

(e) The report must detail course clock hours for theory and clinical components of nursing education

Specific Authority 464.006 FS. Law Implemented 455.564(1), 464.008 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 11, 1999
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 19, 1999

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

RULE NOS.:	RULE TITLES:
5-1.005	Aquaculture Certificate of Registration
5-1.006	Minimal Impact Aquaculture Facilities
5-1.007	Failure to Comply With the Interim Measures

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in the proposed rules in accordance with subparagraph 120.5493(d)1., F.S., published in Vol. 25, No. 30, July 30, 1999, of the Florida Administrative Weekly:

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

One sentence in subsection 5-1.005(1) has been changed so that when adopted it will read: "... and submit an Aquaculture Rule Notification Form FDACS Form 5-1.008(1)...."

One sentence in subsection 5-1.005(3) has been changed so that when adopted it will read: "... and pays the appropriate \$50 application fee....."

One sentence in subsection 5-1.005(4)(c) has been changed so that when adopted it will read: "... submit a complete application and the \$50 fee....."

One sentence in subsection 5-1.006(2) has been changed so that when adopted it will read: "... and submit FDACS Form 5-1.008(1)...."

Section 5-1.007 has been changed so that when adopted it will read as follows:

"If any aquaculture producer fails to comply with the interim measures required for certification, the Department shall take action consistent with its authority to assure proper

implementation and compliance with s. 597.0041, F.S. Specifically, producers not complying with interim measures will be subject to either suspension or revocation of their aquaculture certificate of registration. If an aquaculture producer is found to be in non-compliance with interim measures, the Department will notify the producer in writing. Failure to respond to the issues addressed in the notification within 30 days shall result in the suspension of the producer's aquaculture certificate of registration. Failure to respond to the issues addressed in the notification within 60 days shall result in the revocation of the producer's aquaculture certificate of registration."

The title of section 5-1.008 has been changed so that when adopted it will read: "Aquaculture Rule Notification Form."

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Marketing and Development

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
5H-24	Permanent Collections: Administration of Permanent Collections
RULE NOS.:	RULE TITLES:
5H-24.005	Loan of Department or Museum – Owned Artifacts
5H-24.006	Deaccession and Disposal of Department of Museum – Owned Artifacts
5H-24.007	Use of Museum Records
5H-24.008	Forms and Instructions

NOTICE OF CHANGE

Notice of change is hereby given that the following substantive changes have been made to the proposed rule based upon comments received from the Joint Administrative Procedures Committee. This rule was originally published in Vol. 25, No. 28 of the July 16, 1999 issue of the Florida Administrative Weekly. The rule shall now read as follows:

5H-24.005(7) The word (may) was struck and replaced with the word (will).

(7) The museum will ~~may~~ seek to recover cost associated with loans, including cost for material, staff time, and shipping or transportation, and such cost will ~~may~~ be charged to the borrowing entity. These charges are negotiated prior to approving a loan, and moneys collected are deposited in the Museum's operating account. Any income received from the loan of Department or Museum-owned artifacts is used to acquire additional artifacts, to defray the cost associated with the loan, or to assist in the curation or maintenance of Department or Museum-owned artifacts.

5H-24.006(2)(a) The word (may) was struck and replaced with the word (will).

(2)(a) Deaccessioning and disposing of a Department or Museum-owned artifact will ~~may~~ be recommended only if:

5H-24.006(2)(b) The word (may) was struck and replaced with the word (will).

(2)(b) Examples of situations in which deaccession and disposal of a Department or Museum-owned artifact ~~will may~~ be recommended include, but are not limited to, instances in which the artifact:

5H-24-007(1)(b) Additional language added to clarify the statement.

(1)(b) Original records will not normally be made available when microfilm or other copies are available. If, in fact, the original is needed for a specific purpose, such as evidence in a court of law, the original will be made available.

5H-24.007(1)(c) The word (normally) is removed.

