

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Educational Program Audits
RULE NO.: 6A-1.0453

PURPOSE AND EFFECT: The purpose of the rule development is to amend paragraph (2)(d) to bring the timelines into compliance with statute. The effect will be a rule which is consistent with the timelines specified in statute.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed will be the timelines relating to the response of an auditee to a preliminary report of the Auditor General.

SPECIFIC AUTHORITY: 229.053(1),(2)(j)(1) FS.

LAW IMPLEMENTED: 11.45(7)(d), 229.565(3),(4), 236.081(12) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME AND DATE TO BE ADVERTISED IN A FUTURE EDITION OF THE FLORIDA ADMINISTRATIVE WEEKLY.

Requests for the rule development workshop should be addressed to Wayne V. Pierson, Agency Clerk, Department of Education, Room 1702, The Capitol, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Wayne V. Pierson, Deputy Commissioner for Planning, Budgeting and Management, Department of Education, Room 1702, The Capitol, Tallahassee, Florida 32399-0400, (850)488-6539

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-1.0453 Educational Program Audits.

Periodic examinations and audits of the accounts and programs of each school district shall be conducted by the Auditor General or the Commissioner, utilizing Department auditing staff as well as program staff in the Division of Public Schools and the Division of Workforce Development, in accordance with the provisions of Section 229.565, Florida Statutes.

- (1) No change.
- (2) The Auditor General is responsible for:
 - (a) through (c) No change.
 - (d) At the completion of the examination, preparing a report of preliminary and tentative findings which identifies the discrepancies and/or deficiencies found and submitting the report to the auditee. An exit briefing will be scheduled with the auditee within thirty (30) calendar days to discuss the

findings. The auditee will provide a written response to the report of preliminary and tentative findings within thirty (30) ~~sixty (60)~~ calendar days following the issuance of the report.

Specific Authority 229.053(1),(2)(j)(1) FS. Law Implemented 11.45(7)(d), 229.565(3),(4), 236.081(12) FS. History—New 2-25-76, Amended 10-30-78, 12-7-82, 6-28-83, 11-27-85, Formerly 6A-1.453, Amended 10-31-88, 3-15-90, 1-7-97.

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

RULE TITLES: Application for Obtaining Tax Deed by Holder of Tax Certificate; Fees
RULE NOS.: 12D-13.060

Minimum Standards for Ownership and Encumbrance Reports Made in Connection with Tax Deed Applications
12D-13.061

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-13.060, F.A.C., is to remove a provision relating to tax collectors contracting with title companies for abstract or titles searches in compliance with Rule 12D-13.061, F.A.C., which is not statutorily mandated.

The purpose of the proposed amendment to Rule 12D-13.061, F.A.C., is to remove provisions related to tax collectors' contracts with title companies for ownership and encumbrance reports and the requirements of such reports as these provisions are not statutorily mandated.

SUBJECT AREA TO BE ADDRESSED: Contracts with title companies for ownership and encumbrance reports.

SPECIFIC AUTHORITY: 195.022, 195.027(1), 213.06(1) FS.
LAW IMPLEMENTED: 197.3632, 197.482, 197.502, 197.512, 197.522, 197.532, 197.542, 197.552, 197.562, 197.573, 197.582, 197.593, 197.602, 213.05 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:30 p.m., February 15, 2001
PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

Copies of the agenda for the rule development workshop may be obtained from: Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108.

Persons needing an accommodation to participate in any proceeding before the Technical Assistance and Dispute Resolution Office should call (850)488-8026 (Voice) or 1(800)367-8331 (TDD), at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12D-13.060 Application for Obtaining Tax Deed by Holder of Tax Certificate: Fees.

(1) through (3) No change.

(4) PROCEDURE AFTER APPLICATION IS MADE – ALL CERTIFICATES.

(a) Upon receipt of a completed tax deed application the tax collector shall have an abstract or title search made in compliance with Rule 12D-13.061, F.A.C. Upon receipt of the abstract or title search, the tax collector shall prepare a certification, on Form DR-513 (incorporated by reference in Rule 12D-16.002, F.A.C.), which shall include the following:

- 1. All tax certificates issued on the land described in the tax deed application, whether struck off to the county or owned by an individual.
2. The number and date of each certificate.
3. The legal description of the lands to be sold.
4. The owner of record.
5. The name of the applicant or purchaser.
6. The face amount of each tax certificate.
7. The interest earned on each tax certificate.
8. The tax collector's costs and fees.

