

SUBJECT AREA TO BE ADDRESSED: This rule amendment removes reference to WAGES; designates the regional workforce board as the entity responsible for TCA work activities and related support services; and provides for child care assistance for individuals in temporary cash assistance (TCA) work-related activities. It also expands transitional child care eligibility criteria for TCA participants and individuals redirected by diversion to accept, maintain or actively seek employment if their income does not exceed 200 percent of the federal poverty level. Additionally, criteria relating to receiving TCA for less than three months are removed in relation to eligibility for transitional child care and forms are revised and incorporated by reference to reflect statutory changes.

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.095(1), 445.028, 402.3015 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., November 7, 2000

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Audrey Mitchell, Program Administrator, Building 3, Room 421, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, telephone (850)488-3090

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

Section II Proposed Rules

DEPARTMENT OF INSURANCE

RULE TITLE: Refunds **RULE NO.:** 4-196.010

PURPOSE AND EFFECT: The purpose of the proposed action is to update the procedure for the refund of premiums which occur as the result of non-payment of installments on a premium finance contract.

SUMMARY: The amended rule provides time frames for notices and return of funds by insurers, premium finance companies and agents.

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 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), 627.848 FS.

LAW IMPLEMENTED: 624.307(1), 627.7283, 627.832, 627.838, 627.848, 627.849 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: 9:00 a.m – 11:00 a.m., November 15, 2000

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND A COPY OF THE PRELIMINARY DRAFT IS: Marie Bachman, Bureau of Specialty Insurers, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0326, (850)413-3146

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 RULE IS:

4-196.010 Refunds.

(1) Except as provided in subsection (2), a premium finance company shall be responsible to refund to the insured all moneys due or held on the insureds behalf within 30 days after receipt of the funds from an insurer or other person. Refunds arising for reasons other than cancellation of the contract may be sent directly from the premium finance company to the insured or the insurance agent.

(2) Upon receipt of a cancellation notice from a premium finance company, the insurer shall within thirty (30) days, refund the unearned premium to the premium finance company and notify the insured, agent and premium finance company of the amount of unearned premium which is being returned to the premium finance company and the amount of the agent's unearned commission held by the agent. The notice must indicate to the insured that the amount of unearned premium refunded to the premium finance company and the amount of unearned commission that is held by the agent quoted in this notice will be used by the premium finance company to satisfy the insured's loan balance and other obligations under the premium finance agreement prior to the refund to the insured.

(a) Within 15 days of receipt of the funds, the premium finance company shall notify the insured and the agent of the amount of unearned premium due the insured, if any, and return or credit said funds to the insured or insurance agent. The notice must indicate to the insured that portion of unearned premium returned to the premium finance company and the amount of unearned commission that is held by the agent, as

reported by the insurer which will be used by the premium finance company to satisfy the insured's loan balance and other obligations under the premium finance agreement including, if applicable, the amount that is still due from the insured.

(b) Within 15 days of receipt of the notification as outlined above and the receipt or credit of any unearned premium, the agent shall return the unearned premium including any unearned commission or other funds due the insured or, with written approval of the insured, apply the unearned premium and unearned commission to other insurance products regulated by the department. Under no circumstances may the agent withhold the return of the unearned commission or unearned premium to the insured after notification by the insurer and premium finance company.

(3) The earned service charge may be calculated to the date the unearned premium is received from the insurer; however, interest may continue to accrue at the rate of \$12 per \$100 per year on any balance still outstanding.

(4) If the insurer fails to refund the unearned premium within 30 days as required by Section 627.7283, F.S, the premium finance company shall immediately notify the insured that the insurer has not paid the unearned premium and that interest will continue to accrue on the amount still outstanding until it is paid. The form of notification notice must be submitted to the Department for approval, together with the required form filing fee, and contain at a minimum, appropriate blanks which will facilitate the designation of the name of the insurance company, the name of the insurance agent, the policy number, the cancellation date, and the unpaid premium balance due under the contract.

Specific Authority 624.308, 627.848 FS. Law Implemented 624.307(1), 627.7283, 627.832(1), 627.838, 627.840, 627.848, 627.849 FS. History--New 10-5-89, Formerly 4-18.010, Amended 7-27-95, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Marie Bachman, Bureau of Specialty Insurers
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Al Willis, Chief, Bureau of Specialty Insurers
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 10, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 23, 1999

**DEPARTMENT OF EDUCATION
State Board of Community Colleges**

RULE TITLE:
Florida Community College Distance Learning Consortium

RULE NO.:
6H-1.046

PURPOSE AND EFFECT: The purpose is to delete the rule. The effect will be the elimination of a rule from the Florida Administrative Code that is no longer necessary.

SUMMARY: Chapter 120, F.S., requires that agencies review all rules and report to the Legislature any rules which exceed statutory authority. The Joint Administrative Procedures Committee has recommended that the procedural rules for operation of the State Board of Community Colleges not be adopted as rules; therefore, the rule is repealed.

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: 240.311(2), 240.325 FS.

LAW IMPLEMENTED: 228.041(1),(21), 240.311(3), 240.32 FS.

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

TIME AND DATE: 8:30 a.m., November 17, 2000

PLACE: Tallahassee Community College, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sydney H. McKenzie III, General Counsel, State Board of Community Colleges, Division of Community Colleges, Room 1314, Turlington Building, 325 W. Gaines St., Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6H-1.046 Florida Community College Distance Learning Consortium.

Specific Authority 240.311(2), 240.325 FS. Law Implemented 228.041(1),(21), 240.311(3), 240.32 FS. History--New 9-30-96, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sydney H. McKenzie III, General Counsel, State Board of Community Colleges

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: J. David Armstrong Jr., Executive Director, Community College System

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 7, 2000

**DEPARTMENT OF COMMUNITY AFFAIRS
Division of Resource Planning and Management**

RULE CHAPTER TITLE:
Rules of Procedure and Practiced Pertaining to Developments of Regional Impact

RULE CHAPTER NO.:
9J-2

RULE TITLES:	RULE NOS.:
Part I General	
Definitions	9J-2.001
Part II Procedures Pertaining to Developments of Regional Impact	
Subpart A General Procedures	
Forms	9J-2.010
Clearance Letters	9J-2.015
Binding Letters of Interpretation	9J-2.016
Preliminary Development Agreements	9J-2.0185
Subpart B Development of Regional Impact Procedures	
Preapplication Conferences and Conceptual Agency Review Procedures	9J-2.021
Filing the Application for Development Approval	9J-2.022
The Public Hearing	9J-2.023
Regional Report and Recommendations	9J-2.024
Local Government Development Orders	9J-2.025
Abandonment of Development Orders	9J-2.0251
Development of Regional Impact Review Fee Rule	9J-2.0252
Hurricane Preparedness Policy Rule	9J-2.0256
Special Hurricane Preparedness Districts for Developments of Regional Impact	9J-2.0257
Appeals	9J-2.026
Aggregation Rule	9J-2.0275
Master Development Approval Alternative Review Procedure	9J-2.028
Part III Development of Regional Impact Uniform Standard Rules	
The Application of State, Regional and Local Plans in DRI Uniform Standard Rules	9J-2.040
Archaeological and Historical Resources Uniform Standard Rule	9J-2.043
Hazardous Material Usage, Potable Water, Wastewater, and Solid Waste Facilities Uniform Standard Rule	9J-2.044
Transportation Uniform Standard Rule	9J-2.045
Air Quality Uniform Standard Rule	9J-2.046
Adequate Housing Uniform Standard Rule	9J-2.048
PURPOSE AND EFFECT: To modify the rules to comply with Section 120.536(2)(b), F.S. as amended by Chapter 99-379, §3, Laws of Florida, and update the rules.	
SUMMARY: Rule 9J-2.001, F.S. is revised to change the Division name. The revision to Rule 9J-2.010, F.S. pertains to a change in address where various forms related to the development of regional impact (DRI) program can be obtained. Revisions to Rule 9J-2.016, F.S. pertain to changes to the procedures and process for obtaining a binding letter of interpretation regarding whether a development must undergo a DRI review. Rule 9J-2.018 is revised to change the distance	

from 5 miles to 1/2 mile, within which each land owner included in the project or the developer must submit additional documentation and information for a proposed preliminary development agreement. A reference to the state land development plan was deleted from Rule 9J-2.0185. F.S.

Revisions to Rules 9J-2.021 through 9J-2.0252, 9J-2.0256 through 9J-2.075, F.S. pertain to changes related to the DRI submittal, review and approval procedures, including binding letters of interpretation and abandonment procedures. Regional hurricane plan references are also updated. A reference to the state land development plan was deleted from Rule 9J-2.021, F.S. Rule 9J-2.022, F.S. is revised to delete a reference to a third request for additional information.

Changes to Rules 9J-2.040 through 9J-2.048, F.S. delete unnecessary references to sections of Chapter 380, Florida Statutes, incorporates revised statute citations and referenced documents, and deletes references to the state land development plan. Statute citations for rule making authority and law implementation references have also been updated in the rules.

SPECIFIC AUTHORITY: 380.032(2)(a), 380.06(15)(c)4., (19)(f),(21)(c),(23)(a),(c),(26), 380.0651(4)(f) FS.

LAW IMPLEMENTED: 120.536(2)(b), as amended by Chapter 99-379, §3, Laws of Florida, 120.569, 380.021, 380.031, 380.031(13), 380.032, 380.032(2), 380.032(3), 380.06(1),(2), 380.06(4)(i), 380.06(4)-(10), 380.06(13), (14),(15), 380.06(17),(18),(19),(20),(21),(22),(23), 380.06(25), (26), 380.061, 380.065, 380.0651(4), 380.07(2) FS.

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

TIME AND DATE: 9:00 a.m., November 13, 2000

PLACE: Third Floor, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodations at the hearing because of a disability or physical impairment should contact David Jordan, Assistant General Counsel, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, telephone number (850)488-0410, Suncom 278-0410, at least seven days before the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: David Jordan, Assistant General Counsel, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100. Telephone number (850)488-0410, Suncom 278-0410

THE FULL TEXT OF THE PROPOSED RULES IS:

9J-2.001 Definitions.

(1) No change.

(2) “Division” means the Division of Community Resource Planning and Management of the Department of Community Affairs, which is the “state land planning agency” referred to in Chapter 380, Florida Statutes.

(3) No change.

Specific Authority 380.032(2)(a), 380.06(23)(a) FS. Law Implemented 380.031, 380.06(1),(23) FS. History—New 4-12-81, Amended 5-4-83, Formerly 27F-1.01, 9B-16.01, Amended 11-20-90,_____.

9J-2.010 Forms.

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

(2) These forms may be obtained without cost from the appropriate regional planning agency or by making written request to:

Division of Community Resource Planning and Management
Bureau of State Planning
2555 Shumard Oak Boulevard 2740 Centerview Drive
 Tallahassee, Florida 32399-2100

Specific Authority 380.032(2)(a), 380.06(15)(c)4., (19)(f)1., (23)(a),(c)2.,(26) FS. Law Implemented 380.031(13), 380.06, 380.06(4)-(10), (15)(c)4., (18),(19),(23)(c)2.,(26) FS. History—New 4-12-81, Amended 5-4-83, Formerly 27F-1.31, 9B-16.17, 9J-2.017, Amended 11-20-90, 3-23-94.

9J-2.015 Clearance Letters.

(1) through (3) No change.

Specific Authority 380.032(2)(a), 380.06(23)(a), 380.0651(4)(f) FS. Law Implemented 380.032(2), 380.06(4)(i), 380.0651(4) FS. History—New 11-20-90.

9J-2.016 Binding Letters of Interpretation.

(1) If any developer is in doubt whether his proposed development is required to undergo DRI review or whether his development rights have vested pursuant to Subsection 380.06(20), Florida Statutes, or whether a proposed substantial change to a development of regional impact previously vested pursuant to Subsection 380.06(20) would divest such rights, the developer may file an application for a Binding Letter of Interpretation with the Division. Prior to submitting a formal application, the developer is encouraged to consult with the Division staff to insure that appropriate information is presented. The developer shall submit an application for a binding letter of interpretation by completing and filing with the Division Form RPM-BSP-BLID-1 (development of regional impact status), RPM-BSP-BLIVR-1 (vested rights), or RPM-BSP-BLIM-1 (substantial modification to a previously vested development), as appropriate.

These forms may be obtained upon request to any regional planning agency or to the Division of Community Resource Planning and Management, Bureau of State Planning, whose address is 2555 Shumard Oak Boulevard 2740 Centerview

Drive, Tallahassee, Florida 32399-2100. The completed form shall be submitted to the Division of Community Resource Planning and Management, Bureau of State Planning.

(2)(a) through (8)(b) No change.

~~(e) The Division shall not consider any information submitted as part of an application for a binding letter of interpretation which is considered by the Division to be mitigation of the development's material adverse impacts to regionally significant resources or facilities. The intent of the binding letter process is to determine whether a development will have significant adverse impacts to regionally significant resources or facilities. Making a determination about the suitability of, or need for, mitigation is the role of the regional planning agency and other review agencies during the course of DRI review. Negotiation regarding mitigation needed to address impacts is not appropriate during the binding letter process and is not a function assumed by the Division during that process.~~

(9) through (13) No change.

(14) A Binding Letter of Interpretation shall contain findings of fact and conclusions of law which shall specify the factual, legal, and policy grounds supporting the Division’s determination. The Binding Letter of Interpretation shall be final agency action unless, within thirty (30) days of the date of filing of said determination, the applicant requests in writing a reconsideration of the Binding Letter of Interpretation including an opportunity to present additional testimony, evidence or written statements pursuant to Subparagraph 120.57(2)(a)2., Florida Statutes, and Subsection (15) of this rule.

~~(15) Within fifteen (15) days of receipt of a request for reconsideration, the Division shall render to the applicant, the local government, and the appropriate regional planning agency a written notification granting or denying the request.~~

~~(a) A request for reconsideration of a binding letter shall be granted by the Division if the applicant’s request: alleges and details the Division’s findings of fact which are substantially inaccurate; alleges and details additional material facts not previously considered by the Division; or alleges and details the Division’s conclusions of law which are substantially incorrect. However, the additional material facts offered by the applicant for reconsideration shall not include significant alterations in the plan of development of the project or offsite improvements committed to by the applicant. A significant alteration in the plan of development maybe considered through the submittal of a new binding letter application but shall constitute the basis for denial of the request for reconsideration. Offsite improvements will be considered mitigation by the Division and shall constitute the basis for denial of the request for reconsideration. If the request for reconsideration is granted, all additional information or evidence shall be submitted to the Division by the applicant within 90 days of the date the request for reconsideration is~~

received by the Division and shall also be provided to the entities specified in Subsection 9J-2.016(3). Within 45 days after the Division receives written notice from the applicant that all information or evidence to be considered has been submitted, the Division shall issue a final binding letter of interpretation which shall constitute final agency action, subject to Chapter 120, Florida Statute.

(b) If a request for reconsideration is not timely filed with the Division or does not meet the requirements of Paragraph (a), the Division shall deny in writing the request for reconsideration. Denial of a request for reconsideration shall constitute final agency action, subject to Chapter 120, Florida Statutes, regarding the application for a binding letter.

(16) Binding Letters of Interpretation, and any reconsiderations thereof, shall be issued by the Division within the periods of time specified by these rules and after any informal proceedings held pursuant to Subsection 120.57(2), Florida Statutes. However, at any time before the initial binding letter is issued, or within 30 days after reconsideration of a binding letter is completed and a final binding letter issued, if the applicant believes the determination involves a disputed issue of material fact which requires a full evidentiary hearing, the applicant may request a formal hearing by filing a petition specifying the disputed material facts, in compliance with Subsection 120.57(1), Florida Statutes, and the Model Rules, Chapter 28-5, Florida Administrative Code.

(15)(17) Every binding letter issued by the Division determining that a proposed development is not required to undergo DRI review, but not including binding letters of vested rights or of modification of vested rights, shall expire and become void unless the plan of development has been substantially commenced within:

(a) Three years from October 1, 1985 for binding letters issued prior to October 1, 1985; or

(b) Three years from the date of issuance of binding letters issued on or after October 1, 1985.

The expiration date of a binding letter shall begin to run after final disposition of all administrative and judicial appeals of the binding letter and may be extended by mutual agreement of the Division, the local government with jurisdiction, and the developer. Comments from the regional planning agency will be solicited by the Division when any request for an extension of the expiration date is made.

(16)(18) Rights which have vested pursuant to Paragraph 380.06(20)(a), Florida Statutes, and for which the notification requirements of Paragraph 380.06(20)(a), Florida Statutes, have been met, shall expire and become void after June 30, 1990, unless development of the vested plan has commenced prior to that date upon the property that the Division has determined has acquired vested rights following the notification or in a binding letter of interpretation. When the notification requirements of Paragraph 380.06(20)(a), Florida

Statutes, have not been met, vested rights authorized by Paragraph 380.06(20)(a), Florida Statutes, expired June 30, 1986, unless development commenced prior to that date.

(17)(19) Copies of the binding letter shall be provided to the applicant, the local government, the regional planning agency, and appropriate state agencies. The Division shall request such governments or agencies to notify the Division of potential violations of Section 380.06, Florida Statutes. In addition, notice of the issuance of a binding letter shall be given to persons who have requested notice. Pursuant to Paragraph 380.06(4)(d), Florida Statutes, Binding Letters of Interpretation issued by the Division shall bind all state, regional and local agencies as well as the developer.

Specific Authority 380.032(2)(a), 380.06(23)(a) FS. Law Implemented 120.569, 380.031, 380.032, 380.06(1),(2)(c),(d),(e),(4),(20), 380.0651 FS. History—New 4-12-81, Amended 5-4-83, Formerly 27F-1.16, 9B-16.16, Amended 11-20-90,_____.

9J-2.0185 Preliminary Development Agreements.

(1) through (2)(d) No change.

1. A disclosure by the developer and each owner of any parcel of real property which is included in the total proposed development of any interest in any other parcel or development located within 1/2 5 miles of any boundary of the total proposed development and a map depicting the location of any parcel or other development in which the developer or any owner has an interest within one mile of any boundary of the total proposed development.

2. A description of any deed or other instrument of conveyance by which the owner or developer acquired a property interest in the total proposed development or parcel within 1/2 5 miles of the same, with reference being made to the book and page of any such deed or instrument recorded in the public records.

3. Development plans setting forth number of dwelling units, number of square feet, number of boat slips, total acreage, and other descriptive information regarding the development of each parcel within 1/2 5 miles of the total proposed development in which the developer or each owner of the total proposed development has an interest.

4. A legal description of each parcel within 1/2 5 miles of the total proposed development in which the developer or each owner of the total proposed development has an interest.

5. Sufficient documentation and information to allow the Division to determine that the lands on which preliminary development is proposed are suitable for such development, including consistency with the State Comprehensive Plan, ~~State Land Development Plan~~, Strategic Regional Policy Plan ~~regional comprehensive policy plan~~, and local government comprehensive plan, and that existing resources and existing and planned facilities expected to be affected by the preliminary development will not be materially, adversely impacted.

6. No change.

(2)(e) through (6)(d) No change.

Specific Authority 380.032(2)(a), 380.06(23)(a) FS. Law Implemented 380.032(3), 380.06(8), 380.0651(4) FS. History—New 1-29-86, Amended 7-2-86, 11-20-90, _____.

9J-2.021 Preapplication Conferences and Conceptual Agency Review Process.

(1)(a) Before filing an application for development approval, the developer shall contact the regional planning agency with jurisdiction over the proposed development to arrange a preapplication conference. The regional planning agency shall make available to the developer information about the DRI process and the use of preapplication conferences to encourage cooperation and mutually beneficial solutions to problems, identify issues, coordinate appropriate state and local agency requirements, and otherwise promote a proper and efficient review of the proposed development. The information shall include copies of the any Strategic Regional Policy Plans regional issues list adopted pursuant to Subsection 380.06(23), Florida Statutes, and other appropriate material indicating issues of regional significance in the region, or containing regional policies. It shall include material describing planning, permitting or review requirements of state, regional or local agencies that has been obtained by the regional planning agency. Such information shall be made available before or during the preapplication conference.

(b) through (c) No change.

~~(d) When a DRI also requires an environmental impact statement, affected agencies should conduct one or more meetings in coordination with the regional planning agency for the purpose of considering the feasibility of integrating the DRI review process and report with the Environmental Assessment or Environmental Impact Statement review processes and reports.~~

(d)(e) In order to increase the effectiveness of agency participation and to more closely fulfill the intent of the preapplication conference, the applicant shall provide the participants in the preapplication conference with the information identified in Form RPM-BSP-PREAPP INFO-1 at least ten (10) working days before the scheduled preapplication conference, or a longer period if so stipulated by the regional planning agency. At a minimum, this information shall include an identification of the project location relative to any existing urban service areas and regional activity centers, whether a local comprehensive plan amendment will be required, the type and magnitude of land uses, preliminary site and environmental information, preliminary phasing and buildout dates of the projects, and specific methodology proposals. If this information is not made available within the allotted time prior to the preapplication conference, the conference will be rescheduled.

