

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 120.54(6), F.S., WHICH DOES NOT PROVIDE FOR A PUBLIC HEARING.

SUBSTANTIALLY AFFECTED PERSONS MAY FILE OBJECTION WITH THE FISH AND WILDLIFE CONSERVATION COMMISSION. Objection 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.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida, 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-14.0036 Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Exception, Wholesale/Retail Purchase Exemption.

(5) Red porgy. Through and including March 5, 2000, no recreational harvester shall harvest or possess from in or on state waters of the Atlantic Ocean any red porgy. Beginning March 6, 2000, except as provided elsewhere in this rule, no recreational harvester shall harvest in or from state waters of the Atlantic Ocean, nor possess while in or on state waters of the Atlantic Ocean, more than 5 red porgies per day.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-31-98. Amended 3-1-99, Formerly 46-14.0036, Amended.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 13, 1999

### Section III

## Notices of Changes, Corrections and Withdrawals

#### DEPARTMENT OF BANKING AND FINANCE

##### Board of Funeral and Cemetery Services

RULE NO.:	RULE TITLES:
3F-8.007	Processing Fee

#### NOTICE OF PUBLIC HEARING

The Board of Funeral and Cemetery Services hereby gives notice of public hearing on the above-referenced rule(s) to be held on October 8, 1999, 10:00 a.m., Room 547, The Fletcher Building, 101 East Gaines Street, Tallahassee, Florida. This public hearing is being held in response to a request received from Ross A. McVoy, counsel for Cemetery Management, Inc. The rule was originally published in Vol. 25, No. 31, of the Florida Administrative Weekly.

The person to be contacted regarding the proposed rule is: Diana Evans, Executive Director, Board of Funeral and Cemetery Services, Fletcher Building, 6th Floor, 101 E. Gaines Street, Tallahassee, Florida 32399.

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

#### DEPARTMENT OF BANKING AND FINANCE

##### Board of Funeral and Cemetery Services

RULE NOS:	RULE TITLES:
3F-13.001	General Provisions
3F-13.002	Definitions
3F-13.003	General Construction
	Specifications
3F-13.004	Special Construction Specifications
	for Class "C" Mausolea

#### NOTICE OF PUBLIC HEARING

The Board of Funeral and Cemetery Services hereby gives notice of a public hearing on the above-referenced rule(s) to be held on October 8, 1999, 10:00 a.m. in Room 547, The Fletcher Building, 101 East Gaines Street, Tallahassee, Florida. This public hearing is being held in response to a request received from Ross A. McVoy, counsel for Cemetery Management, Inc. The rule was originally published in Vol. 25, No. 32, of the Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diana M. Evans, Executive Director, Board of Funeral and Cemetery Services, Fletcher Building, 6th Floor, 101 E. Gaines Street, Tallahassee, Florida 32399.

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

# **PUBLIC SERVICE COMMISSION**

DOCKET NO: 980253-TX

RULE NOS.:	RULE TITLES:
25-4.300	Scope and Definitions
25-4.301	Applicability of Fresh Look
25-4.302	Termination of LEC Contracts

The Public Service Commission notifies all interested persons that the above rules will be considered at the agenda conference scheduled to be held at the following time and place:

TIME AND DATE: 9:30 a.m., November 16, 1999

PLACE: Florida Public Service Commission, Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, FL

PURPOSE AND EFFECT: To enable ALECs to compete for existing ILEC customer contracts covering local telecommunications services offered over the public switched network, which were entered into prior to switch-based substitutes for local exchange telecommunications services.

The person to be contacted regarding the rule is Martha Brown, (850)413-6187.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

# **PUBLIC SERVICE COMMISSION**

DOCKET NO. 990707-EI

RULE NO:	RULE TITLE:
25-6.0142	Uniform Retirement Units for Electric Utilities

## **NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 28, July 16, 1999, issue of the Florida Administrative Weekly:

The definition for average inventory cost in paragraph (2)(a) has been changed to the following:

(2) For the purpose of this Rule, the following definitions shall apply:

(a) Average Inventory Cost – An estimate of original material cost for a group of items having similar characteristics.

Parenthesis have been placed around each of the account numbers from the Uniform System of Accounts that are discussed in the rule.

# **WATER MANAGEMENT DISTRICTS**

## **South Florida Water Management District**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
40E-1	General and Procedural
RULE NO.:	RULE TITLE:
40E-1.607	Permit Application Processing Fees

## **NOTICE OF CHANGE**

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 28, the July 16, 1999 issue of the Florida Administrative Weekly:

The fifth sentence in subsection 40E-1.607 has been changed so that when adopted it will read: "Failure of any person to pay the applicable fees established herein will result in denial of an application."

