Services
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 26, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 18, 1999

DEPARTMENT OF INSURANCE

RULE TITLES: RULE NOS.:
Identity of Insurer 4-150.114
Statements about an Insurer 4-150.117
PURPOSE AND EFFECT: This rule amendment deletes the *per se* prohibition against the reference to a reinsurer in an advertisement found in 4-157.117. Note that reference to a reinsurer in a misleading manner is still prohibited in 4-150.114, which is being amended to refer to any person to expand its scope. The exact same changes were recently made to the health and small group health advertising rules in Parts I and II of 4-150.

SUMMARY: Proposed amendments delete the prohibition against the reference to a reinsurer in an advertisement.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 624.308(1), 626.9611, 627.805 FS.
LAW IMPLEMENTED: 624.307(1), 626.9541(1)(a),(b),(e), (g),(k),(l), 626.9641(1),(2), 626.99, 627.460 FS.

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

TIME AND DATE: 9:30 a.m., August 31, 1999
PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bill Pace, Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0328, phone (850)413-5124

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Yvonne White, (850)413-4214.

THE FULL TEXT OF THE PROPOSED RULES IS:

- 4-150.114 Identity of Insurer.
- (1)(a) through (b) No change.

(c) An advertisement shall not use a trade name, any insurance group designation, name of the parent company of the insurer, name of a particular division of the insurer, name of any reinsurer or any other party, service mark, slogan, symbol or other device which would be misleading as to the true identity of the actual insurer or create the false impression that the parent company or reinsurer or any other party would have any responsibility for the financial obligation of the insurer.

- (2) through (10) No change.

Specific Authority 624.308(1), 626.9611, 627.805 FS. Law Implemented 624.307(1), 626.9541(1)(a),(b),(e),(g),(k),(l), 626.9641(1), 626.99, 627.460 FS. History—New 9-1-73, Formerly 4-35.12, Amended 6-12-88, Formerly 4-35.012, Amended 5-27-96,_____.

4-150.117 Statements about an Insurer.

(1) An advertisement shall not contain statements which are untrue in fact, or by implication misleading, with respect to the assets, corporate structure, financial standing, age or relative position of insurer in the insurance business.

(2) An advertisement shall not contain a recommendation by any commercial rating system unless the advertisement clearly indicates the purpose of the recommendation and the limitations of the scope and extent of the recommendations.

(3) An advertisement shall not refer to a holding company or subsidiary of an insurer unless the advertisement fully discloses that the holding company or subsidiary is a separate entity and not responsible for the insurer's financial condition or contractual obligations. ~~An advertisement shall not refer to a reinsurer or the existence of applicable reinsurance.~~

Specific Authority 624.308, 626.9611, 627.805 FS. Law Implemented ~~624.307(1)~~, 626.9641(1),(2) FS. History—New 9-1-73, Formerly 4-35.15, 4-35.015, Amended 5-27-96,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bill Pace, Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jim Bracher, Chief, Bureau of Life and Health Forms and Rates, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 23, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 9, 1999

REGIONAL PLANNING COUNCILS

East Central Florida Regional Planning Council

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Practice and Procedure	29F-2
RULE TITLES:	RULE NOS.:
General	29F-2.101
Meetings, Hearings and Workshops	29F-2.102
Scheduling Meetings	29F-2.103
Conducting Meetings	29F-2.104
Rule and Policy Making Proceedings	29F-2.105

PURPOSE AND EFFECT: These rules will provide guidance for conducting meetings of the regional planning council and its committees.

SUMMARY: These rules provide guidance for scheduling meetings of the regional planning council and its committees, for establishing an agenda, for taking public input, for selecting a meeting location, for conducting meetings and for adopting and amending rules and policies. These guidelines are being updated as replacements for those of Chapter 29F-2 that are currently being repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory cost, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 186.505 FS.

LAW IMPLEMENTED: 186.505 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, August 30, 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-2.101 General.

The rules of this chapter provide the practices and procedures to be followed by all persons when dealing with the East Central Florida Regional Planning Council. These rules are in addition to all practices, procedures and definitions imposed by applicable statutes, regulations, and rules.

Specific Authority 120.54(5), 186.505 FS. Law Implemented 120.54(5), 186.505 FS. History--New _____.

29F-2.102 Meetings, Hearings and Workshops.

(1) Persons who wish to address the Council on a matter not specifically included on the agenda for the Council's upcoming public meeting, hearing or workshop shall so notify the Chairperson or the Executive Director not less than ten (10) days before the Council's upcoming public meeting, hearing or workshop. The Executive Director, in consultation with the Chairperson, shall include the party on the agenda or notify the party in writing of the reasons for not including the person on the agenda. An opportunity for general public comment will be included in each agenda.

(2) Persons participating in a public meeting, hearing or workshop of the Council shall be allocated a reasonable amount of time to present oral testimony and offer any appropriate written materials relevant to the person's position. The Chairperson shall instruct all persons as to the amount of time allocated for presentation and as to the appropriateness of written materials offered.

Specific Authority 120.54(5), 185.505 FS. Law Implemented 120.54(5), 186.505 FS. History--New _____.

29F-2.103 Scheduling Meetings.

All committee and subcommittee meetings will be scheduled by the respective committee chairperson at a time and place of his or her choosing. Logistical support such as preparation and mailing of meeting notices, arranging for a meeting hall, preparation of meeting materials, and the taking and preparation of minutes will be provided by staff person or persons designated by the Executive Director. Upon selection of a meeting time and place by a committee chairperson, staff will comply with the following procedure:

(1) Reserve a meeting room by contacting the appropriate party.

(2) If the meeting will be held at other than the customary location, then upon confirmation of reservation, the Executive Director will advise the Mayor of the city in which the meeting is to be held, as well as the appropriate Chairperson of the Board of County Commissioners that a meeting has been scheduled. The notice will indicate the time, place, and subject of the meeting and will extend an invitation to the Mayor and Board Chairperson to attend or send a representative.

(3) Staff will prepare a meeting notice to be sent to all appropriate committee members. Said notices will include a meeting agenda and will be placed in the mail so that committee members will receive them at least ten days in advance of the meeting.

(4) Information copies of all meeting notices will be sent to the area media.

(5) A copy of all meeting notices will be posted on the bulletin board in the Council office.

Specific Authority 186.505 FS. Law Implemented 120.54, 186.505 FS. History--New _____.

29F-2.104 Conducting Meetings.

(1) All meetings will be conducted by the Chairperson or Vice-Chairperson. In the absence of the Chairperson and Vice-Chairperson, the membership shall select one of its members to conduct the meeting.

(2) Minutes will be kept of all meetings. Minutes will be taken by a staff member designated by the Executive Director.

(3) Minutes of the Council, Executive Committee, Finance Committee and other committees will be prepared and distributed by the staff at least 7 days in advance of the next meeting.

Specific Authority 186.505 FS. Law Implemented 120.54, 186.505 FS. History--New

29F-2.105 Rule and Policy Making Proceeding.

Except as otherwise provided herein, administrative policies and policy amendments proposed for adoption by the Council shall be decided by vote of the Council as follows:

(1) Notice of the proposed policy or amendment shall contain a full statement of the policy or the proposed policy changes;

(2) The proposed policy or amendment shall be placed on the agenda of the next regularly scheduled meeting;

(3) The proposed policy or amendment shall be mailed to all Council members at least ten (10) days prior to the meeting at which a vote will be held;

(4) Council members may propose relevant changes from the floor to any proposed policy or amendment under consideration on the agenda; and

(5) The proposed policy or amendment shall be approved by a majority vote of the representatives present at the Council meeting.