~~(f) In order to increase the effectiveness of developer and agency participation in the preapplication conference, in 1983 and every three years thereafter, the Department, as the state land planning agency, shall request state and regional agencies which participate in DRI or binding letter application reviews to prepare brief descriptions of their programs, responsibilities and policies that may substantially affect proposed DRIs during planning or permitting reviews. Such descriptions may include goals and objectives, review criteria, procedures, information requirements, jurisdiction, rule or statute numbers, addresses, contact names, and other information considered useful to applicants entering the DRI review process. The Department shall work closely with agencies to ensure that the descriptions are reasonably uniform. Upon completion of the descriptions, as determined by the Department, copies shall be provided to regional planning agencies for use in preapplication conference proceedings.~~

~~(e)(g) As a part of the preapplication conference, the regional planning agency shall state the objectives to be achieved in the proceedings, help distinguish between DRI application and state or regional permit reviews, provide information about any local government review procedures that may apply, provide opportunities for the developer and affected agencies to obtain and comment on information of significance to the project, provide information about state land planning agency rules, the State Comprehensive Plan, State Land Development Plan, and the Strategic Regional Policy Plan Comprehensive Regional Policy Plan, and regional issues pursuant to Chapter 9B-20, Florida Administrative Code, and seek to promote expeditious and well-coordinated processing of DRI applications.~~

~~(f)(h) Within 35 days following the preapplication conference, the regional planning agency shall document the findings and agreements made by the participants, including a summary of all assumptions and methodologies agreed upon at the conference. This documentation shall be provided to all participants at the preapplication conference and regional and state agencies involved in the DRI review, who shall have a time period specified by the regional planning agency, but not less than 14 days, to comment, agree, or disagree in writing with the summary. After agreement has been reached regarding assumptions and methodologies, reviewing agencies may not subsequently object to the assumptions and methodologies, unless subsequent changes to the project or information obtained during the review make those assumptions and methodologies inappropriate. If agreement cannot be reached, then the regional planning agency may designate an assumption or methodology to be used, but reviewing agencies are not bound by such assumption or methodology in their reviews.~~

~~(g)(i) Pursuant to Paragraph 380.06(7)(b), Florida Statutes, each regional planning agency shall establish by rule a preapplication procedure by which a develop may enter into~~

binding written agreements with the regional planning agency to eliminate questions from the application for development approval where those questions are found to be unnecessary for DRI review. Elimination of questions shall be consistent with the stated legislative intent contained in Subsection 380.06(7), Florida Statutes, and shall not preclude consideration of, recommendations regarding, or appeal on those issue areas. Any reference to State Comprehensive Plan goals and policies in the application is intended to provide guidance to the applicant as to general applicability of, and consistency with, the State Comprehensive Plan. Such references are not exclusionary or limiting in any way. The elimination of questions in the application for development approval does not eliminate the applicability of any State Comprehensive Plan goal or policy to the proposed development. Consistency of the proposed plan of development with a local comprehensive plan should be a factor taken into consideration when agreeing to the elimination of certain questions from the application for development approval.

(2) through (3) No change.

Specific Authority 380.032(2)(a), 380.06(23)(a) FS. Law Implemented 380.06(7),(9),(23) FS. History—New 5-4-83, Formerly 9B-16.21, Amended 11-20-90, _____.

9J-2.022 Filing the Application for Development Approval.

(1) through (3)(b) No change.

(c) If the regional planning agency determines that the application is insufficient to begin review, the regional planning agency shall provide written notice by regular mail or hand delivery to the appropriate local government and the applicant within 30 days of receipt of the application stating that the application contains insufficient information for the regional planning agency to discharge its responsibilities under Subsection 380.06(12), Florida Statutes, and requesting additional information. Comments and questions not referenced or included within the written notice and rendered to the applicant after the regional planning agency's 30-day review period has expired may not be used as the basis for additional sufficiency questions and may be answered at the applicant's discretion. Within five working days of the receipt of the statement the applicant shall provide written notice to the local government and the regional planning agency that the requested information will be supplied, or will not be supplied, in whole or in part. Within 30 days after receipt of the requested information, the regional planning agency shall review it and may only request any additional information needed to clarify the information received or to answer new questions raised by, or directly related to, the information received. The regional planning agency may request additional information no more than twice, unless the developer waives this limitation. If the applicant does not provide information requested by the regional planning agency within 120 days of the regional planning agency's request, or within a time agreed

upon by the applicant and the regional planning agency, the application shall be considered withdrawn. The applicant may request that the regional planning agency arrange a conference with the appropriate reviewing agencies after the applicant has received the second request for additional information from the regional planning agency and prior to the submission by the applicant of information in response to that request. The purpose of such a conference is to resolve any reviewing agency's informational needs ~~in an effort to eliminate a third request for additional information.~~

~~(c)(d)~~ When the regional planning agency determines that the application is sufficient to begin review or receives notification from the applicant that additional information requested will not be supplied, the regional planning agency shall provide written notice within ten (10) days to the appropriate local government pursuant to Subsection 380.06(10)(c), Florida Statutes, stating that the application contains sufficient information for the regional planning agency to begin review pursuant to the criteria of Subsection 380.06(12), Florida Statutes, or that no additional information will be provided by the applicant, and that a public hearing date may be set. Notice of such determination shall also be provided to all reviewing agencies.

~~(d)(e)~~ The regional planning agency shall keep all affected agencies informed of the progress of the DRI review process and otherwise coordinate reviews of DRIs.

1. through 2. No change.

Specific Authority 380.032(2)(a), 380.06(23)(a) FS. Law Implemented 380.06(5)-(7),(9),(10),(21),(22),(25), 380.061 FS. History—New 7-7-76, Amended 5-4-83, Formerly 27F-1.20, 9B-16.22, Amended 11-20-90, _____.

9J-2.023 The Public Hearing.

Specific Authority 380.032(2)(a), 380.06(23)(a) FS. Law Implemented 380.06(11) FS. History—New 7-7-76, Amended 5-4-83, Formerly 27F-1.21, 9B-16.23, Amended 11-20-90, Repealed.

9J-2.024 Regional Report and Recommendations.

(1) Upon receipt of the notice of public hearing issued pursuant to Subsection 380.06(11), Florida Statutes, the appropriate regional planning agency shall prepare a report and recommendations on the regional impact of the proposed development in accordance with the criteria identified in Subsection 380.06(12), Florida Statutes. In preparing the regional report, the regional planning agency shall identify and make recommendations on regional issues. ~~Lists of Regional issues to be used in reviewing DRI applications are included in the applicable local government comprehensive plans, the Development of Regional Impact Uniform Standards Rule, the State Comprehensive Plan, and Sections 380.06(12)(a)1., 2., and 3., Chapter 9B-20, Florida Administrative Code, pursuant to Paragraph 380.06(22)(b);~~ Florida Statutes. In addition, Strategic Regional Policy Plans comprehensive regional policy plans adopted by regional planning councils pursuant to Sections 186.507 and .508, Florida Statutes, are a long-range

policy guide for the development of the region and shall be used as the basis for regional review of DRIs. ~~The list of regional issues identifies regional resources, facilities, and other issues of importance within the region that may be pertinent in a review of a DRI, whereas comprehensive regional policy plans contain policy guidelines for decisions on such issues.~~ The regional planning agency may also identify and make recommendations on other local issues. However, local issues shall not be grounds for or be included as issues in a regional planning agency recommendation for appeal of a local government development order.

(2) through (5) No change.

(6)(a) When the proposed DRI lies within the review jurisdiction of two or more regional planning agencies, the regional planning agencies should designate a lead agency from among themselves. ~~If they are unable to reach a decision, then the Division may designate a lead agency.~~ The regional planning agencies should discuss and determine the method for handling procedural matters involved in the review of the DRI, who will assume responsibility for determining the sufficiency of information contained in the application for development approval, and how the regional report and recommendations will be prepared. To the extent possible, a single joint report and recommendations should be prepared.

(b) through (c) No change.

Specific Authority 380.032(2)(a), 380.06(23)(a),(b) FS. Law Implemented 380.06(12) FS. History—New 7-7-76, Amended 5-4-83, Formerly 27F-1.22, 9B-16.24, Amended 11-20-90,_____.

9J-2.025 Local Government Development Orders.

(1) through (11)(b) No change.

(c) Pursuant to Subparagraph 380.06(19)(f)~~43~~, Florida Statutes, the Division ~~or and~~ the appropriate regional planning agency shall review the proposed change, and ~~either may, in its discretion and~~ within 45 ~~30~~ days of submittal of Form RPM-BSP-PROPCHANGE-1, unless that time is extended by the developer, shall advise notify the local government in writing whether it objects to the proposed change, shall specify the reasons for its objection, if any, and shall provide a copy to the developer of its intent to participate at the public hearing.

(d) through (f) No change.

Specific Authority 380.032(2)(a), 380.06(19)(f)L,(23)(a) FS. Law Implemented 380.06(5)(a)L,(13),(14),(15),(17),(18),(19), 380.07(2) FS. History—New 7-7-76, Amended 5-4-83, 7-7-85, Formerly 22F-1.23, 27F-1.23, 9B-16.25, 9J-2.25, Amended 11-20-90,_____.

9J-2.0251 Abandonment of Development Orders.

(1) through (4)(a) No change.

~~(b) In such cases the local government shall issue a resolution affirming the continued effectiveness of the existing development order.~~

(5) through (6)(b) No change.

Specific Authority 380.032(2)(a), 380.06(23)(a),(26) FS. Law Implemented 380.06(2),(26) FS. History—New 3-10-91, Amended _____.

9J-2.0252 Development of Regional Impact Review Fee Rule.

(1) through (2) No change.

(3) Allowable Charges

(a) The applicant shall be liable to the regional planning agency for 100% of the actual costs, both direct and indirect, of coordinating or reviewing an application for development approval, an application for development approval of a substantial deviation, an application for development designation, or an application for development designation of a substantial change. ~~The regional planning agency shall keep accurate records of the actual costs associated with coordinating and reviewing the project and shall charge the project's account in the same manner as all other regional planning agency accounts are charged. Such records shall be reasonably itemized and reflect generally acceptable accounting procedures and practices which sufficiently and properly reflect expenditure of funds. Such records shall be made available to the applicant during regular business hours with reasonable notice to the regional planning agency. All costs, direct and indirect, associated with the coordination of the preapplication conference and issue methodology meetings up through the review of the final development order shall be charged to the project's account or cost center.~~ Costs associated with an appeal filed pursuant to Section 380.07, F.S., shall not be charged to an applicant.

(b) through (c) No change.

(d) Upon completion of the review process, if the actual costs exceed the total amount deposited in the project's account or cost center, but are less than \$75,000, the regional planning agency shall bill the applicant within 90 days. The applicant shall pay the amount due to the regional planning agency within 30 days after receipt of the bill. Any dispute regarding expenses included in a final bill which is less than \$75,000 shall be submitted directly to the regional planning agency and handled by that agency in the same manner as other types of expense disputes. Upon completion of the review process, if the actual costs exceed the total amount deposited in the project's account or cost center, but are greater than \$75,000, the regional planning agency shall bill the applicant within 90 days. ~~The applicant shall pay the amount due, less any disputed expenses, to the regional planning agency within 30 days of receipt of the bill.~~ If the applicant disputes any of the expenses included in a final bill which exceeds \$75,000, the applicant shall notify the Department and the regional planning agency within 15 days of receipt of the bill in accordance with subsection (4) below.

(4) No change.

(a) through (b) No change.

(5) REFUNDS. If the applicant's deposit exceeds the final fee total, any remaining balance shall be refunded to the applicant within sixty days of the final charge to the project's account or cost center. Should the applicant notify the regional

planning agency, in writing, at any time during the review process that he wishes to withdraw the application and discontinue the review process, the regional planning agency shall, within 60 days, refund to the applicant any remaining balance in the project's account or cost center, excluding the non-refundable \$5,000 deposit, after deducting all costs incurred prior to receipt of written notification of withdrawal of the application. ~~Failure to make any applicable refunds within sixty days shall require the regional planning agency to pay a one percent per month interest charge.~~

(6) No change.

~~(7) LATE CHARGES. Fees not remitted within 30 days of receipt of the final bill of the regional planning agency, or within 15 days of receipt of the Department of Community Affairs' determination regarding any disputed expenses, shall accrue a one percent per month interest charge.~~

~~(7)(8)~~ APPLICABILITY AND EFFECTIVE DATE. This rule shall be effective on 11-14-90, and shall supercede any existing regional planning agency rules pertaining to development of regional impact review fees. This rule shall apply to all projects for which an application for development approval or development designation has not yet been filed and to all projects for which a development order has been rendered but for which a substantial deviation determination, a substantial change determination, an application for development approval of a substantial deviation, an application for development designation of a substantial change or a supplemental plan or review request is not already in the review process as of 11-14-90. If a preapplication conference or issue methodology meeting has been held and review fees have been paid pursuant to an adopted regional planning agency rule prior to 11-14-90, such fees shall be converted to a project account or cost center pursuant to this rule and credited towards the deposit required pursuant to subsection (2).

Specific Authority 380.032(2)(a), 380.06(23)(a),(d) FS. Law Implemented 380.06(23)(d) FS. History--New 11-14-90, Amended _____.

9J-2.0256 Hurricane Preparedness Policy Rule.

(1) through (2) No change.

(a) "~~Strategic Comprehensive~~ regional policy plan" means those plans developed according to Section 186.507, Florida Statutes, and adopted pursuant to Section 186.508, Florida Statutes.

(b) through (f) No change.

(g) "Inland shelter study" or "inland shelter plan" means the studies produced by the Department and the state's regional planning councils which detail regional public hurricane shelter availability according to various simulated regional hurricane events. The following studies are incorporated by reference:

~~Central Florida Regional Hurricane Shelter Plan Study Update, 1989;~~

East Central Florida Inland Shelter Plan (1989);

~~North Central Florida Regional Hurricane Shelter Study (1984); and the Withlacoochee Inland Hurricane Shelter Study Phase II (1984).~~

These studies are available at the respective regional planning councils.

(h) through (j) No change.

(k) "Local Comprehensive Emergency Management Plan ~~Peacetime emergency plan~~" means those plans developed by a county according to the provisions of Rules 9G-6 and 9G-7, Florida Administrative Code, under the authority provided in Section ~~252.3835~~, Florida Statutes.

(l) through (m) No change.

(n) "Regional hurricane evacuation study" or "regional hurricane evacuation plan" means the studies produced by the Department, the state's regional planning councils, the U.S. Army Corps of Engineers, or the Federal Emergency Management Agency, which detail regional hurricane evacuation clearance times and public hurricane shelter availability according to various simulated regional hurricane events. The following studies are incorporated by reference:

Central Florida Regional Hurricane Evacuation Study Update, 1995, Central Florida Regional Planning Council;

South Florida Regional Hurricane Evacuation Study, 1996, South Florida Regional Planning Council;

~~Treasure Coast Region Hurricane Evacuation Study Update, 199488;~~ U.S. Army Corps of Engineers;

Hurricane Evacuation Study, Southwest Florida, Update, 199587, Southwest Florida Regional Planning Council;

East Central Florida Regional Hurricane Evacuation Study Update, 1989 2000, East Central Florida Regional Planning Council;

~~Lower Southeast Florida Hurricane Evacuation Study (1983);~~

~~North Central Florida Hurricane Evacuation Study (1985);~~

~~Northeast Florida Hurricane Evacuation Study 1988 Update,~~ 1998, Northeast Florida Regional Planning Council;

~~1988 Tampa Bay Region Hurricane Evacuation Study, 2000,~~ Tampa Bay Regional Planning Council;

~~Tri State Hurricane Evacuation Study (1986) Northwest Florida Hurricane Evacuation Study, 1999, U.S. Army Corps of Engineers;~~

Cedar Key Basin Hurricane Evacuation Study, 1996, U.S. Army Corps of Engineers, (applicable to Withlacoochee and North Central Florida regions) Withlacoochee Hurricane Evacuation Study, Technical Data Report Update;

and the Apalachee Bay Region 1984 Hurricane Evacuation Study Plan, 1997, U.S. Army Corps of Engineers Apalachee Regional Planning Council.

These studies are available at the respective regional planning councils.

(o) through (5)(b)2. No change.

3. Provision of roadway capacity improvements committed to by the developer above and beyond the improvements required by Rule 9J-2.045255, Florida Administrative Code, when those regional roadways anticipated to be impacted by the proposed development are also identified hurricane evacuation routes. Such provisions shall be consistent with adopted state, regional, and local infrastructure policies.

4. through (6) No change.

(7) Construction of Rule. The rule shall not be construed to limit the ability of the regional planning councils or local governments to adopt more stringent mitigative measures than those delineated in this rule.

Specific Authority 380.032(2)(a), 380.06(23)(a),(c)1, FS. Law Implemented 380.06, 380.06(23)(b) FS. History--New 11-30-88, Amended 7-11-90, _____.

9J-2.0257 Special Hurricane Preparedness Districts for Developments of Regional Impact.

(1) through (4) No change.

(5) Designation of Southwest Florida as a Special Hurricane Preparedness District for Developments of Regional Impact. Based on a written request supported by data and information received from the Southwest Florida Regional Planning Council, the Department designates the area contained within the category three hurricane flood zone as identified in the Hurricane Evacuation Study Update, 1995 1987 Southwest Florida Regional Planning Council within the counties of Sarasota, Charlotte, Lee, and Collier as a special hurricane preparedness district for developments of regional impact. More specifically, the area that is designated as a special hurricane preparedness district for developments of regional impact is that portion of Southwest Florida that lies outside of areas subject to the impacts of a category two storm but within the area anticipated to be impacted by a category three hurricane as identified in the Hurricane Evacuation Study Update, 1995 1987 Southwest Florida Regional Planning Council. The Department's designation is based on the following facts regarding the coastal counties of Southwest Florida:

(a) through (6)(e) No change.

Specific Authority 380.032(2)(a), 380.06(23)(a),(b),(c)1, FS. Law Implemented 380.06, 380.06(23)(b) FS. History--New 11-30-88, Amended 7-11-90, _____.

9J-2.026 Appeals.

Specific Authority 380.032(2), 380.06(23) FS. Law Implemented 380.032(2), 380.06(19)(f), 380.07(2) FS. History--New 5-4-83, Formerly 9B-16.26, Amended 11-20-90, Repealed _____.

9J-2.0275 Aggregation Rule.

(1) through (2) No change.

(a) "Physically proximate" means that any portion of two or more developments is located:

1. No more than one-fourth (1/4) mile apart in areas designated as urbanized areas in the latest decennial census, as revised, by the 1980 U.S. Department of Commerce, Bureau of Census publication, Census of Population and Housing Block Statistics (PHC80-1) maps, Report No. 11 for the State of Florida, incorporated herein by reference. [This information These maps may be obtained from the U.S. Department of Commerce or viewed at the appropriate Regional Planning Council offices]; or

2. No more than one-half (1/2) mile apart in areas that are not designated as urbanized areas by the Census Bureau in the 1980 PHC80-1 maps. When any portion of the two or more developments is located within an area not designated as urbanized, the criteria in Subparagraph (2)(a)2. shall apply. Notwithstanding anything in this rule to the contrary, two or more developments will be considered physically proximate when they are separated by property contiguous to the developments that are owned or controlled by the same person or entity who owns or controls a significant legal or equitable interest in those developments sought to be aggregated, so long as the distance between the developments does not exceed two miles.

(b) through (4) No change.

(a) Request a binding determination from the Division of Community Resource Planning and Management. The developer shall submit his application for a binding letter of interpretation by completing and filing part I of Form RPM-BSP-BLID-1 BLWM-01-83, incorporated herein by reference, effective May 4, 1983 (Development of Regional Impact Status) along with supporting documentation sufficient to determine the applicability of Subsection 380.0651(4), Florida Statutes to the particular projects, with the Division Bureau of State Planning. This form may be obtained upon request to any regional planning agency or to:

Division of Community Resource Planning and Management Bureau of State Planning

2555 Shumard Oak Boulevard 2740 Centerview Drive

Tallahassee, Florida, 32399-2100;

or

(b) Request an informal determination in the form of a clearance letter by submitting a written request along with supporting documentation sufficient to determine the applicability of Subsection 380.0651(4), Florida Statutes, with the Division of Community Resource Planning and Management, Bureau of State Planning. The Division shall, if it feels the issue is debatable, decline to issue a clearance letter.

Specific Authority 380.032(2)(a), 380.06(23)(a), 380.0651(4)(f) FS. Law Implemented 380.0651(4) FS. History--New 2-2-89, Amended _____.

9J-2.028 Master Development Approval Alternative Review Procedure.

(1) through (5) No change.

Specific Authority 380.032(2)(a), 380.06(21)(c),(23)(a) FS. Law Implemented 380.06(21) FS. History--New 7-7-76, Amended 5-4-83, Formerly 27F-1.24, 9B-16.28, Amended 11-20-90, _____.

9J-2.040 The Application of State, Regional and Local Plans in DRI Uniform Standard Rules.

(1) through (a) No change.