(1)(c) Persons seeking information that is published and readily available ~~normally~~ will be referred to the Florida State Library.

5H-24.007(3)(a) Language changed to clarify the statement.

(3)(a) Applicants shall apply in person at the Florida Agricultural Museum and shall provide ~~submit, on a form provided for the purpose,~~ information necessary such as, but not limited to; date or approximate date of document, title or probable title of document, author of document, recipient of document, subject of document, location of where document originated or was used, or any other pertinent information which may assist in determining which records or documents are available. ~~for registration and for determining which records will be made available.~~ Applicants shall furnish proper identification, and, if applying for access to large quantities of records or to records that are especially fragile or valuable, shall furnish upon request a letter of reference or introduction.

5H-24.007(4)(a) First sentence removed.

(4)(a) ~~The use of archives is subject to any restrictions specified by law.~~ Records may be temporarily withdrawn from use while in process of restoration, repair, or rearrangement.

5H-24.007(5)(d) Second sentence removed.

(5)(d) Removal or mutilation of records – Researchers shall not remove records from the research room. ~~The unlawful removal or mutilation of records is punishable by law.~~ When so requested, researchers shall check parcels and luggage before entering the research room and upon leaving, a researcher shall, if requested, present for examination any briefcase, notebook, package, envelope, book, or other article that could contain records.

5H-24.007(5)(f) The word (normally) is removed.

(5)(f) Keep Records in order – A researcher must keep unbound records in the order in which they are delivered. Records appearing to be in disorder should not be arranged by the researcher, but should be referred to the research room attendant. ~~Normally,~~ a researcher will not be allowed remove records from more than one container at a time.

5H-24.008 Effective date and location of forms added.

5H-24.008 Forms and Instructions.

The following forms are used in the implementation of this Chapter and are herein incorporated by reference: These forms will become effective on the effective date of rule 5H-24. These forms may be obtained by contacting the Florida Department of Agriculture and Consumer Services, Mayo Building, Tallahassee, Florida 32399-0810.

5H-24.008 Law Implemented changed from 570.901 to 570.903(8)

5H-24.008 FS. Law Implemented ~~570.901~~ 570.903(8)

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: RULE CHAPTER TITLE:

14-66 Relocation Assistance Regulations

RULE NO.: RULE TITLE:

14-66.007 Relocation Assistance Program

CHANGE NOTICE

SUMMARY OF CHANGE: The following changes are being made in response to a review by the Joint Administrative Procedures Committee:

1. In 14-66.007(2)(d), change “may be” to “is” so the phrase reads: “... property that cannot be moved or the displaced person chooses not to move and ~~is may be~~ in the form of either of the following:”

2. In 14-66.007(p) and (q) are changed as follows:

(p) “Post-Move Inventory” shall mean a list of personal property actually moved to the replacement site as a part of a relocation. Such list is prepared by the displaced person or the Agency after the move is completed and its content confirmed as correct ~~is attested to~~ by the Agency’s representative and the displaced person(s).

(q) “Pre-Move Inventory” shall mean a list of items to be included in a move. Such list is prepared prior to the move and confirmed ~~attested to~~ by the displaced person(s).

3. 14-66.007(4)(d)3., is revised to read as follows:

“3. A description of how the procedures which the displaced person can ~~shall follow in order to~~ obtain the full amount of the payment.”

4. 14-66.007(6)(l), is revised to read:

“(l) All underground or above-ground tanks shall be emptied and removed from the site by the displaced owner/operator in accordance with Rule Chapters 62-761 ~~and 62-762~~, F.A.C.”

5. 14-66.007(6)(l)3., is revised to read:

“3. In cases where the tanks meet the definition of “out of service,” as defined in Department of Environmental Protection Rule 62-761.200, F.A.C., which definition is incorporated by this reference as is fully set out in this rule, the Department shall neither be responsible for the removal and disposal of the tank nor the removal and disposal of any contents.”