(b) through (d) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 197.3632, 197.482, 197.502, 197.512, 197.522, 197.532, 197.542, 197.552, 197.562, 197.573, 197.582, 197.593, 197.602, 213.05 FS. History–New 6-18-85, Formerly 12D-13.60, Amended 5-23-91, 12-13-92, 1-11-94, 12-25-96, 12-31-98.

12D-13.061 Minimum Standards for Ownership and Encumbrance Reports Made in Connection with Tax Deed Applications.

(1) through (2) No change.

(3) The tax collector may contract with a title company for a reasonable fee to provide the minimum information required above, provided however, if additional information is required the tax collector shall make a written request to the title or abstract company stating such additional requirements.

(4) The ownership and encumbrance report shall be printed or typed upon stationery or other paper showing a letterhead of the person, firm or company making the search and the signature of the person making the search or an officer of the firm shall be attached. The tax collector shall not be liable for payment to the firm unless these requirements are met.

(5) The tax collector may select any title or abstract company he or she desires, regardless of its location so long as the fee is reasonable, the minimum information is submitted and the abstract or title company is authorized to do business in the State of Florida. The tax collector may advertise and accept bids for the title or abstract company if he or she deems appropriate.

(6) The tax collector shall not accept or pay for any title search or abstract that includes a phrase such as "no financial responsibility is assumed for this search". However, reasonable restrictions as to the liability or responsibility of the abstract or title company are acceptable.

(7) In order to establish uniform prices for ownership or encumbrance reports at the county level, the tax collector shall ensure that the contract for ownership and encumbrance reports include all requests for title searches or abstracts for a given period of time. A contract period may be for one month or longer, provided however, that all ownership and encumbrance report requests be at the uniform price for that contract period.

Specific Authority 195.022, 195.027(1), 213.06(1) FS. Law Implemented 197.502, 197.512, 197.522, 213.05 FS. History–New 6-18-85, Formerly 12D-13.61, Amended.

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

Table with 2 columns: RULE TITLES and RULE NOS.:
Index to Forms 12D-16.002
Definitions and Scope of the Rules 12D-16.010
Communication of Return Information in Electronic Format 12D-16.030
Taxpayer Information and Identity 12D-16.040
Acknowledgment to Taxpayer 12D-16.050
Uniform Format for All Counties 12D-16.060
Procedures for Transfer 12D-16.080
Due Date; General Provisions 12D-16.090

PURPOSE AND EFFECT: The proposed amendment to Rule 12D-16.002, F.A.C., and proposed creations of Rules 12D-16.010, 12D-16.030, 12D-16.040, 12D-16.050, 12D-16.060, 12D-16.080, and 12D-16.090, F.A.C., implement the provisions of section 193.052, Florida Statutes, which require the Department of Revenue to provide, by rule, formats and instructions for filing tangible personal property tax returns through electronic data interchange (EDI) method.

SUBJECT AREA TO BE ADDRESSED: Electronic data interchange method and formats for filing tangible personal property tax returns.

SPECIFIC AUTHORITY: 193.052, 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 92.525, 95.18, 136.03, 192.001(18), 193.047, 193.052, 193.062, 193.072, 193.073, 193.074, 193.077, 193.085, 193.114, 193.122, 193.461, 193.625, 194.011, 194.032, 194.034, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193, 196.1983, 196.1995, 197.222, 197.253, 197.3632, 197.3635, 197.414, 197.432, 197.512, 197.552, 200.065, 213.05, 218.66 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., January 12, 2001

PLACE: Plantation Inn and Golf Resort, Main Lodge Meeting Facilities, 9301 West Fort Island Trail, Crystal River, Florida
 Copies of the agenda for the rule development workshop may be obtained from Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108.

Persons needing an accommodation to participate in any proceeding before the Technical Assistance and Dispute Resolution Office should call (850)488-8026 (Voice) or 1(800)367-8331 (TDD), at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kathy Henley, Revenue Program Administrator II, Department of Revenue, Property Tax Administration Program, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)922-7952

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12D-16.002 Index to Forms.