(b) Sections 186.002, 186.007, 186.009, and ~~186.021, 187.101, 380.031, and 380.07~~, Florida Statutes, establish the State Comprehensive Plan ~~and the State Land Development Plan~~ as the long-range, state land development policy guides to be considered in the DRI review process, pursuant to Subsections 380.06(3), (4), (12), (13), (14), (15), (25), and 380.065(3), Florida Statutes.

(c) Sections 186.503, 186.505, 186.507, and 380.07, Florida Statutes, establish the ~~Comprehensive Regional Policy Plan, until adoption of the~~ Strategic Regional Policy Plan as the long-range, regional land development policy guide to be considered in the DRI review process, pursuant to Subsections 380.06(3), (12), (13), (14), (15), (25), and 380.065(3), Florida Statutes.

(d) No change.

~~(e) It is the intent of the Department to set forth in this rule the manner in which the applicable state, regional and local plans will be utilized to implement the provisions of Section 380.021, Paragraphs 380.06(4)(a), (b), (d), (e), and (f), Subparagraph 380.06(8)(a)11., Subparagraphs 380.06(12)(a)1. and 2., Subsection 380.06(13), Paragraphs 380.06(14)(a), (e) and (d), Paragraph 380.06(15)(e), (d) and (e), Subsection 380.06(16), Paragraph 380.06(19)(a), Paragraphs 380.06(19)(e) and (e), Subparagraph 380.06(19)(f)6., Paragraphs 380.06(19)(g) and (h), Subsection 380.06(21), Subsection 380.06(22), Subsection 380.06(25), Subsection 380.06(26), Paragraph 380.06(27)(d), Paragraphs 380.065(3)(b) and (c), and Section 380.07, Florida Statutes.~~

~~(e)(f)~~ The statutory authority to promulgate and establish this rule is derived from Subsections 380.032(2) and 380.06(23), Florida Statutes.

(2) No change.

(a) No change.

(b) "Applicable Regional Plan" means the Regional Planning Council's adopted ~~Comprehensive Regional Policy Plan prior to the adoption of a~~ Strategic Regional Policy Plan pursuant to Section 186.508, F.S., ~~and thereafter means an adopted Strategic Regional Policy Plan.~~

(c) "Applicable State Plan" means the State Comprehensive Plan ~~and the State Land Development Plan.~~

(d) through (3) No change.

(a) A resource or facility specific DRI Uniform Standard rule shall be utilized in development reviews wherever a rule explicitly establishes the planning standards to be utilized for a specific regional or state significant facility or resource issue. For the purposes of this rule, Rule 9J-2.0256 (Hurricane

Preparedness Policy Rule) and 9J-2.0257 (Special Hurricane Preparedness Districts for Developments of Regional Impact) shall be considered as DRI Uniform Standard rules.

~~1. For the purposes of this rule, Rules 9J-2.0256 (Hurricane Preparedness Policy Rule) and 9J-2.0257 (Special Hurricane Preparedness Districts for Developments of Regional Impact) shall be considered as DRI Uniform Standard rules until superceded by a Hurricane Preparedness Uniform Standard Rule adopted into Part III of 9J-2, Florida Administrative Code.~~

~~2. Upon the adoption of Rule 9J-2.045 (Transportation Uniform Standard Rule), the applicable provisions of existing Rule 9J-2.0255 (Transportation Policy Rule) shall remain available as a mitigation option for minor transportation development impacts created by a non-substantial deviation change to a DRI project whose original ADA was submitted and authorized after January 20, 1987, and prior to the effective date of Rule 9J-2.045, as long as the resulting amended development order is consistent with the applicable local government comprehensive plan.~~

(b) through (5)(c) No change.

Specific Authority 380.032(2)(a), 380.06(23)(a),(c)1, FS. Law Implemented 380.021, 380.06, 380.06(23)(b),(c)1, 380.065, 380.07 FS. History--New 3-23-94, Amended _____.

9J-2.043 Archaeological and Historical Resources Uniform Standard Rule.

(1) No change.

(a) The Legislature established Chapter 380, Florida Statutes, to facilitate orderly and well-planned development, and to protect the quality of life of the residents of Florida, by authorizing the state land planning agency to establish land management policies to guide local decisions relating to growth and development. Sections 186.002, 186.007, 186.009, and ~~186.021, 187.101, 380.031, and 380.07~~, Florida Statutes, establish the State Comprehensive Plan ~~and the State Land Development Plan~~ as the long-range, state land development policy guides to be considered in the DRI review process in order to ensure orderly growth in Florida, pursuant to Subsections 380.06(3), (4), (12), (13), (14), (15), (25), and 380.065(3), Florida Statutes.

(b) Consistent with the land management policies delineated in the State Comprehensive Plan ~~and the State Land Development Plan~~, it is the intent of the Department to set forth in this rule ~~the~~ specific archaeological and historical site or property DRI review guideline standards and criteria ~~to be~~ utilized to implement the provisions of Section 380.021, Paragraphs 380.06(4)(a), (b), (d), (e), and (f), Subparagraph 380.06(8)(a)11., Subparagraphs 380.06(12)(a)1. and 2., Subsection 380.06(13), Paragraphs 380.06(14)(a), (e) and (d), Paragraph 380.06(15)(e), Paragraphs 380.06(19)(a) and (e), Paragraph 380.06(19)(b)16., Subparagraph 380.06(19)(f)6., Paragraphs 380.06(19)(g) and (h), Subsection 380.06(21),

~~Subsection 380.06(22), Subsection 380.06(25), Subsection 380.06(26), Paragraph 380.06(27)(d), Paragraphs 380.065(3)(b) and (c), and Section 380.07, Florida Statutes.~~

(c) through (2)(c) No change.

(d) "Applicable Regional Plan" means the Regional Planning Council's adopted ~~comprehensive Regional Policy Plan prior to the adoption of a Strategic Regional Policy Plan pursuant to Section 186.508, F.S., and thereafter means an adopted Strategic Regional Policy Plan.~~

(e) "Applicable State Plan" means the State Comprehensive Plan ~~and the State Land Development Plan.~~

(f) through (11) No change.

Specific Authority ~~380.032(2)(a), 380.06(23)(a),(c)1, FS. Law Implemented 380.021, 380.06, 380.065, 380.07 FS. History—New 3-23-94, Amended~~

9J-2.044 Hazardous Material Usage, Potable Water, Wastewater, and Solid Waste Facilities Uniform Standard Rule.

(1) No change.

(a) The Legislature established Chapter 380, Florida Statutes, to protect the natural resources and environment of Florida, facilitate orderly and well-planned development, optimize the utilization of limited water resources, and protect the health, welfare, safety and quality of life of residents of Florida, by authorizing the state land planning agency to establish land and water management policies to guide local decisions relating to growth and development. Sections 186.002, 186.007, 186.009, ~~186.021, and~~ 187.101, ~~380.031, and 380.07,~~ Florida Statutes, establish the State Comprehensive Plan ~~and the State Land Development Plan~~ as the long-range, state land development policy guides to be considered in the DRI review process in order to ensure orderly growth in Florida, pursuant to Subsections 380.06(3), (4), (12), (13), (14), (15), (25), and 380.065(3), Florida Statutes.

(b) Consistent with the land and water management policies delineated in the State Comprehensive Plan ~~and the State Land Development Plan~~, it is the intent of the Department to set forth in this rule ~~the~~ specific hazardous material usage and potable water, wastewater and solid waste facility DRI review guideline standards and criteria ~~to be utilized to implement the provisions of Section 380.021, Paragraphs 380.06(4)(a), (b), (d), (e), and (f), Subparagraph 380.06(8)(a)11., Subparagraphs 380.06(12)(a)1. and 2., Subsection 380.06(13), Paragraphs 380.06(14)(a), (c) and (d), Paragraph 380.06(15)(e), (d) and (e), Subsection 380.06(16), Paragraph 380.06(19)(a), Paragraphs 380.06(19)(e) and (e), Subparagraph 380.06(19)(f)6., Paragraphs 380.06(19)(g) and (h), Subsection 380.06(21), Subsection 380.06(22), Subsection 380.06(25), Subsection 380.06(26), Paragraph 380.06(27)(d), Paragraphs 380.065(3)(b) and (c), and Section 380.07, Florida Statutes.~~

(c) through (2)(a) No change.

(b) "Applicable Regional Plan" means the Regional Planning Council's adopted ~~Comprehensive Regional Policy Plan prior to the adoption of a Strategic Regional Policy Plan pursuant to Section 186.508, F.S., and thereafter means an adopted Strategic Regional Policy Plan.~~

(c) "Applicable State Plan" means the State Comprehensive Plan ~~and the State Land Development Plan.~~

(d) "Consolidated Chemical List" means the list of chemicals in the United States Environmental Protection Agency (EPA) Publication Title III List of Lists (EPA 550-B-98-017 560/92-014), ~~as amended by 40 CFR Part 355, 40CFR Part 302, and 40 CFR Part 372.~~

(e) through (6)(c)1.a.(I) No change.

~~(H) A local government commitment in the current year of their local government comprehensive plan Capital Improvement Element (CIE) to provide all needed potable water facility improvements, or a local government commitment in the current three years of their CIE to provide all needed potable water facilities when the local government has specifically adopted an in compliance Rule 9J-5.0055(2)(e), F.A.C., concurrency management system in their plan; or~~

~~(II)(HH) A binding and enforceable commitment or legal agreement in the development order by the developer or third party to provide all needed potable water facility improvements concurrently with the development schedule approved in the development order; or~~

~~(III)(IV) Any combination of guarantees (I) through thru (II)(HH) above that ensures that all needed potable water facility improvements will be provided concurrently with the development schedule approved in the development order.~~

b. A provision which states that on no less than an annual basis the status of the guaranteed improvements shall be assessed and reported in the required annual status report, and the local government shall cause further issuance of building permits to cease immediately at the time the annual monitoring reveals that any needed potable water facility improvements guaranteed by development commitments 1.a.(I) ~~through thru~~ 1.a.~~(III)(IV)~~ above is no longer scheduled or guaranteed, has been delayed in schedule such that it is no longer consistent with the timing criteria of Sub-subparagraph 1.a. above, or is no longer being constructed and remains unoperational, unless the applicant is able to unequivocally demonstrate as part of the annual status report that the needed potable water supply is either existing or is permitted and ensured to be supplied both to all existing permitted project development and to all project development likely to be permitted during the next year. The periodic assessment contemplated by this rule is a review of the actual status of guaranteed improvements scheduled for construction and operation. A change to the approved development schedule for the project, as opposed to a change

to the schedule of needed improvements, will need to be addressed through the notification of proposed change provisions of Subsection 380.06(19), F.S.

c. through (7)(c)1.a.(I) No change.

~~(H) A local government commitment in the current year of their local government comprehensive plan Capital Improvement Element (CIE) to provide all needed wastewater facility improvements, or a local government commitment in the current three years of their CIE to provide all needed wastewater facilities when the local government has specifically adopted an in-compliance Rule 9J-5.0055(2)(e), F.A.C., concurrency management system in their plan; or~~

~~(II)(HH) A binding and enforceable commitment in the development order by the developer or a third party to provide all needed wastewater facility improvements concurrently with the development schedule approved in the development order; or~~

~~(III)(IV) Any combination of guarantees (I) through thru (II)(HH) above that ensures that all needed wastewater facility improvements will be provided concurrently with the development schedule approved in the development order.~~

b. A provision which states that on no less than an annual basis the status of the guaranteed improvements shall be assessed and reported in the required annual status report, and local government shall cause further issuance of building permits to cease immediately at the time the annual monitoring reveals that any needed wastewater facility improvements guaranteed by development commitments 1.a.(I) ~~through thru~~ 1.a.~~(III)(IV)~~ above is no longer scheduled or guaranteed, has been delayed in schedule such that it is no longer consistent with the timing criteria of Sub-subparagraph 1.a. above, or is no longer being constructed but remains unoperational, unless the applicant is able to unequivocally demonstrate as part of the annual status report that the needed wastewater supply is either existing or is permitted and ensured to be supplied both to all existing permitted project development and to all project development likely to be permitted during the next year. The periodic assessment contemplated by this rule is a review of the actual status of guaranteed improvements scheduled for construction and operation. A change to the approved development schedule for the project, as opposed to a change to the schedule of needed improvements, will need to be addressed through the notification of proposed change provisions of Subsection 380.06(19), F.S.

c. through (8)(c)1.a.(I) No change.

~~(H) A local government commitment in the current year of their local government comprehensive plan Capital Improvement Element (CIE) to provide all needed facility improvements, or a local government commitment in the current three years of their CIE to provide all needed solid waste facilities when the local government has specifically adopted an in-compliance Rule 9J-5.0055(2)(e), F.A.C., concurrency management system in their plan; or~~

~~(II)(HH) A binding and enforceable commitment in the development order by the developer or a third party to provide all needed solid waste facility improvements concurrently with the development schedule approved in the development order; or~~

~~(III)(IV) Any combination of guarantees (I) through thru (II)(HH) above, or other regional or jurisdiction-wide solid waste capacity initiative guarantees, that ensures that all needed solid waste facility improvements will be provided concurrently with the development schedule approved in the development order.~~

b. A provision which states that on no less than an annual basis the status of the guaranteed improvements shall be assessed and reported in the required annual status report, and local government shall cause further issuance of building permits to cease immediately at the time the annual monitoring reveals that any needed facility improvements guaranteed by development commitments 1.a.(I) ~~through thru~~ 1.a.~~(III)(IV)~~ above is no longer scheduled or guaranteed, has been delayed in schedule such that it is no longer consistent with the timing criteria of Sub-subparagraph 1.a. above, or is no longer being constructed but remains unoperational, unless the applicant is able to unequivocally demonstrate as part of the annual status report that the needed solid waste capacity is either existing or is permitted and ensured to be supplied both to all existing permitted project development and to all project development likely to be permitted during the next year. The periodic assessment contemplated by this rule is a review of the actual status of guaranteed improvements scheduled for construction and operation. A change to the approved development schedule for the project, as opposed to a change to the schedule of needed improvements, will need to be addressed through the notification of proposed change provisions of Subsection 380.06(19), F.S.

b. through (10) No change.

Specific Authority 380.032(2)(a), 380.06(23)(a)(c)1, FS. Law Implemented 380.021, 380.06, 380.065, 380.07 FS. History—New 4-25-94, Amended

9J-2.045 Transportation Uniform Standard Rule.

(1) No change.

(a) The Legislature established Chapter 380, Florida Statutes, to facilitate orderly and well-planned development, by authorizing the state land planning agency to establish land management policies to guide local decisions relating to growth and development. Sections 186.002, 186.007, 186.009, ~~and 186.021~~, 187.101, ~~380.031, and 380.07~~, Florida Statutes, establish the State Comprehensive Plan ~~and the State Land Development Plan~~ as the long-range, state land development policy guides to be considered in the DRI review process in order to ensure orderly growth in Florida, pursuant to Subsections 380.06(3), (4), (12), (13), (14), (15), (25), and 380.065(3), Florida Statutes.

(b) Consistent with the land management policies delineated in the State Comprehensive Plan ~~and the State Land Development Plan~~, it is the intent of the Department to set forth in this rule ~~the~~ specific transportation facility DRI review guideline standards and criteria ~~to be utilized to implement the provisions of Section 380.021, Paragraphs 380.06(4)(a), (b), (d), (e), and (f), Subparagraph 380.06(8)(a)11., Subparagraphs 380.06(12)(a)1. and 2., Subsection 380.06(13), Paragraphs 380.06(14)(a), (c) and (d), Paragraph 380.06(15)(e), (d) and (e), Subsection 380.06(16), Paragraph 380.06(19)(a), Subparagraph 380.06(19)(b)15., Paragraphs 380.06(19)(e) and (e), Subparagraph 380.06(19)(f)6., Paragraphs 380.06(19)(g) and (h), Subsection 380.06(21), Subsection 380.06(22), Paragraph 380.06(24)(f), Subsection 380.06(25), Subsection 380.06(26), Paragraph 380.06(27)(d), Subparagraph 380.061(3)(a)6., Paragraphs 380.065(3)(b) and (e), and Section 380.07, Florida Statutes.~~

(c) through (2)(a) No change.

(b) "Applicable Regional Plan" means the Regional Planning Council's adopted ~~Comprehensive Regional Policy Plan prior to the adoption of a~~ Strategic Regional Policy Plan pursuant to Section 186.508, F.S., ~~and thereafter means an adopted Strategic Regional Policy Plan.~~

(c) "Applicable State Plan" means the State Comprehensive Plan ~~and the State Land Development Plan.~~

(d) through (7)(a)1.a.(II) No change.

(III) A local government commitment in the current year of their local government comprehensive plan Capital Improvement Element (CIE) to provide all needed roadway improvements, or a local government commitment in the current three years of their CIE to provide all needed roadway improvements when the local government has specifically adopted an in-compliance Rule 9J-5.0055(3)(2)(c), F.A.C., concurrency management system in their plan; or

(IV) through (9) No change.

Specific Authority ~~380.032(2)(a), 380.06(23)(a)(c)1.~~ FS. Law Implemented 380.021, 380.06, 380.061, 380.065, 380.07 FS. History–New 3-23-94, Amended.

9J-2.046 Air Quality Uniform Standard Rule.

(1) No change.

(a) The Legislature established Chapter 380, Florida Statutes, to protect the natural resources and environment of this state and to protect the health, welfare, safety and quality of life of its citizens, by authorizing the state land planning agency to establish land management policies to guide local decisions relating to growth and development. Sections 186.002, 186.007, 186.009, ~~and 186.021,~~ 187.101, ~~380.031, and 380.07,~~ Florida Statutes, establish the State Comprehensive Plan ~~and the State Land Development Plan~~ as the long-range, state land development policy guides to be considered in the DRI review process in order to ensure orderly growth in Florida, pursuant to Subsections 380.06(3), (4), (12), (13), (14), (15), (25), and 380.065(3), Florida Statutes.

(b) Consistent with the land management policies delineated in the State Comprehensive Plan ~~and the State Land Development Plan~~, it is the intent of the Department to set forth in this rule ~~the~~ specific mobile source-related air quality DRI review guideline standards and criteria ~~to be utilized to implement the provisions of Section 380.021, Paragraphs 380.06(4)(a), (b), (d), (e), and (f), Subparagraph 380.06(8)(a)11., Subparagraphs 380.06(12)(a)1. and 2., Subsection 380.06(13), Paragraphs 380.06(14)(a), (c) and (d), Paragraphs 380.06(15)(e), (d) and (e), Subsection 380.06(16), Paragraph 380.06(19)(a), Subparagraph 380.06(19)(b)15., Paragraphs 380.06(19)(e) and (e), Subparagraph 380.06(19)(f)6., Paragraphs 380.06(19)(g) and (h), Subsection 380.06(21), Subsection 380.06(22), Paragraph 380.06(24)(f), Subsection 380.06(25), Subsection 380.06(26), Paragraph 380.06(27)(d), Paragraphs 380.065(3)(b) and (e), and Section 380.07, Florida Statutes.~~

(c) through (2)(b) No change.

(c) "Applicable Regional Plan" means the Regional Planning Council's adopted ~~Comprehensive Regional Policy Plan prior to the adoption of a~~ Strategic Regional Policy Plan pursuant to Section 186.508, F.S., ~~and thereafter means an adopted Strategic Regional Policy Plan.~~

(d) "Applicable State Plan" means the State Comprehensive Plan ~~and the State Land Development Plan.~~

(e) through (7) No change.

Specific Authority 380.032(2)(a), 380.06(23)(a)(c)1. FS. Law Implemented 380.021, 380.06, 380.065, 380.07 FS. History–New 3-23-94, Amended

9J-2.048 Adequate Housing Uniform Standard Rule.

(1) No change.

(a) The Legislature established Chapter 380, Florida Statutes, to facilitate orderly and well-planned development and protect the health, welfare and quality of life of the residents of this state, by authorizing the state land planning agency to establish land management policies to guide local decisions relating to growth and development. Sections 186.002, 186.007, 186.009, ~~and 186.021,~~ 187.101, ~~380.031, and 380.07,~~ Florida Statutes, establish the State Comprehensive Plan ~~and the State Land Development Plan~~ as the long-range, state land development policy guides to be considered in the DRI review process in order to ensure orderly growth in Florida, pursuant to Subsections 380.06(3), (4), (12), (13), (14), (15), (25), and 380.065(3), Florida Statutes.

(b) Consistent with the land management policies delineated in the State Comprehensive Plan ~~and the State Land Development Plan~~, it is the intent of the Department to set forth in this rule ~~the~~ specific adequate housing DRI review guideline standards and criteria ~~to be utilized to implement the provisions of Section 380.021, Paragraphs 380.06(4)(a), (b), (d), (e), and (f), Subparagraph 380.06(8)(a)11., Subparagraphs 380.06(12)(a)1., 2., and 3., Subsection 380.06(13), Paragraphs 380.06(14)(a), (e), and (d), Paragraph 380.06(15)(e),~~

SPECIFIC AUTHORITY: 163.3177(9),(10), 163.3180(14) FS.
 LAW IMPLEMENTED: 163.3161, 163.3167, 163.3171, 163.3174, 163.3177(1),(2),(3),(4),(5),(6),(8),(9),(10),(11), 163.3178, 163.3180(13),(15), 163.3181, 163.3184, 163.3187, 163.3191, 163.3194 FS.