Specific Authority 120.54(5), 185.505 FS. Law Implemented 120.54, 186.505 FS. History--New

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: July 21, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 16, 1999

REGIONAL PLANNING COUNCILS

East Central Florida Regional Planning Council

RULE CHAPTER TITLE: Regional Dispute Resolution Process
RULE CHAPTER NO.: 29F-3

RULE TITLES: Purpose
RULE NOS.: 29F-3.101

Definitions 29F-3.102

Participation 29F-3.103

Costs 29F-3.104

Timeframes 29F-3.105

Public Notice, Records and Confidentiality 29F-3.106

Pre-Initiation Meeting 29F-3.107

Situation Assessment 29F-3.108

Initiation of the Process by Jurisdictions 29F-3.109

Requests to Initiate Submitted by Others 29F-3.110

Settlement Meetings 29F-3.111

Mediation 29F-3.112

Advisory Decision-Making 29F-3.113

Settlement Agreements and Reports 29F-3.114

Other Existing Dispute Resolution Processes 29F-3.115

PURPOSE AND EFFECT: These rules will prescribe a voluntary process for resolving inter-jurisdictional disputes through mediation arranged by the regional planning council.

SUMMARY: The process presented creates a mediation option for local governments and others to use in settling various disputes relating to growth management. These rules are being updated as replacements for those of Chapter 29F-20 that are currently being repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory cost, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 186.505 FS.

LAW IMPLEMENTED: 186.509 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, August 30, 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-3.101 Purpose.

(1) The purpose of this rule is to establish a voluntary regional dispute resolution process (RDRP) to reconcile differences on planning, growth management and other issues among local governments, regional agencies and private interests. The process consists of two required components: (a) process initiation (initiation and response letters); and (b) settlement meetings; and four optional components: (a) pre-initiation meeting; (b) situation assessments; (c) mediation; or (d) advisory decision-making.

(2) The RDRP's intent is to provide a flexible process that will: clearly identify and resolve problems as early as possible; utilize the procedures in a low-to-high cost sequence; allow flexibility in the order in which the procedures are used; provide for the appropriate involvement of affected and responsible parties; and provide as much process certainty as possible.

(3) The RDRP may be used to resolve disputes involving extra-jurisdictional impacts arising from: the intergovernmental coordination elements of local comprehensive plans required by s. 163.3177, F.S.; inconsistencies between port master plans and local comprehensive plans; the siting of community residential homes required by s. 419.001(5), F.S.; and any other matters covered by statutes that reference the RDRP.

(4) The RDRP shall not be used to address disputes involving environmental permits or other regulatory matters unless all the parties involved agree to initiate use of the RDRP.

(5) Use of the RDRP shall not alter a jurisdiction's, organization's, group's or individual's right to judicial or administrative determination of any issue if that entity is entitled to such a determination under statutory or common law.

(6) Participation in the RDRP as a named party or in any other capacity does not convey or limit intervenor status or standing in any judicial or administrative proceedings.

(7) The RDRP does not supplant local processes established for resolving intra-jurisdictional disputes and is not intended to be used by parties dissatisfied with the appropriate application of local rules and regulations within their jurisdiction.

Specific Authority 186.505 FS. Law Implemented 186.509 FS. History—New

29F-3.102 Definitions.

(1) Situation assessment is a procedure of information collection or "fact finding" that may involve review of documents, interviews or an assessment meeting leading to a written or verbal report identifying: the issues in dispute; the stakeholders; information needed before a decision can be made; and a recommendation for appropriate dispute resolution procedures.

(2) Pre-Initiation Meeting is an informal conference with the RPC staff in order to ascertain whether the likely dispute is appropriate for the RDRP.

(3) Facilitation is a procedure in which the facilitator helps the parties design and follow a meeting agenda and assists parties to communicate more effectively throughout the process. The facilitator has no authority to make or recommend a decision.

(4) Mediation is a procedure in which a neutral person assists disputing parties in a negotiation process to explore their interests, develop and evaluate options, and reach a mutually acceptable agreement without prescribing a resolution. A mediator may take more control of the process than a facilitator and usually works in more complex cases where a dispute is more clearly defined.

(5) Advisory decision-making is a procedure aimed at enhancing the effectiveness of negotiations and helping parties more realistically evaluate their negotiation positions. This procedure may include fact-finding, neutral evaluation, or advisory arbitration, or any combination of these in which a neutral party or panel listens to the facts and arguments presented by the parties and renders a non-binding advisory decision.

(6) Jurisdiction is any local or regional public agency, including a special district, authority or school board.

(7) Named party shall be any jurisdiction, public or private organization, group or individual who is named in an initiation letter, including the initiating jurisdiction, or is admitted by the named parties to participate in settlement of a dispute pursuant to 29F-3.003. Being a "named party" in the RDRP does not convey or limit standing if any judicial or administrative proceeding.

(8) Representative is an authorized agent who is given guidance by a named party to represent the named party in an RDRP case. Section 29F-3.003(5) sets forth the designation process.

(9) Initiation letter is a letter from a jurisdiction formally identifying a dispute and asking named parties to engage in this process to resolve the dispute, and, at a minimum, attend the initial settlement meeting. Section 29F-3.010 specifies what must be included in an initiation letter.

(10) Response letter formally notifies the initiator and other named parties that a party is willing to participate in the RDRP and, at a minimum, attend at least one settlement meeting.

(11) Settlement agreements are voluntarily approved by the individual or governing body authorized to bind the named party. Agreements shall take the form of memorandums of understanding, contracts, interlocal agreements or other forms mutually agreed to by the signatory parties or as required by law. A settlement may be agreed to by some or all of the named parties.

Specific Authority 186.505 FS. Law Implemented 186.509 FS. History--New

29F-3.103 Participation.

(1) Named parties shall automatically be allowed to participate. Other jurisdictions, public or private organizations, groups, or individuals suggested by named parties in response letters or during RDRP meetings or submitting a petition to participate, may become named parties if agreed to by a two-thirds majority of the participating named parties, except as provided for in 29F-3.003(2). Fee allocation agreements will be amended as appropriate.

(2) All initiation and response letters made in accordance with intergovernmental coordination elements (ICE) of local government comprehensive plans shall only list affected jurisdictions as named parties. The named parties may at the initial settlement meeting or at subsequent RDRP meetings add public or private named parties by mutual agreement of all the current named parties.

(3) Named parties who do not respond within 21 calendar days of receipt of the initiation letter may not participate in the RDRP unless they submit a petition for participation.

(4) Jurisdictions, public or private organizations, groups or individuals seeking to become named parties shall submit to the East Central Florida Regional Planning Council (RPC) staff a written petition to participate, including reasons for the request. Such jurisdictions, public or private organizations, groups, or individuals shall become named parties if agreed to by a two-thirds majority of the named party, prior to or during RDRP meetings.

(5) Each of the jurisdictions, organizations, groups or individuals participating as named parties in this process shall designate a representative, in writing, or be represented by the chief executive officer. Such a representative shall have authority to act, subject to such qualifications imposed by the party as the representative may advise all other named parties in advance, and the responsibility for representing that party's interest in this process and for maintaining communications with that party throughout the process. Jurisdictions are encouraged to designate a representative to participate in the RDRP in advance of initiating or receiving a request.

(6) Any named party may invite individuals or organizations to attend meetings under this process who can provide information and technical assistance useful in the resolution of the dispute. The parties, by agreement, or the presiding neutral shall determine when and under what circumstances such invited parties may provide input.

(7) All communications by a named party called for in this process shall be submitted to all other named parties and the RPC staff in writing.

(8) All named parties who agree to participate in this process commit to a good faith effort to resolve problems or disputes.

(9) Any named party may withdraw from participation in the RDRP at any time upon written notice to all other named parties and the RPC staff.

Specific Authority 186.505 FS. Law Implemented 186.509 FS. History--New

29F-3.104 Costs.