6. 14-66.007(7) and (7)(a) are revised as follows:

“(7) Replacement Housing Payments. Individuals and families displaced from a dwelling acquired for a transportation project are eligible for replacement housing payments in accordance with the payments delineated in 49 C.F.R. Part 24, Subpart E.”

(a) A displaced person is eligible for the replacement housing payment for a 180-day homeowner-occupant if he or she meets the criteria of 49 C.F.R. Part 24, Subpart E.”

7. 14-66.007(7)(j) is changed to read as follows:

“(j) Displaced persons who are less than 90-day occupants are entitled to ~~may be eligible for~~ a replacement housing payment as outlined in 49 C.F.R., Part 24, Subpart E. Additionally, to be eligible for a replacement housing payment, displaced persons who are less than 90-day occupants must be provided: 1. ~~The displaced person(s) is~~ in occupancy at the time the Agency obtains title to the property. The displaced person can be allowed to relocate prior to the Agency taking title to the property if the Agency determines that continued occupancy would be a danger to the health, safety, and welfare of the displaced person or in situations where replacement housing is scarce as determined by the Agency and may not be available at the time the Agency obtains title to the property.

2. ~~The displaced person(s) cannot afford comparable housing without exceeding 30% of his or her gross monthly income.~~

3. ~~The displaced person(s) purchases and occupies a decent, safe, and sanitary replacement dwelling within one year of the time specified herein.”~~

8. 14-66.007(7)(k) is changed to correct a cross-reference as follows: “... eligible for a replacement housing payment under Section 14-66.007 ~~(7)(6)~~(j)...”

9. In 14-66.007(9)(i), the language relating to claim filing is deleted as follows:

“(i) In the event the Department determines that the acquisition of a portion of property will require a displacement, the Department will offer to relocate the affected person. ~~A displaced person choosing to relocate shall file all claims for reimbursement for eligible expenses within a period not to exceed 18 months from the date of receipt of the Department’s written offer of relocation benefits. This time period can be extended when the displaced person is unable to meet this time period through no fault of his or her own. The displaced person is responsible for providing written documentation for the delay and any extension shall be approved by the Department.”~~

10. 14-66.007(10) is revised as follows:

“(10) Appeal Rights. Any aggrieved person may file a written appeal with the Agency in any case in which the person believes that the Agency has failed to properly consider the person’s claim for assistance under this rule. Such assistance may include those provisions outlined in 49 C.F.R. Part 24, and include the person’s eligibility for, or the amount of, a payment required under moving and related expenses, or replacement

housing payments. The written appeal shall be filed no later than 60 days after the person receives written notification from the Agency of the claim determination. A person may have legal or other representation in connection with his or her appeal, but solely at his or her expense. The Agency shall consider a written appeal regardless of form. If full relief requested is not granted, a notice of denial shall be issued, providing the hearing rights in accordance with 120.569, Florida Statutes, and Rule 28-106.111, F.A.C. The aggrieved person may file a request for administrative hearing.”

Notice of Rulemaking was published in Florida Administrative Weekly, Vol. 25, No.17, dated April 30, 1999.

NOTE: The add/delete (underline/strike through) coding refers to changes from the proposed language as set out in the original notice.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.:	RULE TITLE:
40D-8.0410	Tampa Bypass Flows, Minimum Flows for the Tampa Bypass Canal

NOTICE OF WITHDRAWAL

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 24, No. 48, November 25, 1998, issue of Florida Administrative Weekly:

The Districts deletes the amendment proposed as 40D-8.0410.