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

TIME AND DATE: 9:00 a.m., November 13, 2000
 PLACE: Third Floor, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodations at the hearing because of a disability or physical impairment should contact Maria Abadal Cahill, Community Planning Policy Administrator, Division of Community Planning, Bureau of State Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, telephone number (850)922-1781, Suncom 292-1781 at least seven days before the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Maria Abadal Cahill, Community Planning Policy Administrator, Division of Community Planning, Bureau of State Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32303-2100, telephone number (850)487-4545 or (850)922-1781

THE FULL TEXT OF THE PROPOSED RULES IS:

9J-5.001 Purpose.

(1) No change.

(2) Rule 9J-5.002 contains general guidelines for the exercise of the Department's authority under law to review comprehensive plans and plan amendments for compliance.

~~(3) Rule 9J-5.003 contains definitions of important terms used in this chapter.~~

~~(4) Rule 9J-5.004 generally prescribes the contents of the public participation procedures to be adopted and enforced by each local government.~~

~~(5) Rule 9J-5.005 contains general format requirements and other requirements applicable to the data, analyses, goals, objectives and policies in the elements of the plan, and the procedural aspects of plan and plan amendment adoption.~~

~~(6) Rule 9J-5.0053 establishes the minimum criteria for the evaluation and appraisal reports.~~

~~(7) Rule 9J-5.0055 establishes the minimum criteria to ensure the availability of public facilities and services concurrent with the impacts of development.~~

~~(8) Rules 9J-5.006 through 9J-5.019 establish minimum criteria for comprehensive plan elements. The basic format of the criteria for each element requires the identification of available data, analyses of such data, and preparation of goals, objectives and policies supported by that data and analysis to accomplish desired ends. The goals, objectives and policies of each element must be consistent with the future conditions maps, and the future conditions maps must reflect the goals, objectives and policies of each element.~~

~~(9) Rules 9J-5.022, 9J-5.023 and 9J-5.024 establish the standards, procedures and criteria for the review of the required land development regulations and determination of their consistency with the comprehensive plan.~~

(2)(10) Rules 9J-5.022 through 9J-5.024 establish procedures and criteria for the review of land development regulations pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, F.S., and Chapters 9J-5 and 9J-12, F.A.C. It specifies the standards the Department will use in determining whether a local government has totally failed to adopt one or more of the land development regulations required by Subsection 163.3202(2). It specifies procedures to initiate and control the administrative review of land development regulations by substantially affected persons, local governments and the Department. It specifies the criteria for determining consistency of the land development regulations with the comprehensive plan. Local governments may adopt land development regulations which exceed, or are more stringent than, the regulations described in this chapter.

~~(3)(11) As minimum criteria, these criteria are not intended to prohibit a local government from proposing, considering, adopting, enforcing, or in any other way administering a comprehensive plan which is more specific, detailed, or strict, or which covers additional subject areas, whether within required or optional elements, as long as the comprehensive plan is in compliance with Chapter 9J-5, F.A.C., Chapter 163, F.S., and any other applicable statutes, laws or rules.~~

(4)(12) When a federal, state or regional agency has implemented a permitting program, the state land planning agency shall not require a local government to duplicate or exceed that permitting program in its comprehensive plan or to implement such a permitting program in its land development regulations. Nothing in this paragraph shall prohibit the state land planning agency, in conducting its review of local plans or plan amendments, from making either objections, recommendations, and comments or compliance determinations regarding densities and intensities consistent with the Act.

Specific Authority 163.3177(9),(10) FS. Law Implemented 163.3161, 163.3167, 163.3171, 163.3177, 163.3178, 163.3180, 163.3181, 163.3184, 163.3187, 163.3191, 163.3194 FS. History—New 3-6-86, Amended 10-20-86, 11-22-89, 4-2-92, 3-23-94, 5-18-94, 3-21-99,_____.

9J-5.002 Administration.

(1) through (2)(g) No change.

~~(h) Whether the provision at issue constitutes substantial progress over existing provisions regarding consistency with and furtherance of Chapter 163, Part II, the State Comprehensive Plan, the strategic regional policy plan, and this Chapter, where the existing provisions are in a plan or plan amendment previously found in compliance.~~

(3) through (8) No change.

Specific Authority 163.3177(9),(10) FS. Law Implemented 163.3177, 163.3178 FS. History—New 3-6-86, Amended 10-20-86, 11-22-89, 4-2-92, 3-23-94, 5-18-94, 3-21-99, _____.

9J-5.003 Definitions.

(1) through (50) No change.

(51) "General Lanes" means intrastate roadway lanes not exclusively designated by the Florida Department of Transportation for long distance, high speed travel. In urbanized areas, general lanes include high occupancy vehicle lanes not physically separated from other travel lanes.

~~(52)(51) "Goal" means the long-term end toward which programs or activities are ultimately directed.~~

~~(53)(52) "Group home" means a facility which provides a living environment for unrelated residents who operate as the functional equivalent of a family, including such supervision and care as may be necessary to meet the physical, emotional and social needs of the residents. Adult congregate living facilities comparable in size to group homes are included in this definition. It shall not include rooming or boarding homes, clubs, fraternities, sororities, monasteries or convents, hotels, residential treatment facilities, nursing homes, or emergency shelters.~~

~~(54)(53) "Hazardous waste" means solid waste, or a combination of solid wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated or otherwise managed.~~

~~(55)(54) "Historic resources" means all areas, districts or sites containing properties listed on the Florida Master Site File, the National Register of Historic Places, or designated by a local government as historically, architecturally, or archaeologically significant.~~

~~(56)(55) "Hurricane shelter" means a structure designated by local officials as a place of safe refuge during a storm or hurricane.~~

~~(57)(56) "Hurricane vulnerability zone" (also "areas subject to coastal flooding") means the areas delineated by the regional or local hurricane evacuation plan as requiring~~

evacuation. The hurricane vulnerability zone shall include areas requiring evacuation in the event of a 100-year storm or Category 3 storm event.

~~(58)(57) "Industrial uses" means the activities within land areas predominantly connected with manufacturing, assembly, processing, or storage of products.~~

~~(59)(58) "Infrastructure" means those man-made structures which serve the common needs of the population, such as: sewage disposal systems; potable water systems; potable water wells serving a system; solid waste disposal sites or retention areas; stormwater systems; utilities; piers; docks; wharves; breakwaters; bulkheads; seawalls; bulwarks; revetments; causeways; marinas; navigation channels; bridges; and roadways.~~

~~(60)(59) "Intensity" means an objective measurement of the extent to which land may be developed or used, including the consumption or use of the space above, on or below ground; the measurement of the use of or demand on natural resources; and the measurement of the use of or demand on facilities and services.~~

~~(61)(60) "Interagency hazard mitigation report" means the recommendations of a team of federal, state, regional, or local officials which address measures to reduce the potential for future flood losses and which is prepared in response to a Presidential Disaster Declaration.~~

~~(62)(61) "Level of service" means an indicator of the extent or degree of service provided by, or proposed to be provided by a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility.~~

~~(63)(62) "Limited access facility" means a roadway especially designed for through traffic, and over, from, or to which owners or occupants of abutting land or other persons have no greater than a limited right or easement of access.~~

~~(64)(63) "Living marine resources" means oceanic or estuarine plants or animals, such as mangroves, seagrasses, algae, coral reefs, and living marine habitat; fish, shellfish, crustacea and fisheries; and sea turtles and marine mammals.~~

~~(65)(64) "Local peacetime emergency plan" means the plans prepared by the county civil defense or county emergency management agency addressing weather-related natural hazards and man-made disasters except nuclear power plant accidents and war. The plan covers hazard mitigation, emergency preparedness, emergency response, emergency recovery and in coastal counties, hurricane evacuation.~~

~~(66)(65) "Local road" means a roadway providing service which is of relatively low traffic volume, short average trip length or minimal through traffic movements, and high volume land access for abutting property.~~

~~(67)(66) "Low income household" has the meaning provided in Section 420.0004, F.S.~~

~~(68)~~~~(67)~~ "Major trip generators or attractors" means concentrated areas of intense land use or activity that produces or attracts a significant number of local trip ends.

~~(69)~~~~(68)~~ "Manufactured home" means a residential manufactured home meeting the definition in Section 320.01, F.S.

~~(70)~~~~(69)~~ "Marine habitat" means areas where living marine resources naturally occur, such as mangroves, seagrass beds, algal beds, salt marshes, transitional wetlands, marine wetlands, rocky shore communities, hard bottom communities, oyster bars or flats, mud flats, coral reefs, worm reefs, artificial reefs, offshore springs, nearshore mineral deposits, and offshore sand deposits.

~~(71)~~~~(70)~~ "Marine wetlands" means areas with a water regime determined primarily by tides and the dominant vegetation is salt tolerant plant species including those species listed in ~~Subsection 17-4.020~~~~(17)~~ Rule 62-301.200(3), F.A.C., "Submerged Marine Species."

~~(72)~~~~(71)~~ "Minerals" means all solid minerals, including clay, gravel, phosphate rock, lime, shells (excluding live shellfish), stone, sand, heavy minerals, and any rare earths, which are contained in the soils or waters of the state.

~~(73)~~~~(72)~~ "Mobile home" means a structure meeting the definition in Section 320.01, F.S.

~~(74)~~~~(73)~~ "Moderate income household" has the meaning provided in Section 420.0004, F.S.

~~(75)~~~~(74)~~ "Natural drainage features" means the naturally occurring features of an area which accommodate the flow of significant amounts of stormwater, such as streams, rivers, lakes, sloughs, floodplains and wetlands.

~~(76)~~~~(75)~~ "Natural drainage flow" means the pattern of surface and storm water drainage through or from a particular site before the construction or installation of improvements or prior to regrading.

~~(77)~~~~(76)~~ "Natural groundwater aquifer recharge areas" or "natural groundwater recharge areas" or "groundwater recharge areas" means areas contributing to or providing volumes of water which make a contribution to the storage or regional flow of an aquifer.

~~(78)~~~~(77)~~ "Natural reservations" means areas designated for conservation purposes, and operated by contractual agreement with or managed by a federal, state, regional or local government or non-profit agency such as: national parks, state parks, lands purchased under the Save Our Coast, Conservation and Recreation Lands or Save Our Rivers programs, sanctuaries, preserves, monuments, archaeological sites, historic sites, wildlife management areas, national seashores, and Outstanding Florida Waters. This definition does not include privately owned land managed by a state agency on either a voluntary or a short-term contractual basis.

~~(79)~~~~(78)~~ "Neighborhood park" means a park which serves the population of a neighborhood and is generally accessible by bicycle or pedestrian ways.

~~(80)~~~~(79)~~ "New town" means a new urban activity center and community designated on the future land use map and located within a rural area or at the rural-urban fringe, clearly functionally distinct or geographically separated from existing urban areas and other new towns. A new town shall be of sufficient size, population and land use composition to support a variety of economic and social activities consistent with an urban area designation. New towns shall include basic economic activities; all major land use categories, with the possible exception of agricultural and industrial; and a centrally provided full range of public facilities and services. A new town shall be based on a master development plan, and shall be bordered by land use designations which provide a clear distinction between the new town and surrounding land uses.

~~(81)~~~~(80)~~ "Nonpoint source pollution" means any source of water pollution that is not a point source.

~~(82)~~~~(81)~~ "Objective" means a specific, measurable, intermediate end that is achievable and marks progress toward a goal.

~~(83)~~~~(82)~~ "Oceanic waters" means waters of the Atlantic Ocean, Gulf of Mexico, or Straits of Florida, excluding estuaries.

~~(84)~~~~(83)~~ "Open spaces" means undeveloped lands suitable for passive recreation or conservation uses.

~~(85)~~~~(84)~~ "Park" means a neighborhood, community, or regional park.

~~(86)~~~~(85)~~ "Partial evaluation and appraisal report" means an evaluation and appraisal report which focuses on selected issues or elements that may only be submitted by a municipality with fewer than 5,000 residents or a county with fewer than 50,000 residents pursuant to a written agreement with the Department and in accordance with the requirements of Section 163.3191(12), F.S.

~~(87)~~~~(86)~~ "Pattern" means the form of the physical dispersal of development or land use.

~~(88)~~~~(87)~~ "Playground" means a recreation area with play apparatus.

~~(89)~~~~(88)~~ "Point source pollution" means any source of water pollution that constitutes a discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

~~(90)~~~~(89)~~ "Policy" means the way in which programs and activities are conducted to achieve an identified goal.

~~(91)~~~~(90)~~ "Pollution" is the presence in the outdoor atmosphere, ground or water of any substances, contaminants, noise, or manmade or man-induced alteration of the chemical, physical, biological, or radiological integrity of air or water, in quantities or at levels which are or may be potentially harmful

or injurious to human health or welfare, animal or plant life, or property, or unreasonably interfere with the enjoyment of life or property.

~~(92)(91)~~ "Port facility" means harbor or shipping improvements used predominantly for commercial purposes including channels, turning basins, jetties, breakwaters, landings, wharves, docks, markets, structures, buildings, piers, storage facilities, plazas, anchorages, utilities, bridges, tunnels, roads, causeways, and all other property or facilities necessary or useful in connection with commercial shipping.

~~(93)(92)~~ "Potable water facilities" means a system of structures designed to collect, treat, or distribute potable water, and includes water wells, treatment plants, reservoirs, and distribution mains.

~~(94)(93)~~ "Potable water wellfield" means the site of one or more water wells which supply potable water for human consumption to a water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

~~(95)(94)~~ "Private recreation sites" means sites owned by private, commercial or non-profit entities available to the public for purposes of recreational use.

~~(96)(95)~~ "Proposed evaluation and appraisal report" means a draft evaluation and appraisal report prepared by the local planning agency that is transmitted to the local governing body for review and adoption.

~~(97)(96)~~ "Public access" means the ability of the public to physically reach, enter or use recreation sites including beaches and shores.

~~(98)(97)~~ "Public recreation sites" means sites owned or leased on a long-term basis by a federal, state, regional or local government agency for purposes of recreational use.

~~(99)(98)~~ "Public buildings and grounds" means structures or lands that are owned, leased, or operated by a government entity, such as civic and community centers, hospitals, libraries, police stations, fire stations, and government administration buildings.

~~(99)~~ "Public facilities and services" which must be made available concurrent with the impacts of development means those covered by comprehensive plan elements required by Section 163.3177, F.S., and for which level of service standards must be adopted under Chapter 9J-5, F.A.C. The public facilities and services are: roads, Rule 9J-5.019(4)(e)1.; sanitary sewer, Rule 9J-5.011(2)(e)2.a.; solid waste, Rule 9J-5.011(2)(e)2.b.; stormwater, Rule 9J-5.011(2)(e)2.c.; potable water, Rule 9J-5.011(2)(e)2.d.; parks and recreation, Rule 9J-5.014(3)(e)4.; and mass transit, Rule 9J-5.019(4)(e)1., if applicable.

(100) through (142) No change.

Specific Authority 163.3177(9),(10) FS. Law Implemented 163.3177, 163.3178 FS. History--New 3-6-86, Amended 10-20-86, 11-22-89, 4-2-92, 3-23-94, 5-18-94, 3-21-99,_____.

9J-5.004 Public Participation.

Specific Authority 163.3177(9),(10) FS. Law Implemented 163.3177(9),(10), 163.3181 FS. History--New 3-6-86, Amended 10-20-86, Repealed.

9J-5.005 General Requirements.

(1) through (6) No change.

~~(7) Monitoring and Evaluation Procedures Requirements. Each element of the comprehensive plan shall contain procedures for monitoring, evaluating and appraising implementation of the plan. Specific measurable objectives shall be included to provide a basis for evaluating effectiveness as required by Section 163.3191, Florida Statutes. Such procedures may include reporting requirements for entities responsible for implementing the objectives of the plan, records regarding the availability of new or revised data, planning and development activities, other actions taken to implement the plan, such as, capital improvements planning, adoption of interlocal agreements, issuance of development orders, certificates of occupancy, and land use changes. For the purpose of evaluating and appraising the implementation of the comprehensive plan, each comprehensive plan and each deepwater port master plan shall contain a section identifying five year monitoring, updating and evaluation procedures to be followed in the preparation of the required five year, seven year, ten year or twelve year evaluation and appraisal reports as described in Rule 9J-5.0053. That section shall address:~~

~~(a) A description of the public participation process used by the local government in preparing the report;~~

~~(b) Updating appropriate baseline data and measurable objectives to be accomplished in the first five year period of the plan, and for the long term period;~~

~~(c) Accomplishments in the first five year, seven year, ten year, or twelve year reporting period, describing the degree to which the goals, objectives and policies have been successfully reached;~~

~~(d) Obstacles or problems which resulted in underachievement of goals, objectives, or policies;~~

~~(e) New or modified and reformulated goals, objectives, or policies needed to correct discovered problems;~~

~~(f) A means of ensuring continuous monitoring and evaluation of the plan during the five year period;~~

~~(g) The extent to which unanticipated and unforeseen problems and opportunities occurred between the date of adoption and the date of the report;~~

~~(h) The effect on the comprehensive plan of changes to: Chapter 187, F.S., the state comprehensive plan Chapter 163, Pt. II, F.S.; the minimum criteria contained in Chapter 9J-5, F.A.C.; and the appropriate strategic regional policy plan;~~

~~(i) The major problems of development, physical deterioration, and the location of land uses and the social and economic effects of such uses in the area;~~

(j) The identification of any actions that are taken or need to be taken to address the planning issues identified in the report; and

(k) Proposed or anticipated plan amendments necessary to address or implement the identified changes.

(8) Procedural Requirements. Comprehensive plans, plan elements, and plan amendments shall be considered, adopted and amended pursuant to the procedural requirements of Sections 163.3161 to 163.3215, Florida Statutes, including but not limited to the following:

(a) The comprehensive plans for municipalities shall be prepared and submitted within the same timeframes as the counties in which the municipalities are located and all plans shall be prepared and submitted in accordance with the schedule adopted by the Department pursuant to Subsection 163.3167(2), Florida Statutes;

(b) The comprehensive plan or element shall be prepared in accordance with Section 163.3174 and Subsection 163.3167(4), Florida Statutes, relating to local planning agencies. Proposed plans, elements, portions thereof and amendments shall be considered at a public hearing with due public notice by the local planning agency prior to making its recommendation to the governing body pursuant to Subsection 163.3167(4) and Section 163.3174, Florida Statutes;

(c) The comprehensive plan, element or amendment shall be considered and adopted in accordance with the procedures relating to public participation adopted by the governing body and the local planning agency pursuant to Section 163.3181, Florida Statutes, and Rule 9J-5.004 of this chapter. The local government shall submit with its initial transmittal, pursuant to Subsection 163.3167(2), Florida Statutes, and subsequent transmittals pursuant to Section 163.3191, Florida Statutes, a copy of the procedures for public participation that have been adopted by the local planning agency and the governing body;

(d) The comprehensive plan and any comprehensive plan amendments shall be transmitted after formal action by the governing body in accordance with the provisions of Sections 163.3184 and 163.3187, Florida Statutes, and the procedural rule adopted by the Department pursuant to Subsection 163.3177(9), Florida Statutes;

(e) The comprehensive plan shall not be amended more than two times during any calendar year except in the case of amendments directly related to developments of regional impact pursuant to Section 380.05, Florida Statutes, Florida Quality Developments pursuant to Section 380.061, Florida Statutes, and small scale development activities pursuant to Paragraph 163.3187(1)(b), Florida Statutes. In order for an amendment to be exempt from the twice-a-year amendment restriction under the development of regional impact provision, the amendment must have been transmitted and adopted as provided by law. The comprehensive plan, elements and amendments shall be adopted by ordinance and only after the public hearings required by Paragraph 163.3184(15)(b),

Florida Statutes, have been conducted after the notices required by Paragraphs 163.3184(15)(b) and (c), Florida Statutes. Upon adoption the local government shall transmit to the Department a copy of the ordinance and the required notices;

(f) The comprehensive plan shall be evaluated and updated as required by Section 163.3191, Florida Statutes, and this chapter. A copy of the adopted report required by Section 163.3191, Florida Statutes, shall be transmitted to the Department at the time of the governing body's transmittal of related amendments pursuant to Subsection 163.3191(4), Florida Statutes; and

(g) A comprehensive plan, element, or plan amendment applicable to a designated area of critical state concern shall not become effective until reviewed and approved as provided in Section 380.05, Florida Statutes, and any rules promulgated pursuant to that section.

(h) A comprehensive plan or plan amendment applicable to the Wekiva River Protection Area, in addition to meeting the requirements for compliance pursuant to Section 163.3184, Florida Statutes, must meet the requirements of Section 369.301, et seq., Florida Statutes, the Wekiva River Protection Act.

(i) Local governments may enter into and are encouraged to enter into joint planning agreements as provided in Chapter 163, Florida Statutes.