(1) The RPC shall be compensated for situation assessments, facilitation of settlement meetings, mediation, technical assistance and other staff services based on reasonable actual costs. Outside professional neutrals shall be compensated at their standard rate or as negotiated by the parties.

(2) The costs of administration, settlement meetings, mediation or advisory arbitration shall be split equally between the parties unless the parties mutually agree to a different allocation. The agreed upon cost allocation shall be documented in a written fee agreement.

Specific Authority 186.505 FS. Law Implemented 186.509 FS. History--New

29F-3.105 Timeframes.

(1) The initial meeting of the participating parties shall be scheduled and held within 30 days of the date of receipt of the last response letter or conclusion of the 21 calendar day response period referenced in 29F-3.003(3), whichever occurs first.

(2) Additional settlement meetings, mediation or advisory decision-making shall be completed within forty-five (45) days of the date of the conclusion of the initial settlement meeting.

(3) Excepting the 30-day period for the initial meeting, all time frames specified or agreed to in this process may be shortened or extended by mutual agreement of the named parties.

(4) Where necessary to allow this process to be effectively carried out, named parties should address deferring or seeking stays of judicial or administrative proceedings.

(5) The participating parties may, by agreement, utilize procedures in the RDRP in any order.

Specific Authority 186.505 FS. Law Implemented 186.509 FS. History--New

29F-3.106 Public Notice, Records and Confidentiality.

(1) Named parties should consider appropriate opportunities for public input at each step in this process, such as allowing the submittal of written or verbal comments on issues, alternative solutions and impacts of proposed agreements.

(2) Applicable public notice, public records, and public meeting requirements shall be observed as required by Chapters 119 and 120 or other applicable Florida statutes.

(3) Participants in these procedures agree by their participation that no comments, meeting records, or written or verbal offers of settlement shall be entered by them as evidence in a subsequent judicial or administrative action.

(4) To the extent permitted by law, mediation under this process will be governed by the confidentiality provisions of applicable laws, which may include Chapter 44, F.S.

Specific Authority 186.505 FS. Law Implemented 186.509 FS. History—New

29F-3.107 Pre-Initiation Meeting.

A jurisdiction, organization, group or individual contemplating initiation of this process may request an informal pre-initiation meeting with the RPC staff in order to ascertain whether the potential dispute would be appropriate for this process.

Specific Authority 186.505 FS. Law Implemented 186.509 FS. History—New

29F-3.108 Situation Assessment.

(1) A jurisdiction, organization, group or individual may request that the RPC staff or other neutral perform a situation assessment at any time, before or after initiation of the process.

(2) The situation assessment may involve examination of documents, interviews assessment meetings or any combination of these and shall recommend issues to be addressed, parties that may participate, appropriate resolution procedures and a proposed schedule.

Specific Authority 186.505 FS. Law Implemented 186.509 FS. History—New

29F-3.109 Initiation of the Process by Jurisdictions.

(1) This process is initiated by an initiation letter from the representative of the governing body of a jurisdiction, other than the regional planning council, to the named parties as provided for in 29F-3.003 and to the RPC staff. The initiation letter must be accompanied by a resolution of the governing body authorizing initiation or by a copy of a written authorization of a representative to initiate requests to use the RDRP.

(2) Such an initiation letter shall identify: the issues to be discussed; named parties to be involved in the RDRP; the initiating party's representative and others who will attend; and a brief history of the dispute, indicating why it is appropriate for this process.

(3) Named parties shall send a response letter to the RPC staff and all other named parties confirming their willingness to participate in a settlement meeting within twenty-one (21) calendar days of receiving the initiation letter. This response shall include any additional issues and potential named parties the respondent wishes considered, as well as a brief history of the dispute and description of the situation from the respondent's point of view.

(4) Upon receipt of a request, the RPC staff shall assess its interest in the case. If the RPC is a named party or sees itself as a potential party, it shall notify the named parties of the nature of its interest and ascertain whether the parties desire an outside facilitator for the initial settlement meeting.

(5) In instances where the RPC is not a named or potential party, it may, upon its own initiative, recommend that a potential dispute is suitable for this process and transmit its recommendation to potential parties, who may, at their discretion, choose to initiate the RDRP.

(6) The RPC staff shall schedule a meeting at the most convenient time within thirty (30) day period provided for in 29F-3.005(i).

(7) In the event that a dispute involves jurisdictions under two or more regional planning councils, the process adopted by the region of the initiating jurisdiction shall govern, unless the named parties agree otherwise.

Specific Authority 186.505 FS. Law Implemented 186.509 FS. History—New

29F-3.110 Requests to Initiate Submitted by Others.

(1) Private interests may ask any jurisdiction to initiate the process.

(2) Any public or private organization, group or individual may request that the RPC recommend use of this process to address a potential dispute pertaining to a development proposal that would have an impact on an adjacent local government or identified state or regional resources or facilities, in accordance with 29F-3.010(5). Such a request shall be submitted in writing and shall include the information required for an initiation letter in 29F-3.010(2).

(3) After reviewing the information submitted by, and consulting with, the requesting organization, group or individual, the RPC staff will conduct a situation assessment and respond in writing.

(4) If the RPC determines that the potential dispute is suitable for the process, it shall transmit that determination in writing to the potential parties, as agreed upon by the RPC and the requester. If determined to be suitable for the process, the written determination shall include a recommendation that one or more of the jurisdictions among the potential parties initiate the process. The RPC may also suggest that other processes be used.

Specific Authority 186.505 FS. Law Implemented 186.509 FS. History—New

29F-3.111 Settlement Meetings.

(1) Settlement meetings shall, at a minimum, be attended by the named parties' representatives designated pursuant to Section 29F-3.003(3).

(2) Settlement meetings shall be facilitated by an RPC staff member or other neutral facilitator acceptable to the parties and shall be held at a time and place acceptable to the parties.

(3) At the settlement meeting, the parties shall: consider adding named parties, consider guidelines for participation, identify the issues to be addressed, present their concerns and constraints, explore options for a solution and seek agreement.

(4) The parties shall submit a settlement meeting report in accordance with 29F-3.015(4) of this process.

(5) If an agreed-upon settlement meeting is not held or a settlement meeting produces no agreement to proceed to additional settlement meetings, mediation or advisory decision-making, any party who has agreed to participate in this procedure may withdraw and, if so inclined, proceed to a joint meeting of governing bodies pursuant to Chapter 164, F.S., litigation, administrative hearing or arbitration as appropriate.

Specific Authority 186.505 FS. Law Implemented 186.509 FS. History—New

29F-3.112 Mediation.

(1) If two or more named parties submit a request for mediation to the RPC, the RPC shall assist them to select and retain a mediator or the named parties may request that the RPC select a mediator.

(2) All disputes shall be mediated by a mediator who understands Florida growth management issues, has mediation experience and is acceptable to the parties. Parties may consider mediators who are on the Florida Growth Management Conflict Resolution Consortium rosters or any other mutually acceptable mediator. Mediators shall be guided by the Standards of Professional Conduct, Florida Rules of Civil Procedure, Rule 10, Part 11, Section 020-150.

(3) The parties shall submit a mediation report in accordance with 29F-3.015(4).

Specific Authority 186.505 FS. Law Implemented 186.509 FS. History—New

29F-3.113 Advisory Decision-Making.

(1) If two or more of the named parties submit a request for advisory decision-making to the RPC, the RPC shall assist the parties to select and retain an appropriate neutral, or the parties may request that the RPC make the selection.

(2) All disputes shall be handled by a neutral who understands Florida growth management issues, has appropriate experience and is acceptable to the parties.

(3) The parties shall submit an advisory decision-making report in accordance with 29F-3.015(4).

Specific Authority 186.505 FS. Law Implemented 186.509 FS. History—New

29F-3.114 Settlement Agreements and Reports.