The change was made in response to comments received from The Florida Legislature Joint Administrative Procedures Committee.

# **AGENCY FOR HEALTH CARE ADMINISTRATION**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
59A-3	Hospital Licensure
RULE NO.:	RULE TITLE:
59A-3.081	Physical Plant Requirements for General, Rehabilitation and Psychiatric Hospitals

## **NOTICE OF WITHDRAWAL OF PROPOSED RULE**

Notice is hereby given that the proposed amendment to rule 59A-3.081, Hospital Licensure, is hereby withdrawn due the 90 day filling and extended period for rule adoption being exceeded. The proposed amendment to the rule was originally published in Vol. 25, No. 20, Florida Administrative Weekly, May 21, 1999.

# **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

## **Board of Professional Engineers**

RULE NO.:	RULE TITLE:
61G15-23.002	Seal, Signature and Date Shall be Affixed

## **NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 25, No. 31, August 6, 1999, Florida Administrative Weekly has been withdrawn.

# **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

## **Board of Professional Geologists**

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

# NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 22, June 4, 1999, issue of the Florida Administrative Weekly. Subsection (2)(b) of the proposed rule shall read as follows:

(2) Application for Licensure by Endorsement:

(b) The initial license fee shall be one hundred dollars (\$100).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dee O'Connor, Executive Director, Board of Professional Geologists, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750.

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 97-17

RULE CHAPTER NO.: 62-302      RULE CHAPTER TITLE: Surface Water Quality Standards

RULE NO.: 62-302.700      RULE TITLE: Special Protection, Outstanding Florida Waters, Outstanding National Resource Waters

# NOTICE OF CHANGE

The Department of Environmental Protection announces the rescheduling of a rule adoption hearing currently scheduled to be heard by the Environmental Regulation Commission on September 30, 1999 at 2:00 p.m. The notice of proposed rulemaking, published in the August 27, 1999 issue of the Florida Administrative Weekly, Vol. 25, No. 34, page 3871, provided notice that the Department is proposing changes to Chapter 62-302 of the Florida Administrative Code to designate Lake Disston and portions of Haw Creek as Outstanding Florida Waters (OFW).

The adoption hearing for the proposed OFW designation is now scheduled before the Environmental Regulation Commission at the time, date and place shown below:

TIME AND DATE: 12:00 p.m. (noon), December 2, 1999

PLACE: Bunnell City Hall – Civic Center, 200 South Church Street, Bunnell, FL 32110

The Department regrets any inconvenience this postponement may have caused. If you have any questions concerning this notice or the proposed OFW designation, please contact Janet Klemm, Florida Department of Environmental Protection, Division of Water Resource Management, Mail Station 3575, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)921-9928.

## DEPARTMENT OF HEALTH

### Board of Osteopathic Medicine

RULE NO.: 64B15-15.002      RULE TITLE: Handling of Patient Records Upon Termination of Practice

# NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 25, No. 11, March 19, 1999, Florida Administrative Weekly has been withdrawn.

## Section IV Emergency Rules

NONE

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

### DEPARTMENT OF TRANSPORTATION

Notice is hereby given that the Florida Department of Transportation has received a Petition for Variance from Industrial Chemical & Supply Co. on August 17, 1999, seeking a variance from the provisions of Rule 14-57.003, Florida Administrative Code. Rule 14-57.003, FAC, establishes railroad safety and clearance standards. Industrial Chemical & Supply Co. requests the Department grant a waiver for existing conditions at a transloading facility located in Tampa, Florida, for the loading and unloading of materials being transported by rail car. The variance request is for side clearances less than eight feet (8').

Comments on this proposed variance should be filed with the Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, M.S. 58, Tallahassee, Florida 32399-0458, within 14 days of the publication of this notice.

A copy of the Petition for Variance may be obtained from the Clerk of Agency Proceedings.

For additional information, contact: Ollie L. Evans, Assistant General Counsel, (850)414-5265.

Notice is hereby given that the Florida Department of Transportation has received a Petition for Variance from Tri-County Commuter Rail Authority on August 17, 1999, seeking a variance from the provisions of Rule 14-57.003, Florida Administrative Code. Rule 14-57.003, FAC, establishes railroad safety and clearance standards. Tri-County Commuter Rail Authority requests the Department grant a waiver for construction of an inter-track fence between the north and south bound mainline tracks which are spaced fifteen feet (15') apart. The fence would prohibit riders from crossing the tracks between adjacent platforms which will be located at the passenger station in Dania, Florida. The variance request is for installation of fencing having clearances less than eight feet (8') from either track.