(8)(9) Recognition of Private Property Rights and Vested Rights. The Department recognizes private property rights created by law and guaranteed by the State and Federal Constitutions and the existence of legitimate and often competing public and private interests in land use regulations and other government action. Local governments may include appropriate provisions in their plans for the recognition of statutory and common law vested rights.

(9)(10) Duplication of Regulations. When a federal, state, or regional agency has implemented a regulatory program, the department shall not require a local government to duplicate that regulatory program in its local comprehensive plan.

Specific Authority 163.3177(9),(10) FS. Law Implemented 163.3167, 163.3171, 163.3174, 163.3177, 163.3178, 163.3181, 163.3184, 163.3187, 163.3191, 163.3194 FS. History--New 3-6-86, Amended 10-20-86, 11-22-89, 3-23-94, 5-18-94, 3-21-99, _____.

9J-5.0053 Evaluation and Appraisal Reports and Evaluation and Appraisal Amendments.

Specific Authority 163.3177(9), 163.3191(12)(8),(10) FS. Law Implemented 163.3187(5), 163.3191 FS. History--New 3-23-94, Amended 5-18-94, 3-21-99, Repealed _____.

9J-5.0055 Concurrency Management System.

The purpose of the concurrency management system is to establish an ongoing mechanism which ensures that public facilities and services needed to support development are available concurrent with the impacts of such development.

(1) No change.

(a) A requirement that the local government shall maintain the adopted level of service standards for roads, sanitary sewer, solid waste, drainage, potable water, parks and recreation, and mass transit, if applicable, and public schools if imposed by local option.

(b) through (e) No change.

(2) through (a)8. No change.

9. Public schools, Rule 9J-5.025(3)(c)7., if imposed by local option.

(b) A local government, at its option, may make additional public facilities and services subject to the concurrency management system. Level of service standards of such additional facilities must be adopted in the local government comprehensive plan. A local government may adopt multimodal level of service standards for transportation facilities, as authorized in Section 163.3180(15)(a), Florida Statutes, using the Florida Department of Transportation methodology for multimodal level of service standards or other professionally accepted methodologies. If a local government desires to extend the concurrency requirement to public schools, the local government shall adopt the necessary amendments as specified in Section 163.3180(13), Florida Statutes, including a public school facilities element and interlocal agreement for school concurrency which are determined to be in compliance with the requirements of law, it should first complete a study to determine how the concurrency requirement is to be addressed and implemented by the local government, school board and all other parties responsible for school facilities. [Section 163.3180(1), Florida Statutes] The local government and school board shall jointly establish level of service standards that apply district-wide to all public schools of the same type including, elementary, middle, and high schools as well as special purpose facilities such as magnet schools. Local governments and school boards shall have the option of utilizing tiered level of service standards as provided in subparagraph (d) of this section. If the local government chooses to apply school concurrency on less than a district-wide basis, such as utilizing school attendance zones or larger school concurrency service areas, the local government and school board shall have the burden to demonstrate in the comprehensive plan that the utilization of school capacity is maximized to the greatest extent possible.

(c) For facilities on the Florida Intrastate Highway System as defined in s. 338.001, Florida Statutes, the local governments shall adopt the level of service standards established by the Department of Transportation by rule. With the concurrence of the Department of Transportation, local governments may establish level of service standards for general lanes in urbanized areas as specified in Section 163.3180(10), Florida Statutes. For other roads local governments shall adopt adequate level of service standards. These level of service standards shall be adopted to ensure that adequate facility capacity will be provided to serve the existing

and future land uses as demonstrated by the supporting data and analysis in the comprehensive plan. ~~{Section 163.3180(10), Florida Statutes}~~

(d) through (3)(c)6. No change.

7. A development order or permit within a designated multimodal transportation district may be issued provided the planned community design capital improvements are included in a financially feasible long range schedule of improvements for the development or redevelopment time-frame for the district, without regard to the period of time between development or redevelopment and the scheduled construction of the capital improvements as specified in Section 163.3180(15)(c), Florida Statutes.

(d) For school facilities, a local government shall meet the following minimum standards to satisfy the concurrency requirement:

1. For district-wide concurrency service areas:

a. At the time the residential development order or permit is issued, the necessary facilities and services are in place or under construction; or

b. A residential development order or permit is issued subject to the conditions that the necessary facilities and services needed to serve the new development are scheduled to be in place or under construction not more than 3 years after permit issuance as provided in the adopted public school facilities program.

2. For less than district-wide concurrency service areas:

a. If public school concurrency is applied on less than a district-wide basis in the form of concurrency service areas, a residential development order or permit shall be issued only if the needed capacity for the particular service area is available in one or more contiguous service areas and school capacity is available district-wide as defined in Section 163.3180(13)(e), Florida Statutes.

(4) through (7) No change.

(8) CONCURRENCY EXCEPTION – FOR PUBLIC TRANSIT FACILITIES. Public transit facilities, as described in Section 163.3180(4)(b), Florida Statutes, shall not be subject to the concurrency requirement.

(9)(8) PRIVATE CONTRIBUTIONS TO LOCAL GOVERNMENT CAPITAL IMPROVEMENT PLANNING. In order to exercise the option of issuing a development order or permit pursuant to Section 163.3180(11), a local government must identify in the comprehensive plan a process for assessing, receiving, and applying a fair share of the cost of providing the transportation facilities necessary to serve the proposed development. A local government comprehensive plan may authorize multi-use developments of regional impact to satisfy the transportation concurrency requirement by payment of a proportionate share contribution consistent with Section 163.3180(12), Florida Statutes. The transportation facilities must be included in a financially feasible five-year Capital Improvement Schedule adopted pursuant to Section

9J-5.016 of this Chapter. The assessment shall have a reasonable relationship to the transportation impact that is generated by the proposed development.

Specific Authority 163.3177(9),(10),(11)(e) FS. Law Implemented 163.3177(3),(6),(8),(9),(10),(11), 163.3180 FS. History--New 11-22-89, Amended 3-23-94, 3-21-99, _____.

9J-5.006 Future Land Use Element.

(1) through (4)(a)11. No change.

12. Multimodal transportation district boundaries, if any such areas have been designated.

(b) through (f) No change.

(5) No change.

(6) Multimodal Transportation District. Multimodal transportation districts may be established by local option for areas for which the local government assigns priority for a safe, comfortable, and attractive pedestrian environment. The local government must establish community design standards for the district to reduce vehicle miles traveled and to support an integrated, multimodal transportation system that includes the elements for community design specified in Section 163.3180(15)(b), Florida Statutes.

Specific Authority 163.3177(9),(10), 163.3180(14) FS. Law Implemented 163.3177(1),(2),(4),(5),(6)(a)-(6)(d),(8),(9),(10),(11), 163.3178, 163.3180(13),(15) FS. History--New 3-6-86, Amended 10-20-86, 3-23-94, _____.

9J-5.010 Housing Element.

(1) through (1)(b) No change.

(c) An inventory using data from the latest decennial United States Census, or more recent estimates, including the affordable housing needs assessment, ~~when available,~~ showing the number of dwelling units ~~that are substandard, in each of the following categories: Substandard units are those that fail to meet the applicable building code, the minimum housing code, or that lacking complete plumbing; lacking complete kitchen facilities; lacking central heating; or and are overcrowded. Local governments may determine that units without heating are not substandard if they are located in areas where the temperature extremes do not indicate heating as a life safety factor.~~ The inventory shall include ~~locally determined definitions of "standard" and of "substandard" housing conditions and shall include~~ an estimate of the structural condition of housing within the local government's jurisdiction, by the number and generalized location of dwelling units in standard and substandard condition. The inventory shall also include the methodology used to estimate the condition of housing.

(d) No change.

(e) An inventory of group homes licensed by the Florida Department of ~~Children and Family Health and Rehabilitative Services~~, including the type, number, generalized location and capacity.

(f) An inventory of existing mobile home parks licensed by the Florida Department of ~~Children and Family Health and Rehabilitative Services~~ and mobile home condominiums, cooperatives and subdivisions including the generalized location and capacity.

(g) through (2)(a) No change.

(b) The housing need of the current and anticipated future residents of the jurisdiction, including an affordable housing needs assessment, when available, and including separate estimates of need for rural and farmworker households, by number, type, cost or rent, tenure, and any other special housing needs, and shall include estimates for the replacement of housing units removed and for the maintenance of an adequate vacancy rate. Each local government shall utilize the data and analysis from the state land planning agency's affordable housing needs assessment as one basis for the housing element. The local government, at its option, may supplement the affordable housing needs assessment with locally generated data which more accurately assesses housing need for very low- or low-income households ~~conduct its own needs assessment, provided that it uses the methodology established by DCA in its rules;~~

(c) through (2)(f)3. No change.

4. The provision of adequate sites in residential areas or areas of residential character for group homes and foster care facilities licensed or funded by the Florida Department of ~~Children and Family Health and Rehabilitative Services~~; and

5. through (3)(b)3. No change.

4. Adequate sites in residential areas or areas of residential character for group homes and foster care facilities licensed or funded by the Florida Department of ~~Children and Family Health and Rehabilitative Services~~;

5. through (c)5. No change.

6. Establishment of principles and criteria consistent with Chapter 419, F.S., guiding the location of group homes and foster care facilities licensed or funded by the Florida Department of ~~Children and Family Health and Rehabilitative Services~~ that foster non-discrimination, and encourage the development of community residential alternatives to institutionalization including supporting infrastructure and public facilities;

7. through 11. No change.

Specific Authority 163.3177(9),(10) FS. Law Implemented 163.3177(1),(5),(6)(e),(8),(9),(10), 163.3178 FS. History--New 3-6-86, Amended 10-20-86, 3-23-94, _____.

9J-5.015 Intergovernmental Coordination Element.

(1) through (3)(b)4. No change.

5. Ensure adoption of interlocal agreements within one year of adoption of the amended intergovernmental coordination element, pursuant to the requirements of Section 163.3177(6)(h)2., Florida Statutes.

6. Ensure intergovernmental coordination between all affected local governments and the school board as specified in Section 163.3180(13)(f), Florida Statutes, for the purpose of establishing concurrency requirements for public school facilities, if imposed by local option.

(c) through 3. No change.

4. Provide procedures to identify and implement joint planning areas for the purposes of annexation, municipal incorporation and joint infrastructure service areas ~~Resolving annexation issues;~~

5. through 9. No change.

10. Recognition of campus master plans prepared pursuant to Section 240.155, Florida Statutes, and procedures for coordination of the provisions of the campus master development agreement.

11. Establish joint processes for collaborative planning and decision-making with other units of local governments providing facilities and services but not having regulatory authority over the use of land on population projections and the location and extension of public facilities subject to concurrency.

12. Establish joint processes for collaborative planning and decision-making with the school board on population projections and the siting of public school facilities.

13. Establish joint processes for the siting of facilities with county-wide significance, including locally unwanted land uses, such as solid waste disposal facilities.

14. If imposed by local option, the adoption of an interlocal agreement for school concurrency as specified in Section 163.3180(13)(g), Florida Statutes.

Specific Authority 163.3177(9),(10) FS. Law Implemented 163.3177(1),(4),(5),(6)(h),(8),(9),(10), 163.3180(13) FS. History--New 3-6-86, Amended 10-20-86, 3-23-94, 3-21-99,_____.

9J-5.016 Capital Improvements Element.

(1) through (4)(a)2. No change.

3. If imposed by local option for school concurrency, a five year financially feasible public school facilities program established in conjunction with the local school board that demonstrates the adopted level of service standards will be achieved and maintained.

4. A schedule of capital improvements for multimodal transportation districts, if locally established, required to promote the community design features for the district that are financially feasible over the development or redevelopment time-frame of the district as specified in section 163.3180(15)(c), Florida Statutes. Financial feasibility shall be based on currently available funding or funding sources that could reasonably be expected to become available over the planning period of the district.

(b) through (5) No change.

Specific Authority 163.3177(9),(10) FS. Law Implemented 163.3177(1),(3),(5),(8),(9),(10), 163.3180(10),(13) FS. History--New 3-6-86, Amended 10-20-86, 11-22-89, 4-2-92, 3-23-94,_____.

9J-5.019 Transportation Element.

(1) through (3)(j) No change.

(k) For multimodal transportation districts established pursuant to Section 163.3180(15)(a) and (b), Florida Statutes, an analysis demonstrating that the proposed community design elements, including the transportation system and the land use distribution, densities and intensities, will reduce vehicle miles of travel and support an integrated, multimodal transportation system that achieves the objectives of the paragraphs cited above.

(4) through (b)9. No change.

10. For multimodal transportation districts established pursuant to Section 163.3180(15)(a) and (b), Florida Statutes, provide for a safe, comfortable and attractive pedestrian environment with convenient interconnection to public transportation.

(c) No change.

1. Establishment of level of service standards at peak hour for roads and public transit facilities within the local government's jurisdiction. For facilities on the Florida Intrastate Highway System as defined in Section 338.001, F.S., the local governments shall adopt the level of service standards established by the Department of Transportation by rule. With the concurrence of the Department of Transportation, a local government may establish level of service standards for general lanes in urbanized areas as specified in Section 163.3180(10), Florida Statutes. For all other facilities on the future traffic circulation map, local governments shall adopt adequate level of service standards. These level of service standards shall be adopted to ensure that adequate facility capacity will be provided to serve the existing and future land uses as demonstrated by the supporting data and analysis in the comprehensive plan;

2. through 21. No change.

22. For multimodal transportation districts established pursuant to Section 163.3180(15)(a) and (b), Florida Statutes, provide an interconnected network of streets and related facilities, such as sidewalk condition, availability and connectivity, street crossing convenience, transit proximity to origins and destinations, convenience and reliability of transit facilities, and roadway conditions for bicycles including lane width, surface condition, and separation from motor vehicle traffic, so as to promote walking and bicycling that is coordinated with land uses and other community design features and ensures convenient access to public transportation.

(5) No change.

Specific Authority 163.3177(9),(10) FS. Law Implemented 163.3177(1),(3),(5),(8),(9),(10), 163.3178, 163.3180(13),(15) FS. History--New 3-23-94, Amended 3-21-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Maria Abadal Cahill, Community Planning Policy Administrator, Bureau of State Planning

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: J. Thomas Beck, Director, Division of Community Planning
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 21, 2000
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 30, 2000

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Resource Planning and Mangement

RULE CHAPTER TITLE: RULE CHAPTER NO.

Governing the Procedure for the Submittal and Review of Local Government Comprehensive Plans and Amendments 9J-11

RULE TITLES: RULE NOS.:
 Purpose 9J-11.001

Submittal Requirements for Proposed Local Government Comprehensive Plan Amendments 9J-11.006

Action Upon Receipt of Proposed Local Government Comprehensive Plan Amendment 9J-11.009

Local Government Adoption of the Comprehensive Plan or Plan Amendment and Submittal for the Compliance Review 9J-11.011

Compliance Review and Notice of Intent 9J-11.012

Evaluation and Appraisal Reports and Evaluation and Appraisal Report-Based Amendments 9J-11.018

PURPOSE, EFFECT AND SUMMARY: This amendment is necessary to revise the rule to conform to current statutory requirements. The revisions of Rule Chapter 9J-11 pertaining to local government comprehensive plans, including submittal requirements, action upon receipt, review requirements and notices of intent. The revision of Rule Chapter 9J-11 pertaining to the evaluation and appraisal report submittal and review requirements and the name change of the Florida Fish and Wildlife Conservation Commission.

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: 120.53(1)(b), 163.3177(8),(9),(10), 163.3184(1),(3),(16), 163.3187, 163.3202 FS.

LAW IMPLEMENTED: 163.3167, 163.3167(2),(3), 163.3171, 163.3174, 163.3177, 163.3177(1),(4),(7),(9),(10), 163.3184, 163.3184, 163.3184(1),(2),(3),(4),(5),(6),(7),(8),(9),(10),(14), (15),(16), 163.3187, 163.3187(1),(2),(5), 163.3189, 163.3191, 163.3202, 380.06(6) 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: 9:00 a.m. – 10:00 a.m., November 13, 2000

PLACE: The Randall Kelley Training Center, Third Floor, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ray Eubanks, Community Program Administrator, Division of Community Planning, Bureau of State Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Ray Eubanks, Community Program Administrator, Division of Community Planning, Bureau of State Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-4925, Suncom 277-4545 at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE FULL TEXT OF THE PROPOSED RULES IS:

9J-11.001 Purpose.

This Chapter establishes procedures for the submittal and review of local government comprehensive plans, plan amendments, land development regulations and evaluation and appraisal reports pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes, and Chapter 9J-5, Florida Administrative Code. It specifies the documents and information to be submitted for review at the time plans, plan amendments, land development regulations and evaluation and appraisal reports are submitted to the Department for review. It describes the actions the Department takes upon receipt of the submitted documents and information, or when a plan or element or evaluation and appraisal report is not submitted. It also describes the procedures the Department follows for review of plans and plan amendments and procedures for the issuance of a notice of intent and sufficiency finding for an evaluation and appraisal report.

Specific Authority 163.3177(9) FS. Law Implemented 163.3177(9), 163.3181, 163.3184, 163.3187, 163.3191 FS. History—New 9-22-87, Amended 11-10-93, 11-6-96,_____.

9J-11.006 Submittal Requirements for Proposed Local Government Comprehensive Plan Amendments.

- (1) No change.
- (a) through 7.j. No change.

k. An amendment directly related to proposed redevelopment of brownfield areas designated under s. 376.80, Florida Statutes;

l. An amendment for port transportation facilities and projects that are eligible for funding by the Florida Transportation and Economic Development Council pursuant to s. 311.07, Florida Statutes;

m. An amendment for the purpose of designating an urban infill and redevelopment area under s. 163.2517, Florida Statutes.

8. through 10. No change.

(b) through (c) No change.

(2) through (3) No change.

Specific Authority 163.3177(9) FS. Law Implemented 163.3177(9), 163.3184(1),(2),(3),(15), 163.3187(1),(2),(5), 163.3191, 380.06(6) FS. History—New 9-22-87, Amended 10-11-88, 11-10-93, 11-6-96, 4-8-99, _____.

9J-11.009 Action Upon Receipt of Proposed Local Government Comprehensive Plan Amendment.

(1) through (6) No change.

(7) No change.

(a) through (b) No change.

(c) Florida Fish and Wildlife Conservation Commission ~~Florida Game and Fresh Water Fish Commission~~; and

(d) No change.

(8) No change.

(a) through (f) No change.

(g) Florida Fish and Wildlife Conservation Commission ~~Florida Game and Fresh Water Fish Commission~~ (county plans only); and

(h) through (9) No change.

Specific Authority 163.3177(9) FS. Law Implemented 163.3167(2),(3), 163.3177(9), 163.3184(2),(3),(4),(5),(6) FS. History—New 9-22-87, Amended 11-10-93, 11-6-96, 4-8-99, _____.

9J-11.011 Local Government Adoption of the Comprehensive Plan or Plan Amendment and Submittal for the Compliance Review.

(1) through (4) No change.

(5) Within ten working days after adoption, the local government shall submit a transmittal letter signed by the chief elected official or the person designated by the local government, which designates the newspaper, meeting the size and circulation requirements of Subsection 163.3184(15)(c), Florida Statutes, in which the Department should publish the required Notice of Intent pursuant to Subsection 163.3184(8)(b), Florida Statutes, and enclose three copies of the adopted comprehensive plan and the data and analysis or in the case of adopted amendment(s), three copies of the adopted amendment(s) and the data and analysis in strike through and underline format or similar easily identifiable format identifying the new text that has been adopted, indicating the adoption ordinance number, adoption effective date and plan

amendment number on each page, and in the case of a future land use map plan amendment, three copies of the adopted future land use map reflecting the changes made when adopted, and a copy of the executed ordinance adopting the comprehensive plan or amendment(s) to the Department. Each adopted plan amendment must be supported by data and analysis in accordance with Rule 9J-5.005(2), Florida Administrative Code. If the original plan data and analysis or the data and analysis of a previous amendment or data and analysis submitted with the material transmitted pursuant to Rules 9J-11.004(2)(c), 9J-11.006(1)(b) or 9J-11.007, Florida Administrative Code, support the amendment, no additional data and analysis is required to be submitted to the Department unless the previously submitted data is no longer the best available existing data. The newly submitted data and analysis must reflect the best data available at the time the adopted amendment is submitted to the Department. If a local government relies on original plan data and analysis or the data and analysis of a previous amendment to support an amendment, it shall provide to the Department, at the time of the adopted submittal, a reference to the specific portions of the previously submitted data and analysis on which the local government relies to support the amendment. This material shall be sent directly to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. In addition, the local governing body shall transmit a copy of the adopted amendment and the data and analysis or reference the existing data and analysis to the appropriate regional planning council. The local government shall also transmit this material to review agencies listed in Rule 9J-11.009(8), Florida Administrative Code, and local governments or any other interested parties that have filed a written request with the governing body for a copy of the plan or amendment. The local government must ensure that the review agencies copy of the adopted plan remain complete by also transmitting copies of each subsequently adopted amendment and related documents to the review agencies at the time of each adoption. The transmittal letter to the Department shall certify that the adopted amendment, including the data and analysis have been sent to each of the above entities, as appropriate. In addition the following items shall be submitted with the adopted comprehensive plan or amendment:

(a) through (g) No change.