(1) The form of all settlements reached through this process shall be determined by the named parties. The following are examples of acceptable formats for presenting

the settlement: interlocal agreements, concurrent resolutions, memoranda of understanding, plan amendments, deed restrictions.

(2) Agreements may be reached by two or more parties even if all of the named parties do not agree or do not sign a formal agreement.

(3) After settlement meetings, mediation or advisory decision-making under this process, the named parties shall submit a joint report to the RPC staff which shall, at a minimum include:

(a) identification of the issues discussed and copies of any agreements reached;

(b) a list of potentially affected or involved jurisdictions, organizations, groups or individuals (including those which may not be named parties);

(c) a description of agreed upon next steps, if any, including measures for implementing agreements reached;

(d) a time frame for starting and ending informal negotiations, additional settlement meetings, mediation, advisory decision-making, joint meetings of elected bodies, administrative hearings or litigation;

(e) any additional RPC assistance requested;

(f) a written fee allocation agreement to cover the costs of agreed upon RDRP procedures. The report shall include all material any named party wishes to include.

Specific Authority 186.505 FS. Law Implemented 186.509 FS. History—New

29F-3.115 Other Existing Dispute Resolution Processes.

(1) The RDRP is a voluntary opportunity for parties to negotiate a mutual agreement. It may be used before, in parallel with or after judicial or administrative proceedings.

(2) When appropriate, parties may obtain a stay of judicial or administrative proceedings to provide time for RDRP negotiations.

(3) Use of the RDRP shall not alter a jurisdiction's, organization's, group's or individual's right to judicial or administrative determination of any issue if that person is entitled to such a determination under statutory or common law.

(4) Participation in the RDRP as a named party or in any other way does not convey or limit intervenor status or standing in any judicial or administrative proceedings.

(5) In addition to the RDRP 186.509, F.S., parties may consider the applicability of other resolution processes which exist within Florida statutes including: Intergovernmental Coordination Element, Section 163.3177(h)(1) & (2), F.S.; Port Master Plans, Section 163.3178, F.S.; Community Residential Homes, Section 419.001(5), F.S.; Cross Acceptance Negotiation Process, Section 186.505(22), F.S.; Location of Spoil Sites, Section 380.32(14), F.S.; Termination of the Development of Regional Impact Program, Section

380.27, F.S.: Administration Procedures Act, Chapter 120, F.S.; Florida Governmental Cooperation Act, Chapter 164, F.S.; Mediation Alternatives to Judicial Action, Chapter 44, F.S.

Specific Authority 186.505 FS. Law Implemented 186.509 FS. History—New

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: July 21, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 16, 1999

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: Compliance and Enforcement of Individual Permits
Basin Compliance

RULE NO.: 40E-63.145
Appendix 40E-63-3

PURPOSE AND EFFECT: The Everglades Forever Act mandates a 25 percent reduction in the total phosphorus load discharged from the Everglades Agricultural Area (EAA). The District is required to calculate this EAA basin compliance annually. Chapter 40E-63, F.A.C. anticipated that refinements to the EAA Basin phosphorus calculation procedures would be required over time to incorporate changes in the surface water management within the EAA, such as the construction of Stormwater Treatment Areas. The proposed amendments are in order to enable that the total phosphorus load discharged can be accurately measured.

SUMMARY: Add two STA-5 inflow pump stations (G-349B and G-350B) as new discharge points from the Everglades Agricultural Area (EAA), remove ENR inflow pump station G-250 due to the completion of STA-1W, and update the associated phosphorus load calculation procedures.

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 FS.

LAW IMPLEMENTED: 373.016, 373.085, 373.086, 373.119, 373.129, 373.136, 373.451, 373.453, 373.4592, 373.603 FS.

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

TIME AND DATE: 9:00 a.m., September 9, 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: Jan Sluth, South Florida Water Management District, (561)682-6299, email: jsluth@sfwmd.gov, 3301 Gun Club Road, West Palm Beach, FL 33406

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-63.145 Compliance and Enforcement of Individual Permits.

(1) through (2) No change.

(3)(a) The District shall begin collecting monitoring data from the EAA Basin on January 1, 1995, for the purpose of determining compliance with the phosphorus load reduction requirement calculated in accordance with Appendix 40E-63-3 (Basin Compliance) (Amended ~~October~~ April, 1999) which is incorporated by reference into this Chapter. Copies of Appendix 40E-63-3 are available from the South Florida Water Management District, Regulation Department, Everglades Regulation Division, 3301 Gun Club Road, West Palm Beach, FL 33406-3089.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.085, 373.086, 373.119, 373.129, 373.136, 373.451, 373.453, 373.4592, 373.603 FS. History—New 1-22-92, Amended 7-7-92, 8-25-96, 11-11-98, 6-7-99,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ken Ammon

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 15, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 28, 1999

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Barbers'

RULE TITLE: Barbershop Requirements
RULE NO.: 61G3-19.011

PURPOSE AND EFFECT: The proposed changes to the current rule will clarify the requirements regarding disinfectant solutions to be used in barbershops.

SUMMARY: The proposed change to the current rule will specify the type of disinfectant solutions which are required for proper sanitation and disinfecting tools and impliments used in barbershops.

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: 476.064(4) FS.

LAW IMPLEMENTED: 476.184 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: Ed Broyles, Executive Director, Barbers' Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-19.011 Barbershop Requirements.

(1) through (9) No change.

(10) All barbershops shall be equipped with and shall utilize wet sanitizers, sufficient to allow for sanitizing practices. A wet sanitizer is any receptacle containing a disinfectant solution as specified below, and large enough to allow for immersion of the barbering tools, or those surfaces of said tools which come in contact with the patrons.

(11) All barbering tools used in barbershops such as razors, scissors, tweezers, combs, rubber discs, or parts of vibrators shall be free from hair, cleansed and:

(a) Immersed in a disinfectant registered with the Environmental Protection Agency (EPA) as a ~~hospital grade~~ bacterial, virucidal and fungicidal disinfectant, and approved by that agency for use in hospitals, for one to five minutes; or

(b) through (d) No change.

(12) through (22) No change.

Specific Authority 476.064(4) FS. Law Implemented 476.184 FS. History--New 4-27-86, Amended 9-24-86, 12-28-86, 5-10-88, 7-15-91, Formerly 21C-19.011, Amended 1-12-94, 10-4-94, 5-21-95, 2-14-96, 5-1-96,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Barbers' Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Barbers' Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 19, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 16, 1999

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE TITLE: DETERMINATION OF OPENINGS FOR DEPUTY PILOTS RULE NO.: 61G14-11.001

PURPOSE AND EFFECT: The amendments to rule 61G14-11.001 state more clearly that the number of deputy pilot openings for a port must be declared prior to an examination, and that after an examination no additional openings may be declared or filled from those passing that examination.

SUMMARY: Rule 61G14-11.001 is being amended to make the rule more clearly reflect statutory intent.

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: 310.185 FS.

LAW IMPLEMENTED: 310.610, 310.081(1),(2) 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: E. Madeline Smith, Executive Director, Board of Pilot Commissioners, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G14-11.001 Determination of Openings for ~~Licensed State Pilots or Certificated Deputy Pilots~~.