DEPARTMENT OF VETERANS' AFFAIRS

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
55-11	Veterans' Domiciliary Home of Florida

RULE NOS.:	RULE TITLES:
55-11.006	Admittance Priority and Procedures
55-11.007	Health Records and General Register
55-11.008	Resident's Contribution to Support
55-11.011	Resident's Deposit of Personal Property

NOTICE OF WITHDRAWAL

Pursuant to section 120.54(3)(d)1., Florida Statutes, notice is hereby given that the above proposed rule amendments, as noticed in Vol 25, No. 4, January 29, 1999 issue of the Florida Administrative Weekly, has been withdrawn in response to comments received from the Joint Administrative Procedures Committee.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

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

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 25, No. 19, May 14, 1999, Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: 64B1-4.001 RULE TITLE: Acupuncture Program Requirements

NOTICE OF CORRECTION

The above-proposed rule was published in the September 3, 1999 issue of the Florida Administrative Weekly, Vol. 25, No. 35, on page 3981. The "DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW," which was originally published as July 7, 1999, instead, the date should have been July 23, 1999. The foregoing change does not affect the substance of the proposed rule. The person to be contacted regarding the above change is William Buckhalt, Executive Director, Board of Acupuncture, 2020 Capital Circle, Southeast, BIN #C09, Tallahassee, Florida 32399-3259

**Section IV
Emergency Rules**

DEPARTMENT OF THE LOTTERY

RULE TITLE: Florida Lottery Prize Payment Option Election RULE NO.: 53ER99-48
SUMMARY OF THE RULE: This emergency rule sets forth the specifics of the one-time cash-out option in which eligible prizewinners may elect to cash out their remaining annual installment payments and receive a single lump-sum cash payment.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER99-48 Florida Lottery Prize Payment Option Election.

(1) From October 1, 1999 through November 30, 1999, the Florida Lottery is providing a one-time opportunity for eligible prize winners to elect to voluntarily cash out their remaining annual installment payments and receive a single lump-sum cash payment.

(2) In order to be eligible for this opportunity, the prize winner must have won a Florida Lottery prize before October 22, 1998, which is payable over a period of at least ten years, and the prize winner must not have assigned the prize to another person or entity pursuant to §24.1153, Fla. Stat. (1999). Prize winners who have claimed their prize as a trust, partnership, estate, or Subchapter S corporation are eligible to make the cash out election, provided that the entity is comprised entirely of individuals on the cash receipts and disbursements method of accounting. Entities that elect the cash option must cash out their entire prize. Individual members of the entity will not be eligible to cash out separately.

(3) In order to elect the lump-sum cash payment, a prize winner must:

(a) Complete, check the appropriate line and sign the Prize Payment Option Election Form (Election Form). The signature on the Election Form must be notarized. Prize Payment Option Election Form DOL-438, effective 10/01/99, is incorporated herein by reference and may be obtained from The State of Florida, Department of the Lottery, Player Accounting Services, Capitol Complex, Tallahassee, Florida 32399-4010; and

(b) Return the Election Form to: State of Florida, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4010. Envelopes must be postmarked on or before November 30, 1999.

(4) An authorized representative of a trust, partnership, estate, or Subchapter S corporation may sign an Election Form.

(5) Once the Lottery has received the executed Election Form, the prize winner's election shall be irrevocable.

(6) If the form is not returned or the prize winner elects not to cash out his or her prize, annual payments will continue as scheduled.

(7) All prize winners who elect to cash out will be paid in one lump sum cash payment and the payment shall be calculated as follows:

(a) For all prizes, other than WIN FOR LIFE prizes, the lump sum payment amount will be the accreted value of the Lottery's investment (original cost plus accrued interest) as determined on a date certain (the "trade date"), unless the market value of the investment is less than the accreted value determined on the trade date. In that case, the market value of the investment will be paid.

(b) WIN FOR LIFE prize winners who elect to cash out shall receive a lump sum payment, which shall be the accreted value of the Lottery's investment (original cost plus accrued interest) as determined on a date certain (the "trade date") that would fund the remaining balance of the guaranteed \$1,040,000 prize payable over a twenty year period, unless the market value of the Lottery's investment is less than the accreted value determined on the trade date. In that case, the