(6) through (9) No change.

(10) Local governments with a plan in compliance are bound by the effective date provisions of Section 163.3189, Florida Statutes. They shall include the following language in the adoption ordinance for plan amendments other than small scale amendments:

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in

Reply	9J-28.017
Non-Party Response	9J-28.018
Time for Hearing Appeal	9J-28.019
Duties of Review Board Staff	9J-28.020
Conduct of Appeals	9J-28.021
Appeals Decisions	9J-28.022
Florida Quality Development Orders	9J-28.023

PURPOSE AND EFFECT: To modify the rules to comply with 120.536(2)(b), F.S., as amended by Chapter 99-379, §3, Laws of Florida, and update the rules.

SUMMARY: Chapter 9J-28, Florida Administrative Code, pertains to developments of regional impact that meet certain criteria to be designated as Florida Quality Developments (FQD). Some of the rules in this notice are proposed to be revised to either incorporate updated information or modify certain requirements. Other rules are proposed to be repealed. Statute citations for rule making authority and law implementation references have also been updated in the rules. Rule 9J-28.001, concerning the purpose for the rules, is repealed. The revision to Rule 9J-28.002, definitions, incorporates the correct name as the Division of Community Planning. Rules 9J-28.003, pertaining to the applicability of the rules; 9J-28.004, encouraging public participation in the FQD process; and 9J-28.005, pertaining to notices, agendas and conduct of proceedings are repealed.

Revisions to Rule 9J-28.006 reference a new effective date for the FQD application form and changes the address and name of the Division within the Department where this form can be obtained.

Rule 9J-28.009, pertaining to requirements for designation as a Florida Quality Development, is revised to correctly reference the Florida Department of Environmental Protection and the Florida Fish and Wildlife Conservation Commission; changes a reference from section 403.8171 to Chapter 403, F.S.; deletes the reference to the Florida Department of Agriculture and Consumer Services' endangered plant list and replaces it by reference to the plant list in Rule 9J-2.041, Florida Administrative Code; incorporates a requirement to include an outline and description of energy conservation features in the FQD project's energy conservation plan; updates references to correctly refer to the regional strategic plans; and deletes the reference to the state land development plan. In the Planning and Design Features section, the reference to the Florida Department of Natural Resources is revised to reference the Department of Environmental Protection.

The revision to Rule 9J-28.011 (Filing for Application for Development Designation) changes the reference for determining the completeness of information submitted from section 120.57, F.S., to section 120.569, F.S.

Rules 9J-28.014 through 9J-28.019 and Rules 9J-28.021 and 9J-28.022 pertaining to pleadings filed in response to the designation or non-designation of a project as a FQD; commencement of appeal proceedings; answering a petition

filed by a developer; the petitioner's reply to the answer; responses to the petition by non-party reviewing entities; procedures for scheduling an appeal; conduct of appeals; and appeals decisions are all repealed. In Rule 9J-28.020, the reference to repealed Rule 9J-28.022 is deleted.

A requirement that a finding of fact be made that a FQD development order is consistent with the state land development plan is deleted from Rule 9J-28.023. Also, references in the rule are updated to correctly refer to the Florida Department of Environmental Protection and Florida Fish and Wildlife Conservation Commission, delete the reference to the state land development plan and to correctly reference the regional strategic plan.

SPECIFIC AUTHORITY: 380.032(2)(a), 380.061(3), 380.061(6)(d), 380.061(8)(b) FS.

LAW IMPLEMENTED: 120.536(2)(b), as amended by Chapter 99-379, §3, Laws of Florida, 380.061(3), 380.061(4), 380.061(5)(b), 380.061(5)(d), 380.061(6)(a) FS.

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

TIME AND DATE: 9:00 a.m., November 13, 2000

PLACE: Third Floor, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodations at the hearing because of a disability or physical impairment should contact David Jordan, Assistant General Counsel, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, telephone number (850)488-0410, Suncom 278-0410, at least seven days before the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: David Jordan, Assistant General Counsel, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32303-2100. Telephone number (850)488-0410, SUNCOM 278-0420

THE FULL TEXT OF THE PROPOSED RULES IS:

9J-28.001 Purpose.

Specific Authority 380.032(2)(a), 380.061(8)(b) FS. Law Implemented 380.061 FS. History--New 1-23-90, Repealed.

9J-28.002 Definitions.

(1) through (7) No change.

(8) "Division" means the Division of Community Resource Planning and Management of the Department of Community Affairs.

(9) through (27) No change.

Specific Authority 380.032(2)(a), 380.061(8)(b) FS. Law Implemented 380.061 FS. History--New 1-23-90, Amended.

9J-28.003 Applicability.

Specific Authority 380.032(2)(a), 380.061(8)(b) FS. Law Implemented 380.061 FS. History--New 1-23-90, Repealed.

9J-28.004 Public Participation.

Specific Authority 380.032(2)(a), 380.061(8)(b) FS. Law Implemented 380.061 FS. History--New 1-23-90, Repealed.

9J-28.005 Notices, Agendas, Conduct of Proceedings.

Specific Authority 380.032(2)(a), 380.061(8)(b) FS. Law Implemented 380.061 FS. History--New 1-23-90, Repealed.

9J-28.006 Application Forms.

Applications for designation of a development as an FQD shall be made on Form RPM-BSP-ADA-1, "Development of Regional Impact Application for Development Approval," effective date: 11/9076, as incorporated by reference in 9J-2.0107(1)(a), Florida Administrative Code, and in addition thereto those items specified in Rules 9J-28.008, "General Requirements," and 9J-28.009, "Requirements for Designation as a Florida Quality Development." The form may be obtained by submitting a request to: State of Florida Department of Community Affairs, Division of Community Resource Planning, 2555 Shumard Oak Boulevard, Sadowski Building and Management, Bureau of State Planning, 2740 Centerview Drive, Rhyme Building, Tallahassee, Florida 32399-2100.

Specific Authority 380.032(2)(a), 380.061(8)(b) FS. Law Implemented 380.061(4) FS. History--New 1-23-90, Amended.

9J-28.009 Requirements for Designation as a Florida Quality Development.

(1)(a) No change.

1. Wetlands and Water Bodies Within the Jurisdiction of the Florida Department of Environmental Protection Regulation. The developer shall preserve all wetlands and waterbodies within the jurisdiction of the Florida Department of Environmental Protection (DEP) Regulation (DER). In order to facilitate review, the developer should obtain a binding Jurisdictional Declaratory Statement from DEPR for all wetlands within the project boundaries.

a. The developer may alter such wetlands and water bodies for the purpose of site access provided other routes of access are unavailable or impractical. However, such use shall be subject to approval by the DEPR, pursuant to its authority under Chapter 403, Florida Statutes.

b. No change.

c. The developer may enhance wetlands and water bodies which have been artificially created to produce a more naturally functioning system. Man-made wetlands, created for mitigative purposes, may not be altered unless the redesign or alteration enhances the functionality of the system and is performed in accordance with the approval of the appropriate agencies which required or permitted the mitigation site. Such use is subject to approval by the DEPR, pursuant to its

authority under Chapter 403 Section 403.8171, Florida Statutes. The developer shall indicate any such proposed use in the application for development designation.

2. Dunes and Beaches. The developer shall preserve active beach and primary dunes seaward of the coastal construction control line established pursuant to Section 161.053, Florida Statutes. The developer shall also preserve secondary dunes seaward of the coastal construction control line except for those sites where the developer obtains a permit from the Florida Department of Environmental Protection Natural Resources to alter, excavate, or construct structures pursuant to Section 161.053, Florida Statutes. The developer shall set aside adequate public accessways to the beach. The developer may construct and maintain elevated walkways over the dunes to provide access to the beach as permitted pursuant to Section 161.053, Florida Statutes. These walkways shall be designed and built to protect the dunes and their associated vegetation.

3.a. through d. No change.

4. Areas Important to Endangered or Threatened Animal Species. The developer shall preserve the habitat areas necessary to ensure the survival of the animal species designated as endangered or threatened by the United States Fish and Wildlife Service hereby referenced as Chapter 50, Code of the Federal Regulations, Section 17.11-12, Subpart B – List, "Title 50 Wildlife and Fisheries Part 17 – Endangered and Threatened Wildlife and Plants," and the Florida Game and Fresh Water Fish and Wildlife Conservation Commission hereby referenced as published in Section 3968A-27.003-.005, Florida Administrative Code, "Official List of Endangered and Potentially Endangered Fauna and Flora in Florida."

a. No change.

b. The survey should be conducted according to guidelines for such surveys as recommended by the Game and Fresh Water Fish and Wildlife Conservation Commission (Commission). The survey should include, at a minimum: (1) a description of the survey methodology, including dates and times; and (2) a list and map of threatened and endangered animal species observed onsite and presumed to use the site based on the vegetative community and species range. The Department may consult with the Commission on the results of the survey and receive comments and recommendations from the Commission.

c. No change.

5. Areas Known to Contain Endangered Plant Species. The developer shall preserve areas known to contain plant species designated as endangered plant species in Rule 9J-2.041, Florida Administrative Code by the Florida Department of Agriculture and Consumer Services hereby referenced as published in Sections 581.185-.187, Florida Statutes.

a. through (5)(b) No change.

(c) The developer shall prepare an energy conservation plan for the design, construction and operation of the development. The plan shall outline and describe energy conservation standards and features, and design criteria expected to be used in the architectural design, construction, and operation of the structures. The plan should be included in the application for development designation. The plan shall consider, but not be limited to, the following energy conservation features:

1. through (d) No change.

(6) Infrastructure. The developer will provide for construction and maintenance of all onsite infrastructure necessary to support the project. The developer shall enter into a binding commitment with the local government to provide an appropriate fair-share contribution toward offsite impacts which the development will impose on publicly funded facilities and services and condition or phase the commencement of development to ensure that public facilities and services will be available concurrent with the impacts of the development. This commitment does not include offsite transportation facilities. For the purposes of offsite transportation impacts, the developer shall comply, at a minimum, with the following standards: the state land planning agency's development of regional impact transportation rule, if in effect; the approved strategic regional policy comprehensive plan; any applicable regional planning council transportation rule; and the approved local government comprehensive plan and land development regulations adopted pursuant to Part II of Chapter 163, Florida Statutes.

(7) Consistency with Plans. The design and construction of the development shall be consistent with the adopted state comprehensive plan, ~~the state land development plan~~, the applicable strategic comprehensive regional policy plan, and the applicable adopted local government comprehensive plan.

(8)(a) through (b) No change.

POINTS

DESIGN FEATURE

ASSIGNED

Primary Design Features

1. through 3. No change.

4. Preservation of areas that are primary habitat for significant populations of animal species of special concern designated by the Florida ~~Game and Fresh Water Fish and Wildlife Conservation~~ Commission or protection and preservation of uplands as wildlife habitat with special consideration given to prime recharge areas, areas designated by the Florida Department of ~~Natural Resources~~ Environmental Protection to be significant value to the state park system, or other environmentally sensitive property included on the Conservation and Recreation Lands or the Land Acquisition Trust Fund priority list or included as a priority for acquisition by a water management district through the Save Our River program;

5. through 13. No change.

Specific Authority 380.032(2)(a), 380.061(3),(8)(b) FS. Law Implemented 380.061(3) FS. History–New 1-23-90, Amended.

9J-28.011 Filing the Application for Development Designation.

(1) through (2)(b) No change.

(c) The application for development designation shall be approved or denied by the Department and the local government within 90 days after receipt of the original complete application or receipt of the timely requested additional information or correction of errors or omissions which determine the application complete. The 90 day time limitation prescribed by Subsection 120.60, Florida Statutes, for the approval or denial of license applications is subject to waiver by the applicant. The Department shall consider any report and recommendations made by the regional planning council which are received within 50 days after receipt of the complete application. In preparing its report and recommendations, the regional planning council should identify regional issues based on the criteria pursuant to Subsection 380.06(12), Florida Statutes. If the applicant chooses to appeal the completeness review for the FQD, the 90 day period will be tolled by the initiation of proceedings under Section 120.5697, Florida Statutes, and will resume 10 days after the recommended order of the hearing officer is submitted to the Department, the local government, the applicant, and other parties.

(d) No change.

Specific Authority 380.032(2)(a), 380.061(8)(b) FS. Law Implemented 380.061(5)(b) FS. History–New 1-23-90, Amended.

9J-28.014 Pleadings.

Specific Authority 380.032(2)(a), 380.061(6)(d),(8)(b) FS. Law Implemented 380.061(6) FS. History–New 1-23-90, Repealed.

9J-28.015 Commencement of Appeal Proceedings.

Specific Authority 380.032(2)(a), 380.061(6)(d),(8)(b) FS. Law Implemented 380.061(6) FS. History–New 1-23-90, Repealed.

9J-28.016 Answer.

Specific Authority 380.032(2)(a), 380.061(6)(d),(8)(b)FS. Law Implemented 380.061(6) FS. History–New 1-23-90, Repealed.

9J-28.017 Reply.

Specific Authority 380.032(2)(a), 380.061(6)(d),(8)(b) FS. Law Implemented 380.061(6) FS.. History–New 1-23-90, Repealed.

9J-28.018 Non-Party Response.

Specific Authority 380.032(2)(a), 380.061(6)(d),(8)(b) FS. Law Implemented 380.061(6) FS. History–New 1-23-90, Repealed.

9J-28.019 Time for Hearing Appeal.

Specific Authority 380.032(2)(a), 380.061(6)(d),(8)(b) FS. Law Implemented 380.061(6) FS. History–New 1-23-90, Repealed.

9J-28.020 Duties of Review Board Staff.

(1) through (3) No change.

(4) Prepare the written decision of the Review Board pursuant to rule section 9J-28.022, Florida Administrative Code.

(5) No change.

Specific Authority 380.032(2)(a), 380.061(6)(d),(8)(b) FS. Law Implemented 380.061(6)(a) FS. History—New 1-23-90, Amended.

9J-28.021 Conduct of Appeals.

Specific Authority 380.032(2)(a), 380.061(6)(d),(8)(b) FS. Law Implemented 380.061(6) FS. History—New 1-23-90, Repealed.

9J-28.022 Appeals Decisions.

Specific Authority 380.032(2)(a), 380.061(6)(d),(8)(b) FS. Law Implemented 380.061(6) FS. History—New 1-23-90, Repealed.

9J-28.023 Florida Quality Development Orders.

(1) through (4)(b)6.a. No change.

~~b. The development is consistent with the state land development plan;~~

~~b.e.~~ The local government with jurisdiction has reviewed the development, has found the development consistent with the local government comprehensive plan, and has approved the designation of the development as an FQD, specifying the conditions for approval;

~~c.f.~~ The Department has reviewed the development, has found it to be consistent with the state comprehensive plan ~~and the state land development plan~~, and has approved the designation of the development as an FQD, specifying the conditions of approval;

~~d.e.~~ The development is in an Area of Critical State Concern;

~~e.f.~~ The development is above the applicable development of regional impact thresholds, pursuant to s. 380.06, Florida Statutes, and is thereby a development of regional impact;

~~f.g.~~ The development will preserve, in perpetuity, wetlands and water bodies within the jurisdiction of the Department of Environmental ~~Protection Regulation~~ which occur on development property, specifying the mechanism to be used for the preservation of those wetlands and water bodies or stating that these lands do not occur on the development property;

~~g.h.~~ The development will preserve, in perpetuity, active beaches and primary dunes that occur seaward of the coastal construction control line on development property, specifying the mechanism to be used for the preservation of those areas or stating that no active beaches or primary dunes occur on the development property;

~~h.i.~~ The development will preserve, in perpetuity, all archaeological sites determined to be significant by the Department of State, Division of Historical Resources,

specifying the mechanism to be used for the preservation of those sites or stating that no such sites occur on the development property;

~~i.j.~~ The development will preserve, in perpetuity, areas known to be important to animal species designated as endangered or threatened by the United States Fish and Wildlife Service or the Florida ~~Game and Fresh Water Fish and Wildlife Conservation~~ Commission, specifying the mechanism to be used for the preservation of those areas or stating that such areas do not occur on development property;

~~j.k.~~ The development will preserve, in perpetuity, areas known to contain plant species designated as endangered by the Florida Department of Agriculture and Consumer Services, specifying the mechanism to be used for the preservation of those areas or stating that such areas do not occur on the development property;

~~k.l.~~ The development will not produce or dispose of any substances designated as hazardous or toxic by the U.S. Environmental Protection Agency, the Florida Department of Environmental ~~Protection Regulation~~, or the Florida Department of Agriculture and Consumer Services;

~~l.m.~~ The development will participate in a downtown reuse or redevelopment program to improve and rehabilitate a declining downtown area if located in or adjacent to a redevelopment district;

~~m.n.~~ The development will include open space and recreation areas, specifying the type and acreage of those lands;

~~n.o.~~ The development will include energy conservation features;

~~o.p.~~ The development will minimize impermeable surfaces;

~~p.q.~~ The developer has entered into a binding commitment to provide for the construction and maintenance of all onsite facilities and services necessary to support the development;

~~q.r.~~ The developer will provide for construction and maintenance of all onsite infrastructure necessary to support the project and enter into a binding commitment with the local government to provide an appropriate fair-share contribution toward offsite impacts that the development will impose on the publicly funded facilities and services; and

~~r.s.~~ For the purposes of offsite transportation impacts, the developer will comply, at a minimum, with the standards of the Department's development of regional impact transportation rule if in effect, the approved regional ~~comprehensive~~ strategic plan and any applicable regional planning council transportation rule, and the approved local government comprehensive plan and land development regulations adopted pursuant to part II of Chapter 163, Florida Statutes; and

s.t. The development includes innovative design and quality of life features, or other development features that address the needs of the people as identified in the state comprehensive plan for those who will live and work in and near the development;

7. through (7)(c) No change.

Specific Authority 380.032(2)(a), 380.061(8)(b) FS. Law Implemented 380.061, 380.061(5)(d) FS. History—New 1-23-90, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jeff Bielling, Senior Management Analyst, Bureau of State Planning

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: J. Thomas Beck, Director, Division of Community Planning

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 21, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 30, 2000

DEPARTMENT OF REVENUE

RULE TITLES:	RULE NOS.:
Requests for Technical Assistance Advisements	12-11.003
Processing Requests for, and Obtaining Copies of Technical Assistance Advisements	12-11.006

PURPOSE AND EFFECT: The purpose of these proposed rule amendments is to remove references to a departmental office that no longer exists, and to eliminate a requirement imposed on taxpayer associations.

SUMMARY: A) The proposed amendments to Rule 12-11.003, F.A.C. (Requests for Technical Assistance Advisements), remove references to the Office of Industry and Intergovernmental Services and the Director who administered the office. This office and position were eliminated. The proposed amendments to this rule also delete a provision in subsection (3)(d) that required taxpayer associations to distribute Technical Assistance Advisements (TAAs) to “. . . related interested parties . . .” instead of just their members. B) The proposed changes to Rule 12-11.006, F.A.C. (Processing Requests for, and Obtaining Copies of Technical Assistance Advisements), also remove references to the Office of Industry and Intergovernmental Services, and the Director who administered this office.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Since the proposed amendments to these rules do not implement any new administrative program, but instead reduce the administrative burden on specific taxpayers, no new regulatory costs are being created. Therefore, 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 in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 213.06(1), 213.22(3) FS.

LAW IMPLEMENTED: 213.22 FS.

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

TIME AND DATE: 10:00 a.m., November 14, 2000

PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Larry Green, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-4830

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Jamie Phillips at (850)488-0717. If you are hearing or speech impaired, please contact the Department by calling 1(800)DOR-TDD1 (1(800)367-8331).

THE FULL TEXT OF THE PROPOSED RULES IS:

12-11.003 Requests for Technical Assistance Advisements.

(1) through (2) No change.

(3) Each written request for a technical assistance advisement from a taxpayer association or the association’s representative must contain:

(a) through (c) No change.

(d) A statement from the taxpayer association agreeing to disseminate the TAA to all of its members ~~and related interested parties.~~

(e) No change.

~~(4) Upon receipt of a request from a taxpayer association for a TAA, the Department’s Director of Industry and Intergovernmental Services will determine whether the issue is of general applicability and is appropriate for the issuance of an industry-wide TAA.~~

(5) through (6) renumbered (4) through (5) No change.

~~(6)(7)(a)~~ A request for issuance of a technical assistance advisement by the Department ~~from an individual taxpayer or his or her representative~~ should be addressed to Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443.

~~(b) A request from a taxpayer association or its representative should be addressed to the Office of Industry and Intergovernmental Services, Room 104, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida 32399-0100.~~

~~(7)~~(8) No change.