(1) The Board shall exercise its continuing duty to, from time to time, determine if there is a need for one or more new a ~~licensed state pilot or pilots in the various ports of the state~~. The Board shall also, from time to time, determine if there is a need for a ~~certificated deputy pilot or deputy pilots in any of the several various ports of the state~~. The Board may make such determination based upon request(s) received ~~receive advice as to openings~~ from licensed state pilots at the port involved, or it may make such determination from information otherwise available to it. Licensed state pilots, at a port, who perceive a need for one or more new deputy pilots at that port, shall submit a written ~~may~~ request that the Board declare, and publish to notice of, one an opening or more openings for either a licensed state pilot or pilots or certificated deputy pilot or deputy pilots to serve that port. Such request shall be acted

~~upon, in writing, for consideration and determination by the Board at a regular or special regularly scheduled meeting of the Board. Such When making a request must contain facts which demonstrate to the Board that the creation of such opening(s) is necessary in order to insure that the supply of pilots at that port will be sufficient to meet the port's demand for piloting services which is anticipated to exist at the time the requested new deputy pilot(s) become(s) (a) licensed pilot(s) to notice an opening for a licensed state pilot or certificated deputy pilot, they shall advise the Board in writing, accompanying the request, of the number of handlings by the most junior deputy with at least 24 months service immediately preceding the request and a general description of the types, tonnage, and drafts of vessels handled by the deputy pilot during the preceding 12 months. In all cases the Board shall make its determinations based on the supply and demand for piloting services and the public's interest in maintaining efficient and safe piloting services.~~

(2) Deputy pilot examinations are regularly scheduled for March of each year. In order for a port opening to be included in the next regularly scheduled examination, that port's initial request to create one or more openings for certified deputy pilots must be received at the Board office in Tallahassee, Florida, no later than the first business day after September 1, prior to the next regularly scheduled examination date. If a port's request for the declaration of openings for a specific number "or more" deputy pilots has been approved, that port may make a supplemental request for the declaration of a final specific number of openings which number may be more than the specific number appearing before the words "or more" in the initial request. Such supplemental request must contain the supply and demand justification required in paragraph (1) and must be received at the Board office in Tallahassee, Florida not later than ten business days prior to the then scheduled examination for that port. Such supplemental request shall be considered and acted upon by the Board at a regular or special meeting of the Board held at any time prior to the administration of the examination. The specific number of openings declared upon consideration of the supplemental request shall constitute the maximum number of deputy pilots, for that port, to be appointed from among those who take the scheduled examination and thereupon become "certified" as provided by Section 310.081(2), Florida Statutes. If no such supplemental request is timely filed, the specific number appearing before the words "or more" in the initial request shall constitute the maximum number of deputy pilots, for that port, to be appointed from among those who take the scheduled examination and thereupon become "certified" as provided by Section 310.081(2), Florida Statutes. No new deputy pilot

opening, to be filled from the participants in any examination, shall be approved by the Board after 23:59 hours, eastern time, of the day prior to that examination.

(3) Notwithstanding the foregoing, if at any time the Board finds that the supply and demand for piloting services and the public's interest in maintaining efficient and safe piloting services would not be served by a delay until the next regularly scheduled examination in providing for one or more new deputy pilots for any port, the board shall declare one or more openings for deputy pilots for that port and shall make provision for giving notice of and scheduling a special examination for the sole purpose of filling such opening.

~~(4)(2) No change.~~

~~(5)(3) No change.~~

~~(4) The Board may declare deputy pilot vacancies and set a special examination date if twenty-five percent of the pilots in a port have been incapacitated and the pilots in that port have petitioned for one or more emergency openings.~~

Specific Authority 310.185 FS. Law Implemented 310.061, 310.081(1),(2) FS. History--New 3-21-76, Formerly 21SS-5.06, Amended 1-19-77, 12-7-78, 1-10-80, Formerly 21SS-5.09, Amended 5-11-87, 11-28-90, Formerly 21SS-5.009, 21SS-11.001, Amended 5-11-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pilot Commissioners

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

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: July 16, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: June 18, 1999

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE TITLE: RULE NO.:
Renewal of Licenses and Certificates 61G14-12.001
PURPOSE AND EFFECT: Reference to Rule 61G14-20.002 is being eliminated due to the proposed amendments to rule 61G14-20.001 and the repeal of rule 61G14-20.002, which combine the physical and mental standards of deputy and state pilots into one rule.

SUMMARY: Reference to Rule 61G14-20.002 is being deleted to eliminate reference to a rule which is being repealed.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 310.185 FS.
LAW IMPLEMENTED: 310.081(3), 310.121 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: E. Madeline Smith, Executive Director, Board of Pilot Commissioners, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:
61G14-12.001 Renewal of Licenses and Certificates.
(1) Licenses and certificates must be renewed by January 31 of each odd-numbered year to remain valid and authorize continuing service. Unless then under suspension or revocation, each license and certificate will be renewed provided the holder:
(a) through (b) No change.
(c) submits documentary evidence that the holder continues to meet the requirements for good physical and mental health required by F.S. 310.081 and Rule Section 61G14-20.001, F.A.C., if a deputy pilot, or Rule Section 61G14-20.002, F.A.C., if a state pilot.
(d) No change.
(2) No change.

Specific Authority 310.185 FS. Law Implemented 310.081(3), 310.121 FS. History-New 2-25-91, Formerly 21SS-6.006, 21SS-12.001, Amended 1-9-95, 6-11-95, 10-30-95, 3-17-96.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pilot Commissioners
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pilot Commissioners
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 16, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 18, 1999

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE TITLES: Deputy Pilots' and State Pilots' Physical and Mental Capabilities
RULE NOS.: 61G14-20.001

PURPOSE AND EFFECT: The amendments to Rule 61G14-20.001 further clarify the established minimum physical and mental capabilities of deputy pilots and to include state pilots in said rule. Rule 61G14-20.002 is being repealed in its entirety because it has been absorbed by 61G14-20.001 and is therefore no longer necessary.

SUMMARY: Rule 61G14-20.001 is being amended to define the established minimum physical and mental capabilities of deputy pilots and state pilots. Rule 61G14-20.002 is being repealed in its entirety.

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: 310.185(1) FS.
LAW IMPLEMENTED: 310.071, 310.073 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 RULES IS: E. Madeline Smith, Executive Director, Board of Pilot Commissioners, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61G14-20.001 Deputy Pilots' and State Pilots' Physical and Mental Capabilities.

(1) The purpose of this rule is to establish minimum standards for the physical and mental capabilities necessary to carry out the professional duties of a certificated deputy pilot or licensed state pilot, as required by Sections 310.071 and 310.073, Florida Statutes, established by the Board of Pilot Commissioners, are as follows:

(2) As used in this rule, the following definitions shall apply:

(a) "Applicant" shall mean a person applying for initial certification as a deputy pilot;

(b) "Pilot" shall mean a Florida licensed state pilot or a Florida certified deputy pilot;

(c) "Certification of physical fitness" shall consist of all the following documents signed by a physician who holds an active, valid license issued pursuant to Chapter 458 or 459, Florida Statutes:

1.(a) Annual certification that the applicant, or pilot is An applicant for a certificate as a deputy pilot must be in good physical and mental health, as evidenced by documentary proof of having been certified by a licensed physician to be fully fit and qualified to perform the duties of a deputy pilot. The certification shall occur each calendar year and shall bear a date no later than thirteen months after the date appearing on such certification most recently submitted; within the preceding six (6) months from the date the application is received by the Board.

~~2.1. An~~ The applicant shall submit an original or true copy of the latest revision of form Dept.of.Trans., USCG, CG-719K BPR/BOPC/APP/EFF 2/95 entitled "Merchant Marine Personnel Physical Examination Report," which "Medical Examination Information" filled out by a physician who holds an active, valid license issued pursuant to Chapter 458 or 459, Florida Statutes. This form is incorporated herein by reference and can be obtained by contacting the Board office at 1940 North Monroe Street, Tallahassee, Florida 32399-0773. The form shall bear a date no later than thirteen months after the date appearing on the copy of such form most recently submitted, and:

~~3.2.~~ The applicant shall submit Documentation that the applicant or pilot he/she, within six months prior to the date the document is submitted the application is received by the Board, has been found to be drug free by a test approved by the United States Coast Guard. "Submitted" shall mean received at the Board office at 1940 North Monroe Street, Tallahassee, Florida 32399-0773.

(3) Certification of physical fitness shall be submitted at the following times:

(a) Applicants – within six months prior to the date the application is submitted;

(b) Pilots – not later than thirteen months following the date the most recent certification of that pilot's physical fitness was A certificated deputy pilot shall annually provide documentary proof of having satisfactorily passed a complete physical examination in accordance with the minimum standards of this rule section in order to maintain eligibility as a certificated deputy pilot. The completed physical examination form shall be submitted to the Board by November 1 each year.

(c) Failure to comply with this subsection shall result in discipline pursuant to rule chapter 61G14-17, F.A.C.

(4) ~~Either (e)~~ Any evidence from a physical examination which indicates that the subject has a clinical dependance upon alcohol use or use of a controlled substance (with zero tolerance) unless the subject applicant or certificated deputy pilot is under the care of a physician and the that controlled substance was prescribed by that physician; or the subject's failure to pass the physical examination required by pursuant to paragraph (1)(a) of this rule section shall constitute prima facie evidence of failure to meet the minimum standards for the physical and mental capabilities necessary to carry out the professional duties of a certificated deputy pilot and shall subject the applicant or pilot to the provisions of Section

310.101, Florida Statutes. Proceedings thereunder shall be in accordance with the requirements of Section 120.569 and 120.57, Florida Statutes.

~~1. The Board shall issue an intent to deny the application for certification order to the applicant, or in the case of the certificated deputy pilot seeking to maintain eligibility by submitting annual documentary proof of having satisfactorily completed the required physical examination, an intent to revoke the certification order to the certificated deputy pilot; stipulating the failure of the physical examination due to evidence of clinical dependance upon alcohol use or due to evidence of the use of a controlled substance regulated in Chapter 893, F.S., or stipulating the failure of the physical examination pursuant to paragraph (1)(a) of this rule section as the basis for the denial or revocation.~~

(5) ~~Any 2.~~ The applicant or the certificated deputy pilot affected by the Board's action may request a hearing in accordance with Chapter 120, F.S., and must do so within twenty-one (21) days of upon receipt of notice of Board action the order of intent to deny or revoke, otherwise the Board action order will become a final order of the Board on the day following the last day to request a hearing.

~~3. The Board shall file a final order, after the hearing if one is requested, denying or approving the application for certification; or denying or approving the eligibility to maintain certification as a deputy pilot in accordance with Chapter 120, F.S., and the rules of the Board.~~

(6)(2) Nothing in this rule section shall be construed to limit the Department's statutory authority to issue an emergency order suspending or revoking a deputy pilot's license or certificate where there is an immediate danger to the public health, safety, or welfare in accordance with the laws of Florida and the rules of the Board.

Specific Authority ~~420.59, 120.60, 310.185(1) FS. Law Implemented 310.071, 310.073~~ 420.59, 120.60 FS., Chapter 94-119, Laws of Florida. History–New 2-22-95, Amended _____.

61G14-20.002 State Pilots Physical and Mental Capabilities.

Specific Authority 120.59, 120.60, 310.185(1) FS. Law Implemented 120.59, 120.60 FS., Chapter 94-119, Laws of Florida. History–New 2-22-95, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pilot Commissioners

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

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: July 16, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: June 18, 1999

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO: 99-24R

RULE TITLE: Federal Regulations Adopted by Reference
RULE NO.: 62-204.800

PURPOSE, EFFECT AND SUMMARY: The proposed rule amendments update through June 30, 1999, the adoptions by reference of air pollution regulations promulgated by the U.S. Environmental Protection Agency (EPA) at 40 CFR Parts 60, 61, and 63.

SPECIFIC AUTHORITY: 403.8055 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087, 403.8055 FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 403.8055, FS.

SUBSTANTIALLY AFFECTED PERSONS MAY FILE OBJECTIONS WITH THE ENVIRONMENTAL REGULATION COMMISSION AT THE FOLLOWING ADDRESS: 3900 Commonwealth Boulevard, Mail Station 18, Tallahassee, Florida 32399-3000, Attention: Jacki McGorty. Objections must be received within 14 days of publication of this notice and must specify the portions of the proposed rule to which the person objects and the reason for the objection. Objections, which are frivolous, will not be considered sufficient to prohibit adoption of the rule as published.

WRITTEN COMMENTS: The Secretary of the Department of Environmental Protection will consider written comments received within 21 days of publication of this notice. Comments should be submitted to: Ms. Sandy Ladner, Division of Air Resource Management, Department of Environmental Protection, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400

THE FULL TEXT OF THE PROPOSED RULE IS:

62-204.800 Federal Regulations Adopted by Reference.

(7) Chapter 40, Code of Federal Regulations, Part 60, Standards of Performance for New Stationary Sources.

(b) Standards Adopted. The following Standards of Performance for New Stationary Sources contained in 40 CFR Part 60, revised as of July 1, 1996, or later as specifically indicated, are adopted and incorporated by reference:

55. 40 CFR 60, Subpart DDD, Polymer Manufacturing Industry, amended March 9, 1999, 64 FR 11536 (effective July 1, 1999); amended May 7, 1999, 64 FR 24511 (effective October 1, 1999); except Subsection 60.562-2(c).

(10) Chapter 40, Code of Federal Regulations, Part 63, National Emission Standards for Hazardous Air Pollutants for Source Categories.

(b) Standards Adopted. The following National Emission Standards for Hazardous Air Pollutants contained in 40 CFR Part 63, revised as of July 1, 1996, or later as specifically indicated, are adopted and incorporated by reference:

1. 40 CFR 63, Subpart F, Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry, amended December 5, 1996, 61 FR 64572; January 17, 1997, 62 FR 2722; and May 12, 1998, 63 FR 26078; amended April 26, 1999, 64 FR 20189 (effective October 1, 1999).

2. 40 CFR 63, Subpart G, Organic Hazardous Air Pollutants from the Synthetic Organic Manufacturing Industry Process Vents, Storage Vessels, Transfer Operations, and Wastewater, amended December 5, 1996, 61 FR 64572; January 17, 1997, 62 FR 2722; and December 9, 1998, 63 FR 67787 (effective April 1, 1999); amended April 26, 1999, 64 FR 20189 (effective October 1, 1999).

3. 40 CFR 63, Subpart H, Organic Hazardous Air Pollutants for Equipment Leaks, amended January 17, 1997, 62 FR 2722; amended April 26, 1999, 64 FR 20189 (effective October 1, 1999).

11. 40 CFR 63, Subpart S, Pulp and Paper Industry, promulgated April 15, 1998, 63 FR 18504; amended August 7, 1998, 63 FR 42238; September 16, 1998, 63 FR 49455; and December 28, 1998, 63 FR 71385 (effective April 1, 1999); amended April 12, 1999, 64 FR 17555 (effective October 1, 1999); except 40 CFR 63.453(m), 40 CFR 63.457(b)(5)(iii), and 40 CFR 63.457(c)(3)(ii).

13. 40 CFR 63, Subpart U, Group I Polymers and Resins, amended January 14, 1997, 62 FR 1835; and July 15, 1997, 62 FR 37720; amended March 9, 1999, 64 FR 11536 (effective July 1, 1999); amended May 7, 1999, 64 FR 24511, and June 30, 1999 64 FR 35023 (effective October 1, 1999).

17. 40 CFR 63, Subpart AA, Phosphoric Acid Manufacturing Plants, promulgated June 10, 1999, 64 FR 31358 (effective October 1, 1999).

18. 40 CFR 63, Subpart BB, Phosphate Fertilizer Production Plants, promulgated June 10, 1999, 64 FR 31358 (effective October 1, 1999).

17. renumbered 19. No change.

~~20.48.~~ 40 CFR 63, Subpart EE, Magnetic Tape Manufacturing Operations, amended April 9, 1999, 64 FR 17460 (effective October 1, 1999).