~~(8)~~(9) When a taxpayer who is under audit or a taxpayer association that has a member who is under audit requests a Technical Assistance Advisement (TAA) on any tax being audited or a transaction or period being reviewed, other than a request regarding the sales and use tax exemptions granted to general groceries and medical items pursuant to s. 212.08(1) and (2), F.S., the taxpayer or the taxpayer association shall mail or hand-deliver to the authorized employee conducting the audit or review a copy of the TAA request at the same time the request is mailed to Technical Assistance and Dispute Resolution (TADR) ~~or the Office of Industry and Intergovernmental Services (I&IS)~~ for a response. Upon receipt of the TAA request, the authorized employee will notify TADR ~~or I&IS~~ of his or her intent to provide any factual information, documents, arguments, or authorities which he or she wants considered. The authorized employee shall have 10 working days from the date of the TAA request in which to forward any information to TADR ~~or I&IS~~ or to request additional time to submit information regarding the TAA request. The authorized employee shall not be obligated to suspend the audit or review pending issuance of the TAA. After issuance of a Notice of Proposed Assessment or billing, no TAA will be issued to a taxpayer or taxpayer association with respect to the tax liability reflected by the proposed assessment or billing, other than a TAA request regarding the sales and use tax exemptions granted to general groceries and medical items pursuant to s. 212.08(1) and (2), F.S.

~~(9)~~(10) No change.

Specific Authority 213.06(1), 213.22(3) FS. Law Implemented 213.22 FS. History—New 5-27-82, Formerly 12-11.03, Amended 10-24-96, 6-28-00, _____.

12-11.006 Processing Requests for, and Obtaining Copies of, Technical Assistance Advisements.

(1) No change.

(2) A taxpayer or the taxpayer's authorized representative, or a taxpayer association or its representative, desiring to obtain information as to the status of the taxpayer's request may do so by contacting ~~either~~ Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443 ~~or the Director of Industry and Intergovernmental Services at Room 104, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida 32399-0100, depending on where the request was directed originally.~~

(3) No change.

Specific Authority 213.06(1), 213.22(3) FS. Law Implemented 213.22(1) FS. History—New 5-27-82, Formerly 12-11.06, Amended 10-24-96, 6-28-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Larry Green, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-4830

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone number (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 3, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Rule Development Workshop was published in the Florida Administrative Weekly on August 11, 2000 (Vol. 26, No. 32, pp. 3658-3659).

DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

Public Employees Relations Commission

RULE TITLE: Unit Clarification or Modification

RULE NO.: 38D-17.024

PURPOSE AND EFFECT: The proposed repeal is intended to eliminate a rule which may be unauthorized. The effect of the proposed repeal is that the Commission will not have a clear procedure to assist public employers, employee organizations, and public employees with unit clarifications or modifications after the Commission defines the bargaining unit in question.

SUMMARY: This rule sets forth the minimum information that is necessary for the Commission to make a preliminary determination as to whether a requested alteration in the description or composition of a bargaining unit may be made by unit clarification or modification procedures.

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: 120.536, 120.54(1) FS.

LAW IMPLEMENTED: 120.536, 120.54(1) 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: Stephen A. Meck, General Counsel, Public Employees Relations Commission, 2586 Seagate Drive, Tallahassee, Florida 32301-5032

THE FULL TEXT OF THE PROPOSED RULE IS:

38D-17.024 Unit Clarification or Modification.

Specific Authority 447.207(1), FS. Law Implemented 447.207(6) FS. History—New 9-18-84, Formerly 38D-17.24, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Stephen A. Meck, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Donna Maggert Poole, Chair, Public Employees Relations Commission
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 1, 2000

AGENCY FOR HEALTH CARE ADMINISTRATION

Managed Care and Health Quality

RULE TITLE: Nursing Home Guide
 RULE NO.: 59A-4.165

PURPOSE AND EFFECT: The Agency proposes to develop rules consistent with provisions of s. 400.191, F.S., that became effective June 21, 2000. The legislation requires the Agency to produce a consumer friendly printed guide and internet site to assist consumers and their family members in comparing and evaluating nursing home facilities.

SUMMARY: Format of the guide, the data elements that will be included in the guide, and the algorithm for summarizing the deficiencies received by each facility.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None 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 in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 400.191(6) FS.

LAW IMPLEMENTED: 400.191 FS.

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

TIME AND DATE: 10:00 a.m., November 13, 2000

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Shawn Phelps, Managed Care and Health Quality, 2727 Mahan Drive, Mailstop #9, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-4.165 Nursing Home Guide.

(1) Pursuant to s. 400.191, F.S., the Agency shall provide information to the public in consumer-friendly printed and electronic formats (hereafter collectively the "Guide") to assist consumers and their families in comparing and evaluating nursing home facilities.

(2) The format of the printed Guide is shown in the "Nursing Home Guide 2000" document, dated July 2000, incorporated by reference herein.

(3) The format of the electronic Guide will be the same as the printed Guide, but with the addition of the following:

(a) The ability to search for a facility electronically.

(b) Details of which deficiencies the facility has been cited for over the past 45 months.

(4) The data provided in the Guide shall include the following:

(a) General guidance about when a nursing home is the appropriate choice of care.

(b) General guidance about selecting a nursing home.

(c) Contact information such as phone numbers and web sites where questions can be answered, and further information obtained.

(d) A listing of all nursing home facilities in the state of Florida, including hospital based skilled nursing units. This listing shall include for each facility the following:

1. name;

2. address;

3. voice and fax phone numbers;

4. web address of facility;

5. a recognition if the facility has been awarded a Gold Seal;

6. the current licensee;

7. which calendar year the current licensee became the licensee;

8. whether the licensee is a for-profit, or non-profit entity, and whether or not the facility is part of a retirement community;

9. any corporate or religious affiliations;

10. the number of private, semi-private, and total beds at the facility;

11. the lowest daily charge for a semi-private room;

12. the payment forms accepted;

13. any special services or amenities, or recreational programs provided;

14. any non-English languages spoken by the administrator or staff of the facility; and

15. a summary of the deficiencies found at the facility over a 45 month period prior to the publication of the Guide. The summarization procedure is discussed in detail below:

(5) The Guide will employ a procedure for summarizing the deficiencies as follows:

(a) All deficiencies cited over the most recently available 45 month period prior to the publication of the Guide will be collected.

(b) Each citation will be assigned points based on the type of deficiency and its assigned severity and scope. For those facilities that are not federally certified, each citation will be assigned points based on the type of deficiency and its assigned class. Facilities that are federally certified have their deficiencies recorded as F-Tags and K-Tags. Facilities that are not federally certified receive N-Tags instead of F-Tags and K-Tags. For the non-federally certified facilities the findings supporting each N-Tag shall be read by the Agency to determine which F-Tag or K-Tag each of the cited N-Tags is

(3) The Agency or its contractor will interview residents of these facilities in person. This will require each nursing facility to provide to the Agency or its contractor, upon request, a list of all residents, along with each resident's room number, and each resident's birth date.

(4) The Agency or its contractor shall conduct these surveys and interviews at each nursing facility approximately once per twelve months.

(5) The specific protocol for conducting these surveys and interviews is shown in the "Nursing Home and Skilled Nursing Unit Resident and Family Member Survey Project" document, dated July 2000, incorporated by reference herein.

(6) The data collected from these surveys and interviews shall be summarized and presented in the Nursing Home Consumer Guide required by s. 400.191, F.S. The summarized data will also be available to the Governor's Panel on Excellence in Long-Term Care as described in s. 400.235, F.S.

(7) The data collected from these surveys and interviews shall not be released to any member of the public, including any nursing facility, except as provided for in (6).

Specific Authority 400.0225 FS. Law Implemented 400.0225 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Shawn Phelps, Senior Management Analyst II, Managed Care and Health Quality

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ruben J. King-Shaw, Jr., Secretary, Agency for Health Care Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 4, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 7, 2000

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE TITLE: Certificate of Need Application Procedures
RULE NO.: 59C-1.008

PURPOSE AND EFFECT: Current paragraph 59C-1.008(1)(g), F.A.C., titled "Applications Subject to Competitive Review-Batching Cycles," was adopted to help ensure that certificate of need (CON) review of competing proposals, described in s. 408.039, F.S., proceeds in an orderly manner. The paragraph establishes deadlines for specified actions by applicants and the agency, including deadlines for submission of a letter of intent and for submission of the CON application. The proposed amendment establishes the deadlines for 2001 and 2002.

SUMMARY: The amendments establish CON "batching cycle" deadlines for 2001 and 2002.

SUMMARY STATEMENT OF ESTIMATED REGULATORY COST: None 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 in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 408.15(8), 408.034(5) FS.

LAW IMPLEMENTED: 408.037, 408.038, 408.039 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: 2:00 p.m., November 14, 2000

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Davis, Certificate of Need Office, 2727 Mahan Drive, Tallahassee, Florida

THE FULL TEXT OF THE PROPOSED RULE IS:

59C-1.008 Certificate of Need Application Procedures.

(1) Letters of Intent and applications subject to comparative competitive review shall be accepted in two batching cycles annually each for hospital projects, and for nursing facility projects, as specified in paragraph (g) of this subsection. All other projects subject to comparative competitive review shall be reviewed in the hospital batching cycle. "All other projects" include projects by or for ~~home health agencies~~, hospices, and intermediate care facilities for the developmentally disabled.

(a) through (f) No change.

(g) Applications Subject to Comparative Competitive Review-Batching Cycles. In order that applications pertaining to similar types of services or facilities affecting the same service district or subdistrict may be considered in relation to each other for purposes of comparative competitive review, letters of intent and applications shall be received by the agency no later than dates prescribed in the following schedule:

Hospitals and Other Projects	
1st Batching Cycle—1997	
Summary Need Projections Published in F.A.W.	2-07-97
Letter of Intent Deadline	2-24-97
Application Deadline	3-26-97
Completeness Review Deadline	4-10-97
Application Omissions Deadline	5-12-97
Agency Initial Decision Deadline	7-11-97

Hospitals and Other Projects
2nd Batching Cycle—1997

Summary Need Projections Published in F.A.W.	8-08-97
Letter of Intent Deadline	8-25-97
Application Deadline	9-24-97
Completeness Review Deadline	10-09-97
Application Omissions Deadline	11-10-97
Agency Initial Decision Deadline	1-09-98

Hospitals and Other Projects
1st Batching Cycle—1998

Summary Need Projections Published in F.A.W.	2-06-98
Letter of Intent Deadline	2-23-98
Application Deadline	3-25-98
Completeness Review Deadline	4-09-98
Application Omissions Deadline	5-11-98
Agency Initial Decision Deadline	7-10-98

Hospitals and Other Projects
2nd Batching Cycle—1998

Summary Need Projections Published in F.A.W.	7-31-98
Letter of Intent Deadline	8-17-98
Application Deadline	9-16-98
Completeness Review Deadline	9-23-98
Application Omissions Deadline	10-21-98
Agency Initial Decision Deadline	12-18-98

Hospitals and Other Projects
1st Batching Cycle—1999

Summary Need Projections Published in F.A.W.	1-29-99
Letter of Intent Deadline	2-15-99
Application Deadline	3-17-99
Completeness Review Deadline	3-24-99
Application Omissions Deadline	4-21-99
Agency Initial Decision Deadline	6-18-99

Hospitals and Other Projects
2nd Batching Cycle—1999

Summary Need Projections Published in F.A.W.	7-30-99
Letter of Intent Deadline	8-16-99
Application Deadline	9-15-99
Completeness Review Deadline	9-22-99
Application Omissions Deadline	10-20-99
Agency Initial Decision Deadline	12-17-99

Hospitals and Other Projects
1st Batching Cycle – 2000

Summary Need Projections Published in F.A.W.	1-28-00
Letter of Intent Deadline	2-14-00
Application Deadline	3-15-00
Completeness Review Deadline	3-22-00
Application Omissions Deadline	4-19-00
Agency Initial Decision Deadline	6-16-00

Hospitals and Other Projects
2nd Batching Cycle – 2000

Summary Need Projections Published in F.A.W.	7-28-00
Letter of Intent Deadline	8-14-00
Application Deadline	9-13-00
Completeness Review Deadline	9-20-00
Application Omissions Deadline	10-18-00
Agency Initial Decision Deadline	12-15-00

Hospitals and Other Projects
1st Batching Cycle – 2001

Summary Need Projections Published in F.A.W.	1-26-01
Letter of Intent Deadline	2-12-01
Application Deadline	3-14-01
Completeness Review Deadline	3-21-01
Application Omissions Deadline	4-18-01
Agency Initial Decision Deadline	6-15-01

Hospitals and Other Projects
2nd Batching Cycle – 2001

Summary Need Projections Published in F.A.W.	7-27-01
Letter of Intent Deadline	8-13-01
Application Deadline	9-12-01
Completeness Review Deadline	9-19-01
Application Omissions Deadline	10-17-01
Agency Initial Decision Deadline	12-14-01

Hospitals and Other Projects
1st Batching Cycle – 2002

Summary Need Projections Published in F.A.W.	1-25-02
Letter of Intent Deadline	2-11-02
Application Deadline	3-13-02
Completeness Review Deadline	3-20-02
Application Omissions Deadline	4-17-02
Agency Initial Decision Deadline	6-14-02

Hospitals and Other Projects
2nd Batching Cycle – 2002

Summary Need Projections Published in F.A.W.	7-26-02
Letter of Intent Deadline	8-12-02
Application Deadline	9-11-02
Completeness Review Deadline	9-18-02
Application Omissions Deadline	10-16-02
Agency Initial Decision Deadline	12-13-02

Nursing Homes
1st Batching Cycle—1997

Summary Need Projections Published in F.A.W.	4-18-97
Letter of Intent Deadline	5-05-97
Application Deadline	6-04-97
Completeness Review Deadline	6-19-97
Applicant Omissions Deadline	7-21-97
Agency Initial Decision Deadline	9-19-97

Nursing Homes
2nd Batching Cycle—1997

Summary Need Projections Published in F.A.W.	10-17-97
Letter of Intent Deadline	11-03-97
Application Deadline	12-03-97
Completeness Review Deadline	12-18-97
Applicant Omissions Deadline	1-20-98
Agency Initial Decision Deadline	3-20-98

Nursing Facilities
1st Batching Cycle—1998

Summary Need Projections Published in F.A.W.	4-17-98
Letter of Intent Deadline	5-04-98
Application Deadline	6-03-98
Completeness Review Deadline	6-18-98
Applicant Omissions Deadline	7-20-98
Agency Initial Decision Deadline	9-18-98

Nursing Facilities
2nd Batching Cycle—1998

Summary Need Projections Published in F.A.W.	10-16-98
Letter of Intent Deadline	11-02-98
Application Deadline	12-02-98
Completeness Review Deadline	12-09-98
Applicant Omissions Deadline	1-06-99
Agency Initial Decision Deadline	3-05-99

Nursing Facilities
1st Batching Cycle—1999

Summary Need Projections Published in F.A.W.	4-16-99
Letter of Intent Deadline	5-03-99
Application Deadline	6-02-99
Completeness Review Deadline	6-09-99
Applicant Omissions Deadline	7-07-99
Agency Initial Decision Deadline	9-03-99

Nursing Facilities
2nd Batching Cycle—1999

Summary Need Projections Published in F.A.W.	10-15-99
Letter of Intent Deadline	11-01-99
Application Deadline	12-01-99
Completeness Review Deadline	12-08-99
Applicant Omissions Deadline	1-05-00
Agency Initial Decision Deadline	3-03-00

Nursing Facilities
1st Batching Cycle – 2000

Summary Need Projections Published in F.A.W.	4-14-00
Letter of Intent Deadline	5-01-00
Application Deadline	5-31-00
Completeness Review Deadline	6-07-00
Applicant Omissions Deadline	7-05-00
Agency Initial Decision Deadline	9-01-00

Nursing Facilities
2nd Batching Cycle – 2000

Summary Need Projections Published in F.A.W.	10-13-00
Letter of Intent Deadline	10-30-00
Application Deadline	11-29-00
Completeness Review Deadline	12-06-00
Applicant Omissions Deadline	1-03-01
Agency Initial Decision Deadline	3-02-01

Nursing Facilities
1st Batching Cycle – 2001

Summary Need Projections Published in F.A.W.	4-13-01
Letter of Intent Deadline	4-30-01
Application Deadline	5-30-01
Completeness Review Deadline	6-06-01
Applicant Omissions Deadline	7-05-01
Agency Initial Decision Deadline	8-31-01

Nursing Facilities
2nd Batching Cycle – 2001

Summary Need Projections Published in F.A.W.	10-12-01
Letter of Intent Deadline	10-29-01
Application Deadline	11-28-01
Completeness Review Deadline	12-05-01
Applicant Omissions Deadline	1-02-02
Agency Initial Decision Deadline	3-01-02

Nursing Facilities
1st Batching Cycle – 2002

Summary Need Projections Published in F.A.W.	4-12-02
Letter of Intent Deadline	4-29-02
Application Deadline	5-29-02
Completeness Review Deadline	6-05-02
Applicant Omissions Deadline	7-03-02
Agency Initial Decision Deadline	8-30-02

Nursing Facilities
2nd Batching Cycle – 2002

Summary Need Projections Published in F.A.W.	10-11-02
Letter of Intent Deadline	10-28-02
Application Deadline	11-27-02
Completeness Review Deadline	12-04-02
Applicant Omissions Deadline	1-02-03
Agency Initial Decision Deadline	2-28-03

(h) through (6) No change.

Specific Authority 408.15(8), 408.034(5) FS. Law Implemented 408.037, 408.038, 408.039 FS. History—New 1-1-77, Amended 11-1-77, 9-1-78, 6-5-79, 2-1-81, 4-1-82, 7-29-82, 9-6-84, Formerly 10-5.08, Amended 11-24-86, 3-2-87, 6-11-87, 11-17-87, 3-23-88, 5-30-90, 12-20-90, 1-31-91, 9-9-91, 5-12-92, 7-1-92, 8-10-92, Formerly 10-5.008, Amended 4-19-93, 6-23-94, 10-12-94, 10-18-95, 2-12-96, 9-16-96, 11-4-97, 7-21-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jeffrey Gregg, Chief, Health Facility Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ruben J. King-Shaw, Jr., Secretary, Agency for Health Care Administration
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 6, 2000
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2000

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE CHAPTER TITLE: Approved Forms
 RULE TITLE: Approved Forms
 RULE CHAPTER NO.: 60S-9
 RULE NO.: 60S-9.001

PURPOSE AND EFFECT: The purpose of this rule development is to propose the adoption of one new form and five revised forms related to Florida Retirement System participation, service credit, and benefits. The new form is to be used as a method for auditing benefit recipients. The amended forms are being adopted to accommodate workflow recommendations of the Division of Retirement's Reengineering, Improvement and Modernization (RIM) project, and to clarify the information requested.

SUMMARY: Form SAPS is a new form to be sent to recipients of retirement benefits whose addresses are within the United States to determine if they are still living and entitled to receive the benefits. The member's name and social security number will be electronically printed on the form prior to mailing. Form SMSD-1 is being revised by adding a statement clarifying the required digits in the employee's position number. Form FR-13 is being revised to add a section for designation of beneficiaries. Form HIS-1 is being revised because of a change in acceptable insurance coverage and in the return mail address, and to clarify information provided to the applicant regarding the Health Insurance Subsidy program. Form AAPS is to be sent to recipients of retirement benefits whose addresses are outside the United States to determine if they are still living and entitled to receive the benefits. The form is being changed to conform to the Division's revised forms format, which includes changing the notary section and deleting the request for the member's name and social security number, which will be electronically printed on the form prior to mailing. Form DP-PAYT is being revised to clarify the IRS rule regarding after-tax contributions, to allow for electronic calculation of the selected payout method, and to change the return mail address.

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: 121.031 FS.
 LAW IMPLEMENTED: 121.055, 121.091 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., November 13, 2000
 PLACE: 2nd Floor Conference Room, Cedars Executive Center, Building C, 2639 North Monroe Street, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Beth Brewer, Senior Benefits Analyst, Division of Retirement, Cedars Executive Center, Building C, 2639 North Monroe Street, Tallahassee, Florida 32399-1560

THE FULL TEXT OF THE PROPOSED RULE IS:

60S-9.001 Approved Forms.
 The following is a list of the forms utilized by the Division of Retirement in its dealings with the public, which are hereby incorporated by reference into these rules. A copy of these forms may be obtained by writing to the Division of Retirement, Cedars Executive Center, Bldg. C, 2639 N. Monroe Street, Tallahassee, Florida 32399-1560.

(1) Bureau of Enrollment and Contributions
 FORM NO./REVISION DATE TITLE
 (a) through (i) No change.
 (j) SMSD-1 (Rev. ~~8/008/99~~) Senior Management Service Class Designated Position Form

(k) through (l) No change.
 (2) No change.
 (3) Bureau of Benefit Payments

FORM NO./REVISION DATE TITLE
 (a) FR-13 (Rev. ~~7/007/99~~) FRS Application for Disability Retirement
 (b) through (p) No change.
 (q) HIS-1 (Rev. ~~7/004/99~~) Florida Retirement System Health Insurance Subsidy Certification Form

(r) through (s) No change.
 (t) AAPS (Rev. ~~8/007/99~~) Affidavit Attesting to Payee Status

(u) through (ee) No change.
 (ff) DP-PAYT (Rev. ~~7/007/99~~) Deferred Retirement Option Program (DROP) Selected Payout Method

(gg) through (jj) No change.
 (4) Administration

FORM NO./REVISION DATE TITLE

(a) SAPS (8/00) Statement Attesting to Payee Status

Specific Authority 121.031 FS. Law Implemented 112.361, 112.363, 120.55, 121.011, 121.031(2), 121.051, 121.0515, 121.081, 121.091, 121.111, 121.121, 121.125, 122.08, 122.09, 215.28, 238.05, 238.06, 238.07 FS. History—New 9-9-82, Amended 2-6-84, 11-6-84, 4-17-85, Formerly 22B-9.01, Amended 6-4-86, 12-5-90, Formerly 22B-9.001, Amended 1-4-93, 1-18-94, 4-26-94, 1-10-95, 11-2-95, 12-28-95, 3-12-96, 12-16-97, 10-14-98, 4-26-99, 1-24-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ron Poppell, Interim Director, Division of Retirement

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Garrett R. Blanton, Chief of Staff, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 10, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE TITLE: Citations RULE NO.: 61G19-5.006

PURPOSE AND EFFECT: The Board proposes to amend the citation fine for specifically designated violations to conform to statute provisions.