19. renumbered 21. No change.

22. 40 CFR 63, Subpart HH, Oil and Natural Gas Production Facilities, promulgated June 17, 1999, 64 FR 32610 (effective October 1, 1999).

20. through 23. renumbered 23. through 26. No change.

27. 40 CFR 63, Subpart SS, Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process, promulgated June 29, 1999, 64 FR 34854 (effective October 1, 1999).

28. 40 CFR 63, Subpart TT, Equipment Leaks - Control Level 1, promulgated June 29, 1999, 64 FR 34854 (effective October 1, 1999).

29. 40 CFR 63, Subpart UU, Equipment Leaks - Control Level 2 Standards, promulgated June 29, 1999, 64 FR 34854 (effective October 1, 1999).

30. 40 CFR 63, Subpart WW, Storage Vessels (Tanks) – Control Level 2, promulgated June 29, 1999, 64 FR 34854 (effective October 1, 1999).

31. 40 CFR 63, Subpart YY, Generic Maximum Achievable Control Technology Standards, promulgated June 29, 1999, 64 FR 34854 (effective October 1, 1999).

32. 40 CFR 63, Subpart CCC, Steel Pickling – HCL Process Facilities and Hydrochloric Acid Regeneration Plants, promulgated June 22, 1999, 64 FR 33202 (effective October 1, 1999).

33. 40 CFR 63, Subpart DDD, Mineral Wool Production, promulgated June 1, 1999, 64 FR 29490 (effective October 1, 1999).

24. through 25. renumbered 34. through 35. No change.

36. 40 CFR Part 63, Subpart HHH, Natural Gas Transmission and Storage Facilities, promulgated June 17, 1999, 64 FR 32610 (effective October 1, 1999).

26. renumbered 37. No change.

~~38.~~ 40 CFR 63, Subpart JJJ, Group IV Polymers and Resins, amended October 18, 1996, 61 FR 54342; November 25, 1996, 61 FR 59849; January 14, 1997, 62 FR 1835; June 6, 1997, 62 FR 30993; February 27, 1998, 63 FR 9944; and March 31, 1998, 63 FR 15312; amended March 9, 1999, 64 FR 11536 (effective July 1, 1999); amended May 7, 1999, 64 FR 24511, June 8, 1999, 64 FR 30406, and June 30, 1999, 64 FR 35023 (effective October 1, 1999).

39. 40 CFR 63, Subpart LLL, Portland Cement Manufacturing Industry, promulgated June 14, 1999, 64 FR 31898 (effective October 1, 1999). If a facility becomes subject to the permitting requirements of Chapter 62-213, F.A.C., solely because it is subject to the emission limiting requirements of 40 CFR Part 63, Subpart LLL, the facility shall submit an application for such permit no later than October 1, 2000.

40. 40 CFR 63, Subpart MMM, Pesticide Active Ingredient Production, promulgated June 23, 1999, 64 FR 33550 (effective October 1, 1999).

41. 40 CFR 63, Subpart NNN, Wool Fiberglass Manufacturing, promulgated June 14, 1999, 64 FR 31695 (effective October 1, 1999).

42. 40 CFR 63, Subpart PPP, Polyether Polyols Production, promulgated June 1, 1999, 64 FR 29420 (effective October 1, 1999).

43. 40 CFR 63, Subpart TTT, Primary Lead Smelting, promulgated June 4, 1999, 64 FR 30194 (effective October 1, 1999).

44. 40 CFR 63, Subpart XXX, Ferroalloys Production: Ferromanganese and Silicomanganese, promulgated May 20, 1999, 64 FR 27450 (effective October 1, 1999).

(d) General Subparts Adopted. The following general subparts of 40 CFR Part 63 are adopted and incorporated by reference.

2. 40 CFR Part 63, Subpart B, Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Sections, Sections 112(g) and 112(j), amended December 27, 1996, 61 FR 68384; amended May 14, 1999, 64 FR 26311 (effective October 1, 1999), is adopted and incorporated by reference, subject to the following provisions.

Specific Authority 403.061, 403.8055 FS. Law Implemented 403.031, 403.061, 403.087, 403.8055 FS. History–New 3-13-96, Amended 6-25-96, 10-7-96, 10-17-96, 12-20-96, 4-18-97, 6-18-97, 7-7-97, 10-3-97, 12-10-97, 3-2-98, 4-7-98, 5-20-98, 6-8-98, 10-19-98, 4-1-99 6-1-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Howard L. Rhodes, Director, Division of Air Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kirby B. Green, Deputy Secretary, Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 13, 1998

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE:

RULE NO.:

Standards for Approved Providers

64B5-12.0175

PURPOSE AND EFFECT: The proposed rule amendment is intended to include the participant's name and license number on the certificate of completion of continuing education courses.

SUMMARY: The proposed rule amendment requires continuing education providers to include the participant's name and license number on the certificate of completion.

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: 466.004(4), 466.014 FS.

LAW IMPLEMENTED: 466.0135, 466.014 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., August 30, 1999
PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Buckhalt, Executive Director, Board of Dentistry/MQA, 2020 Capital Circle, S. E., Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-12.0175 Standards for Approved Providers.

Approved continuing professional education providers and providers authorized pursuant to Rule 64B5-12.013(3)(b), shall comply with the following requirements:

- (1) through (5) No change.
- (6) Providers shall provide written certification to each participant who completes a continuing education course or portion of that course which consists of at least 25 minutes of instruction. Certification shall include the participant's name and license number, the provider's name and number, the course title, instructor, location, date offered and hours of continuing education credit awarded and validation through the signature of the provider, official representative or instructor.

(7) through (10) No change.

Specific Authority 466.004(4), 466.014 FS. Law Implemented 466.0135, 466.014 FS. History--New 1-18-89, Amended 7-9-90, Formerly 21G-12.0175, 61F5-12.0175, 59Q-12.0175, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 30, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 11, 1999

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE: Family-Related Medicaid General Eligibility Criteria

RULE NO.: 65A-1.705

PURPOSE AND EFFECT: The application process for those KidCare applicants applying at departmental sites is proposed for change to make the process less cumbersome.

SUMMARY: This rule amendment will specify that the Florida KidCare application form will be forwarded to Florida Healthy Kids by the department for those applicants applying

at a departmental site who are not eligible for Medicaid. Additionally, forms associated with the KidCare application process are amended.

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: 409.818 FS.

LAW IMPLEMENTED: 409.818 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: 3:00 p.m., August 30, 1999
PLACE: 1317 Winewood Boulevard, Building 3, Room 414, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Audrey Mitchell, Program Administrator, Public Assistance Policy, Legal Base Unit, 1317 Winewood Boulevard, Building 3, Room 412-D, Tallahassee, Florida 32399-0700

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.705 Family-Related Medicaid General Eligibility Criteria.

- (1) through (4) No change.
- (5) Medicaid Applications Due to KidCare.

(a) ~~Applications for childrens' for Medicaid only through a Florida Healthy Kids site or at a departmental sites~~ will be required to complete only the Florida ~~Healthy Kids and Florida KidCare Program~~ Application, CF-ES 1055, Jul 99 (incorporated by reference). These application forms are available through the department's local offices, ~~the Florida Healthy Kids Corporation,~~ the local health departments, and other community-based sites such as schools, health care providers, day-care centers and libraries. Children who apply only for the MediKids component of KidCare will also use the Florida ~~Healthy Kids and Florida KidCare Program~~ Application form. When the application is only for these child health care programs, a face-to-face eligibility determination interview is not required.

(b) Income verification will be primarily through automated access to data sources through the FLORIDA system. If information given on the application is inconsistent with information known to the department, the information must be verified. If information obtained through automated sources is consistent with information given on the application, no further verification will be required until after the application is approved.

(c) Prior to approval for Medicaid, ~~v~~erification of immigration status will be required for children who are not citizens ~~prior to approval for Medicaid.~~ This requirement will

be met through the SAVE system and completion of a Immigration Status Statement Medicaid/Healthy Kids Program Citizenship Statement, CF-ES 2083, Jul 99 Sept. 98 (incorporated by reference). Information about immigration status and the receipt of Medicaid will be sent to parents when they are asked to complete the Immigration Status Statement form. If the requested information is not provided within thirty days, the application will be denied.

(d) The parent or other caretaker relative or other person applying for child only Medicaid is not required to cooperate with child support enforcement regarding absent noncustodial parents in order for the child to receive Medicaid. The department will request voluntary child support enforcement participation. If absent parent information is not provided and the KidCare Application is not marked indicating the applicant does not want to provide this information, ~~t~~he applicant will be provided ~~asked to complete the Medicaid/Healthy Kids Insurance Child Support Enforcement Information form,~~ CF-ES 2084, Jul 99 Sept. 98 (incorporated by reference) ~~if non-custodial parent information is not provided on the application.~~ The Child Support Enforcement Information form will provide the parent or caretaker applicant another opportunity to request child support enforcement services; application processing will continue. No processing delay and no penalties will be applied for the children's Medicaid benefit if the parent or caretaker making application does not cooperate.

(e) If eligibility cannot be determined because the KidCare Application form is incomplete, the department may request missing information from the parent or caretaker applicant using the Missing Information Request form, CF-ES 2284, Jul 99 (incorporated by reference). If a child's eligibility for Medicaid cannot be processed, or if a child is ineligible for Medicaid due to family income in relation to family size or due to the child's immigration status, the department may provide notice using the Notice of Case Action, CF-ES 1056, Jul 99 (incorporated by reference) in lieu of the form CF-ES 2601, Notice of Case Action (incorporated by reference in rule 65A-1.400). The KidCare Application for a child who is ineligible for Medicaid due to their immigration status or family's income will be forwarded by the department to Florida Healthy Kids Corporation for assessment of eligibility for another part of the KidCare program; the parent or caregiver will not have to submit another application.

(f) When an applicant needs retroactive Medicaid for a child's unpaid medical bills the department may request the household composition, income and dependent care expense information needed to process the applicant's request using the Retroactive Medicaid Information form, CF-ES 1057, Jul 99 (incorporated by reference). In addition to the standard Notice of Case Action form CF-ES 2601 applicants requesting retroactive Medicaid will receive a Retroactive Medicaid

Status form, CF-ES 1058, Jul 99 (incorporated by reference). In addition to information regarding a child's eligibility or ineligibility the Retroactive Medicaid Status form instructs applicants about how to have their unpaid bills paid or how to pursue Medically Needy eligibility.

(g)(e) When an applicant applies for Medicaid at a departmental site and is ~~determined found to be ineligible, but is subsequently found to have been~~ or is approved in error, the notice, ~~Important Information on Ineligibility to Receive for~~ Medicaid, CF-ES 2093, Jul 99 Sept. 98 (incorporated by reference), will be submitted to the applicant along with another KidCare ~~a copy of the original~~ Application. The applicant will be instructed to mail the notice and application to Florida Healthy KidCares. When the children are no longer eligible for Medicaid, the notice, ~~Important Information on Loss of Eligibility to Receive Medicaid Eligibility,~~ CF-ES 2092, Jul 99 Sept. 98 (incorporated by reference), will be mailed to the recipient along with another Florida Health Kids and Florida KidCare Program Application. In addition to form CF-ES 2092 or CF-ES 2093, the family will receive form CF-ES 2601, Notice of Case Action (incorporated by reference in rule 65A-1.400).

(h) A Medicaid Eligibility Review form, CF-ES 2271, Jul 99 (incorporated by reference) and a KidCare Application form will be sent to the parent or caregiver applicant when redetermination of a child's Medicaid eligibility is due. When using the KidCare Application form for the purpose of redetermination a face-to-face eligibility determination is not required.

(i)(f) Copies of the forms CF-ES 1055, CF-ES 1056, CF-ES 1057, CF-ES 2083, CF-ES 2084, CF-ES 2092, CF-ES 2093, CF-ES 2277 and CF-ES 2284 the Florida Healthy Kids and Florida KidCare Program Application, as incorporated by reference in rule paragraph 65A-1.705(5), may be obtained from the Department of Children and Family Services, Economic Self-Sufficiency Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700.

Specific Authority 409.818, 409.919 FS. Law Implemented 409.903, 409.904, 409.818 FS. History—New 10-8-97, Amended 9-28-98, 4-5-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rodney McInnis, Management Review Specialist
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Audrey Mitchell, Program
Administrator, Public Assistance Policy
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: July 23, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: June 11, 1999

Section III
Notices of Changes, Corrections and
Withdrawals

DEPARTMENT OF INSURANCE

RULE NO.: RULE TITLE:
4-201.003 Legal Expense Insurance
 Corporation; Exemptions

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 the Florida Administrative Weekly, Vol. 25, No. 29, on July 23, 1999.

The following was not included in the publication of this rule:
NAME OF PERSON ORIGINATING PROPOSED RULE:
Teri Littlefield, Specialty Insurers, Department of Insurance
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Belinda Miller, Division Director,
Insurer Services, Department of Insurance
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: July 9, 1999

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE NO.: RULE TITLE:
6D-5.003 Other Personnel

NOTICE OF WITHDRAWAL

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

DEPARTMENT OF REVENUE

Division of Child Support Enforcement

RULE NO.: RULE TITLE:
12E-1.006 Request for Reconsideration

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule repeal as noticed in Vol. 24, No. 52, December 24, 1998, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF REVENUE

Division of Child Support Enforcement

RULE NO.: RULE TITLE:
12E-1.022 Payment Recovery

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule repeal as noticed in Vol. 24, No. 52, December 24, 1998, Florida Administrative Weekly has been withdrawn.

STATE BOARD OF ADMINISTRATION

RULE NO.: RULE TITLE:
19-8.028 1999 Reimbursement Premium
 Formula

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. 25, No. 24, June 18, 1999, issue of the Florida Administrative Weekly:
Subparagraph 3 of subsection (3)(c) of Rule 19-8.028, relating to fine arts policies, will be deleted. Subsequent subparagraphs will be renumbered.

REGIONAL PLANNING COUNCILS

East Central Florida Regional Planning Council

RULE NOS.: RULE TITLES:
29F-1.106 Council Meeting Agenda
29F-1.107 Finances
29F-1.110 Removal from Office
29F-1.111 Committees
29F-1.113 Plans, Studies, Activities, and
 Reports

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules based upon proposed objections received from the Joint Administrative Procedures Committee. Proposed rules of this chapter that are not listed below have no changes. These rules were originally published in the Florida Administrative Weekly, Vol. 25, No. 25 on June 25, 1999. The specific changes are as follows:

29F-1.106 Council Meeting Agenda.

(1) For each Council meeting the Agenda shall be set in the following manner:

(a) The Agenda shall be set ten (10) days prior to each meeting.

(b) The Executive Director shall be responsible for setting the Agenda. In fulfilling this responsibility, the Executive Director shall ~~may~~ consult with the Chairperson. All items requested by the Chairperson shall be placed on the Agenda.

(c) Any additions, modifications or deletions to the Agenda subsequent to it being set shall be in accordance with the provisions of Chapter 120.525(2), Florida Statutes. In particular, such additions, modifications or deletions must be determined by the Chairperson or other officer designated to preside to be of a critical or emergency nature. Items to be included within the scope of a critical or emergency nature are ~~could be~~ items that would require Council action prior to a subsequent regularly scheduled meeting at which time the item could be considered, and that by delaying consideration the purpose of the Council would not be reasonably achieved.