SUMMARY: The fine for specific disciplinary citations is being updated in this rule to comply with 455.228, F.S.

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: 455.224, 455.228, 468.606 FS.

LAW IMPLEMENTED: 455.224, 455.228, 468.621, 468.627 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: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-5.006 Citations.

In lieu of the disciplinary procedures contained in Section 455.225, Florida Statutes, the Department is hereby authorized to dispose of any violations designated herein by issuing a citation to the subject within six months after the filing of the complaint that is the basis for the citation. The Board shall issue a citation imposing a ~~\$500.00~~ ~~\$50.00~~ fine per occurrence for the following violations:

(1) through (3) No change.

Specific Authority 455.224, ~~455.228~~, 468.606 FS. Law Implemented 455.224, ~~455.228~~, 468.621, 468.627 FS. History—New 5-23-94, Amended 12-6-95, 12-7-97, 4-5-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Building Code Administrators and Inspectors Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 7, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE TITLE: Voluntary Certification Categories RULE NO.: 61G19-6.016

PURPOSE AND EFFECT: To adopt recommendations from the Florida Building Commission.

SUMMARY: The Modular Inspector section of this rule is being amended as proposed by the Florida Building Commission.

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: 468.606, 468.609(10) FS.

LAW IMPLEMENTED: 468.609(10) 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: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-6.016 Voluntary Certification Categories.

The following voluntary certification categories are created. All specialty licenses require a standard certification.

- (1) through (4) No change.
- (5) Modular Inspector.

(a) Modular Inspector means a person who is qualified to inspect and determine that modular buildings and structures are constructed in accordance with the provisions of the governing building codes and state accessibility laws. A person shall be entitled to take the examination for certification as a modular inspector if the person has three (3) years experience as an inspector with local government and/or state government. ~~As an alternative the applicant must have or~~ three years experience as an inspector with an independent inspection/plans review agency under contract with a state agency.

(b) Responsibilities: Verify ~~that~~ the state approved plans are in the factory. Assure ~~that~~ the buildings being manufactured comply with the approved plans and applicable codes. Compare the approved plans to the modular building and identify any deviations. Determine the reason for the deviations and investigate repetitive deviations in other buildings. Discuss the deviations with the in-plant quality control supervisor and establish a procedure to resolve the deviations ~~them~~. Verify ~~that~~ the appliances and equipment installed in the building are consistent with those identified in the quality control manual. Verify the data plats have all the information as required for the data plat in Chapter 9B-1, Florida Administrative Code. Assure the state insignia is affixed to the correct ~~right~~ building. The modular inspector shall monitor quality control procedures to verify the in-plant quality control personnel are conducting quality control reviews at the proper times. The modular inspector shall notify the Department of Community Affairs contracted inspection agency of any problems with the in-plant quality control procedures. Notify his/her supervisor of ongoing problems with the in-plant quality control programs, and the inspector's supervisor shall notify the Department of Community Affairs. The inspector shall follow-up on quality control procedures to verify that the in-plant quality control inspector is making the inspection of the buildings at the proper time.

- (6) through (7) No change.

Specific Authority 468.606, 468.609(10) FS. Law Implemented 468.609(10) FS. History—New 7-5-95, Amended 7-7-96, 8-6-97, 6-25-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Building Code Administrators and Inspectors Board
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 7, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2000

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Examination
RULE NO.: 64B19-11.001

PURPOSE AND EFFECT: To address the scores of persons who have taken or take the written exam rather than the computerized exam.

SUMMARY: The Board proposes to improve clarity and elucidate the criteria for passing scores on the examination.

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: 456.017(1)(b),(c), 490.004(4) FS.

LAW IMPLEMENTED: 456.017(1)(b),(c),(d), 490.005 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-11.001 Examination.

(1)(a) The first part of the examination shall be the Examination for Professional Practice in Psychology (EPPP) developed by the Association of State and Provincial Psychology Boards.

(b) No change.

(c) The minimum passing score on EPPP shall be 70% correct of the items scored on the examination prior to the October 2000 examination. The minimum passing score on EPPP for the October 2000 examination and thereafter shall be the ASPPB recommended cut-off score. Examination security shall be maintained in compliance with Rule 64B-1.010.

(2) through (4) No change.

Specific Authority 456.017(1)(b),(c) ~~455.574(1)(b),(c)~~, 490.004(4) FS. Law Implemented 456.017(1)(b),(c),(d) ~~455.574(1)(b),(c),(d)~~, 490.005 FS. History—New 4-4-82, Amended 7-11-84, Formerly 21U-11.03, Amended 2-19-86, 12-30-86, 3-10-87, 11-21-88, 3-5-90, 1-16-92, Formerly 21U-11.003, Amended 6-14-94, Formerly 61F13-11.003, Amended 1-7-96, 6-26-97, Formerly 59AA-11.001, Amended 2-21-99, 5-1-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Psychology
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 8, 2000
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2000

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Reexamination Fee
 RULE NO.: 64B19-12.003

PURPOSE AND EFFECT: The Board has deemed it necessary to amend a portion of the reexamination fees.

SUMMARY: The reexamination fee for the first part of the examination will be increased.

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: 456.017(2), 490.004(4) FS.

LAW IMPLEMENTED: 456.017(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-12.003 Reexamination Fee.

(1) No change.

(2) The reexamination fee for the first part of the examination is ~~\$380.00~~ ~~\$365.00~~.

(3) No change.

Specific Authority ~~456.017(2)~~, 490.004(4), ~~455.564(2)~~ FS. Law Implemented ~~456.017(2)~~, ~~455.564(2)~~ FS. History—New 2-22-82, Amended 7-11-84, Formerly 21U-12.03, Amended 7-18-88, 8-12-90, 1-16-92, Formerly 21U-12.003, Amended 10-12-93, Formerly 61F13-12.003, Amended 1-7-96, Formerly 59AA-12.003, Amended 12-3-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 8, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2000

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Reactivation Fee and Change of Status Fee
 RULE NO.: 64B19-12.006

PURPOSE AND EFFECT: To comply with new statute provisions passed by the 2000 Legislature, and improve the clarity of the rule language.

SUMMARY: The proposed new language in this rule implements a change of status fee.

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: 456.036(4) FS.

LAW IMPLEMENTED: 456.025, 456.036, 456.036(4),(8) 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: Kaye Howerton, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-12.006 Reactivation Fee and Change of Status Fee. The fee for reactivation of an inactive license is \$50.00. Upon any change of status, a \$50.00 change of status fee shall be charged if reactivation is applied for during the biennial renewal period. If reactivation is applied for at any other time, an additional \$50 shall be added. Such fee(s) shall be in addition to the biennial licensure fee as prescribed in Rule 64B19-12.005.

Specific Authority ~~456.036(4)~~ ~~455.711(4)~~ FS. Law Implemented ~~456.025~~, ~~456.036~~, ~~456.036(4),(8)~~ ~~455.711~~, ~~455.587~~, ~~455.711(4),(8)~~ FS. History—New 1-19-84, Formerly 21U-12.06, Amended 1-4-88, 6-1-89, 8-12-90, Formerly 21U-12.006, 61F13-12.006, Amended 1-7-96, 6-26-97, Formerly 59AA-12.006, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 8, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2000

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Continuing Psychological Education Credit
RULE NO.: 64B19-13.003
PURPOSE AND EFFECT: The Board proposes to amend this rule based on legislative authority and to improve clarity of statutes.

SUMMARY: To implement and comply with Chapter 2000-295, Laws of Florida.

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: 490.004(4), 490.0085(4) FS.

LAW IMPLEMENTED: 490.007(2), 490.0085(1),(3) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-13.003 Continuing Psychological Education Credit.

(1) through (2) No change.

(3) As a condition of biennial licensure renewal, each licensee must complete forty (40) hours of continuing psychological education. One (1) of the forty (40) hours must be on domestic violence or on end of life and palliative health care consistent with Chapter 456.031, and three (3) of the forty (40) hours must be on professional ethics and legal issues affecting the practice of psychology. Passage of the laws and rules examination of the Board constitutes forty (40) hours of continuing education credit, including credit for professional ethics and legal issues affecting the practice of psychology. Passage of the laws and rules examination, however, does not satisfy the requirement for one (1) credit of continuing education on domestic violence.

(4) No change.

Specific Authority 490.004(4), 490.0085(4) FS. Law Implemented 490.007(2), 490.0085(1),(3) FS. History—New 1-28-93, Amended 7-14-93, Formerly 21U-13.0042, Amended 6-14-94, Formerly 61F13-13.0042, Amended 2-8-96, 11-18-96, Formerly 59AA-13.003, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Psychology

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Psychology
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 30, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 8, 2000

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

RULE TITLE: Alternate Service Procurement Method
RULE NO.: 65-28.001

PURPOSE AND EFFECT: The purpose of this rule is to implement the provisions of Section 402.73(3), Florida Statutes, to provide procedures for a methodology for the competitive procurement of contracted client services, which represents an alternative to the request-for-proposal or the invitation-to-bid process.

SUMMARY: The alternative service procurement methodology involves a two-phase process which may be used when continuous open exchange regarding the service requirement and the approach used to meet that requirement is essential or in the best interest of the department. In the first phase offerors may submit statements of qualification for assessment by the department. In the second phase the department will evaluate detailed service proposals from qualified offerors (selected in Phase I) and will conduct negotiations with one or more offerors to determine which service proposal or combination of service proposals best meets the needs of the Department.

At the conclusion of negotiations, the department shall request that each qualified offeror submit a Best And Final Offer which takes into consideration all of the information contained in the original SPR as well as that provided through the negotiations. In those cases where negotiations generated a need for further clarification or restatement of the Department's requirement, such clarification shall be clearly stated in the Request for Best and Final Offer. The Department shall review the Best and Final Offers submitted in accordance with the evaluation criteria contained in the SPR. Award, if any, shall be made to the Offeror(s) whose BAFOs present the greatest value to the state.

SPECIFIC AUTHORITY: 402.73(3) FS.

LAW IMPLEMENTED: 402.73(3) FS.

SUMMARY OF THE STATEMENT OF ESTIMATED REGULATORY COST: An estimate of the regulatory cost was not prepared for this rule.

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.

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

TIME AND DATE: 10:00 a.m., November 13, 2000

PLACE: 1317 Winewood Boulevard, Building 5, Room 130, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joy Neves, Policies and Procedures Team Leader, (850)413-7464 or Suncom 293-7464

THE FULL TEXT OF THE PROPOSED RULE IS:

65-28.001 Alternate Service Procurement Method.

(1) Definitions. For the purposes of this rule, the following definitions shall apply:

(a) "Advertisement" means an announcement designed to give notice of a procurement opportunity.

(b) "Alternative Service Procurement Methodology" (ASPM) means a method of procurement that allows the department to solicit statements of professional qualifications from potential providers and to assess such statements before requesting service proposals.

(c) "Department" means the Department of Children and Family Services.

(d) "Project" means the entire body of contractual services and associated or implied requirements described in any solicitation issued pursuant to this rule.

(e) "Qualified offeror" means a person or firm that is deemed to have described the capability to fully perform the project requirements and has provided evidence that it possesses the integrity and reliability to successfully complete the project.

(f) "Offeror" means any person or firm that timely responds to all applicable provisions of any procurement of contractual services conducted pursuant to this rule.

(g) "Solicitation Document" means a formal published document requesting information, service proposals, bids or price quotes, or proposed budgets from prospective providers of contractual services or commodities.

(h) "Call" means a formal published document requesting information about a person's or firm's qualifications including resumes, personnel information, organizational structures or histories, individual or organizational descriptions, or financial information from prospective providers of contractual services.

(i) "Service Proposal Request" or "SPR" means a document requesting information from persons or firms regarding their detailed plans for delivering the services necessary under the project.

(2) The alternative service procurement methodology consists of a two-phase process. In the first phase prospective offerors will be required to submit statements of their qualification to the department as required by the call furnished by the Department. In the second phase the department will receive and evaluate detailed service proposals from the most highly qualified offerors that have been identified as a result of the Phase I submissions. Following the evaluation of the detailed service proposals the department will conduct

negotiations with one or more qualified offerors to determine which service proposal or combination of service proposals best meets the needs of the state. At any time during the conduct of the alternative service procurement the department may reject any or all statements of qualification or service proposals, and may modify its statement of services sought, tasks to be performed, or project description to meet the needs of the department as its understanding of available services requires. The department may negotiate with more than one prospective offeror at a time but is under no obligation to do so.

(a) Phase I, Qualification Phase. The department shall prepare a Call for Statements of Qualifications containing the general description, purpose, and scope of the project(s) and will advertise the department's desire to receive Statements of Qualification from prospective offerors. Any potential offerors may submit a Statement of Qualification for assessment by the department. The department shall assess the Statements of Qualification in accordance with the criteria stated in the call and applicable law or administrative rule and will determine which prospective offeror will be invited to submit service proposals.

(b) Phase II, Solicitation and Evaluation Phase. The department will invite the qualified potential offerors deemed to be the most highly qualified as a result of Phase I to submit detailed service proposals. The invitation will be made through the issuance of a Service Proposal Request (SPR) which describes the required contents of the detailed service proposal, a description of the evaluation and selection process, and the basis for contract award, if any. The department will evaluate all detailed service proposals in accordance with the criteria set forth in the SPR.

(3) Procedure for Use of the Alternate Service Procurement Method (ASPM) Phase I.

(a) To commence Phase I, the department shall advertise the project(s) and the way interested parties may obtain copies of the call. The advertisement shall appear in the Florida Administrative Weekly publication or on the Florida Communities Network. The department may advertise the project in newspapers of general circulation, professional journals, or in other publications or in electronic format if it deems it appropriate to do so. The advertisement shall run for a period of no less than 10 days and shall include the project's general description and the name and location from which further information or solicitation documents may be obtained;

(b) The call shall contain the assessment criteria that will be used to determine qualified potential offerors. The assessment criteria will include:

1. The professional qualifications of offerors or offerors' staff, including verification of certifications or licenses that are necessary to perform the services sought;

2. The offeror's history of providing the services sought;

3. Business information demonstrating that the offeror is capable of providing the required service or services.

(c) The department shall assess all professional statements of qualifications (SOQs) submitted in accordance with the criteria set forth in the call and shall give notice of the results of its decision by posting at the location at which the statements of qualification were opened. The department shall prepare a list of the most highly qualified offerors that are selected to participate in the ensuing competitive procurement.

(d) The SOQs submitted will remain valid for a period of one hundred and eighty (180) days and the department may issue one or more SPRs against a single call for for SOQs.

(4) Procedure for Use of the Alternate Service Procurement Method (ASPM) Phase II).

(a) The department will invite those offerors selected to participate in Phase II of a procurement to provide detailed service proposals. The department may limit the firms invited to submit detailed service proposals to only those firms that have demonstrated the highest level of professional capability to provide the services under consideration. The department may invite no fewer than three firms to submit detailed service proposals, unless fewer than three firms submit satisfactory statements of qualification. If fewer than three firms submit satisfactory statements of qualification, the department shall review the facts and circumstances in order to determine the reason, if any, that fewer than three satisfactory statements of qualification were submitted. The department shall document the reason that requesting detailed service proposals from fewer than three firms is in the best interest of the state.

(b) The invitation for the submission of service proposals will be made through the issuance of a Service Proposal Request (SPR). The SPR shall contain the following:

1. The service requirements;
2. The terms and conditions that will apply to the resultant contract;
3. The instructions for submission of Service Proposals, including formats and a listing of required contents;
4. A description of the evaluation process;
5. The evaluation/selection criteria, along with their relative importance;
6. The schedule of significant events and deadlines.
7. The methods and timing of allowable communications between the department and entities remaining in the competition, and
8. The date, time, and location for service proposal submission.

(c) The department shall perform an evaluation of each Service Proposal in accordance with evaluation methodology described in the SPR. At the conclusion of the evaluation, the department may negotiate with one or more offerors sequentially or simultaneously. Negotiations shall be

considered open meetings in accordance with s. 286.011, F.S. An award may be made without negotiation based upon the evaluation of the service proposal.

(d) A written record of any negotiations which may be held shall be maintained and shall include the following:

1. A description of the major issues addressed,
2. A summary of the negotiations,
3. Copies of any documentation provided.

(4) The department may terminate negotiations at any time. When the department determines in writing that it is in the best interest of the state, it shall request that each qualified offeror submit a Best And Final Offer which takes into consideration all of the information contained in the original SPR as well as that provided through the negotiations. In those cases where negotiations generated a need for further clarification or restatement of the Department's requirement, such clarification shall be clearly stated in the Request for Best and Final Offer. The Department shall review the Best and Final Offers submitted in accordance with the evaluation criteria contained in the SPR. The award, if any, shall be made to the qualified offeror whose BAFO represents the best value to the state.

(5) When it is in the best interests of the state, the department may award multiple contracts. The contract(s) resulting from this procurement process may cover all or part of the requirement described in the SPR. The department may split the service procurement requirements into smaller components and may award different components to different qualified providers.

Specific Authority 402.73(3) FS. Law Implemented 402.73(3) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Joy Neves
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Chatel
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 3, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN THE FAW: October 15, 1999 and November 5, 1999

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE: Family-Related Medicaid Eligibility
Determination Process

RULE NO.: 65A-1.704

PURPOSE AND EFFECT: This proposed rule implements amendments due to delinkage of cash benefit and Medicaid eligibility criteria and changes in verification requirements for transitional Medicaid.

SUMMARY: For Medicaid delinkage, statements are changed as to when eligibility reviews are conducted. For transitional Medicaid, the client's statement will be accepted as proof of income and child care expenses.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: An estimate of the regulatory cost was not prepared for this rule.

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: 409.919 FS.

LAW IMPLEMENTED: 409.903, 409.904, 409.919 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: 11:00 a.m., November 13, 2000

PLACE: Building 3, Room 455, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Audrey Mitchell, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 421, Tallahassee, FL 32399-0700, telephone (850)488-3090

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.704 Family-Related Medicaid Eligibility Determination Process.

(1) Economic Self-Sufficiency ~~Public assistance~~ staff determine eligibility for Family-related Medicaid at application, ~~at complete review of cash assistance eligibility,~~ when a change in conditions of eligibility is reported, or, on not greater than a 12 month cycle. The individual or the designated representative is required to assist the department in completing the determination or redetermination of Medicaid eligibility. Qualified designated Medicaid providers determine presumptive eligibility for pregnant women.

(2) No change.

(3) Assistance groups receiving transitional Medicaid are required to provide periodic reports at three month intervals. The recipient must provide complete information about These reports must include verification of gross income and work related child care expenses for the period covered by these reports. The recipient's statement of the amounts will be accepted. Each report submitted by the recipient must contain complete information for the period covered and must provide the necessary verification(s).

Specific Authority 409.919 FS. Law Implemented 409.903, 409.904, 409.919 FS. History—New 10-8-97, Amended.

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, Policy Bureau, Public Assistance Policy – Policy Support Unit

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 27, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 1999 for Medicaid delinkage and December 23, 1999 for Transitional Medicaid

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Library and Information Services

RULE NO.: 1B-2.011
RULE TITLE: Library Grant Programs

NOTICE OF CHANGE

In accordance with subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule which was published in the Florida Administrative Weekly, Vol. 26, No. 33, on August 18, 2000. The rule incorporates by reference guidelines and forms relating to the following programs: Library Construction Grants, Community and Library Technology Access Partnership Grants and Library Services and Technology Grants. Changes have been made to the guidelines and forms for Library Construction, Community and Library Technology Access Partnership Grants, and Library Services and Technology Grants to reflect comments made by the Joint Administrative Procedures Committee (JAPC).

Copies of the full text of the changes may be obtained by contacting: Barratt Wilkins, Director, Division of Library and Information Services, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, (850)487-2651, Suncom 277-2651.

PUBLIC SERVICE COMMISSION

DOCKET NO.: 981104-EU

RULE NO.: 25-6.049
RULE TITLE: Measuring Customer Service

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 25, No. 42, October 22, 1999, Florida Administrative Weekly has been withdrawn.

COMMISSION ON ETHICS

RULE NO.: 34-7.010
RULE TITLE: List of Forms and Instructions