(1) The following paragraphs list the forms utilized by the Department of Revenue. A copy of these forms may be obtained by writing to: Director, Property Tax Administration Program, Department of Revenue, Post Office Box 3000, Tallahassee, Florida 32315-3000. The Department of Revenue adopts, and hereby incorporates by reference in this rule, the following forms and instructions:

Form Number	Form Title	Effective Date
(2) through (61)	No change.	
(62) DR-594	<u>Electronic Data Interchange TPP Return File Structure Form Tangible Personal Property Tax Return (n. 12/00)</u>	2/01
(63) DR-599	<u>Electronic Data Interchange Transfer Authorization and Agreement Form (n. 12/00)</u>	2/01

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.114, 193.122, 193.461, 193.625, 194.011, 194.032, 194.034, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193, 196.198, 196.1995, 197.222, 197.253, 197.3632, 197.3635, 197.414, 197.432, 197.512, 197.552, 200.065, 213.05, 218.66 FS. History—New 10-12-76, Amended 4-11-80, 9-17-80, 5-17-81, 1-18-82, 4-29-82, Formerly 12D-16.02, Amended 12-26-88, 1-9-92, 12-10-92, 1-11-94, 12-27-94, 12-28-95, 12-25-96, 12-30-97, 12-31-98, 2-3-00.

12D-16.010 Definitions and Scope of the Rules.

These rules address the electronic data interchange (EDI) of tangible personal property return information. The scope of these rules is to provide for the format and instructions necessary for the return of information to the property appraiser by the taxpayer; to ensure that all property subject to ad valorem tax is properly listed by the taxpayer; to require a

uniform format for the electronic transfer of return information used by any county which elects to accept the electronic returns; to require that the format of the electronic return replicate Form DR-405, Tangible Personal Property Tax Return (incorporated by reference in Rule 12D-16.002, F.A.C.), as it is currently prescribed by the Department; to ensure that adequate safeguards for verification of taxpayers' identities are part of the EDI system; and to provide a standard of data transfer which ensures the confidentiality of information which is proprietary to the taxpayer. For the purposes of this rule chapter, the terms and phrases used in these rules shall have the meanings prescribed in this section, unless a different meaning is clearly indicated by the context in which the term or phrase is used.

(1) "Acknowledgment" when used in reference to EDI means the verification code or receipt number generated by the EDI system, which may include or be a trace number, which confirms the successful received communication of return information or extension request.

(2) "Call-in period" means the specified time interval in each day during which EDI return information or extension request received by the data collection center will be date stamped as being received. The call-in period must be specified by the property appraiser; if the property appraiser does not specify otherwise on Form DR-599, Electronic Data Interchange Transfer Authorization and Agreement Form (incorporated by reference in Rule 12D-16.002, F.A.C.), the call-in period shall be a default of "24/7," meaning 24 hours each day, seven days a week, with allowance for necessary outages.

(3) "Data collection center" means any computer facility operated by the property appraiser or a third party vendor designated by the property appraiser that, under contract with the property appraiser, collects and processes electronic return information or extension requests from taxpayers.

(4) "Due date" means the latest date on which a return is required to be made by a taxpayer, including any extensions under section 193.062, F.S., unless the context of the rule indicates otherwise.

(5) "Electronic data interchange" or "EDI" means any transfer of taxpayer records in approved digital format, using suitable encryption technology to maintain confidentiality.

(6) "Electronic return filing" means the electronic transfer of return data or extension request generated by the taxpayer and transmitted to a data collection center.

(7) "Electronic return" or "electronic format" means a digital transfer of all information required by the Form DR-405, Tangible Personal Property Tax Return, as currently prescribed by the Department, or substitute forms of the Form DR-405 which have been approved by the Department.

(8) “Receipt number” means the verification code generated by the EDI system, which acknowledges the received communication of return information or extension request.

(9) “Taxpayer security code” means a confidential authorization code, or password, assigned to each taxpayer, which uniquely identifies the taxpayer and allows only the taxpayer, the taxpayer’s fiduciary, or the authorized agent of the taxpayer to communicate return information or extension request to the data collection center. Taxpayer security codes assigned are part of the return, are confidential, and shall not be the same as the parcel or account identification number assigned by the property appraiser, which is part of the public records.

(10) “Trace number” means the verification code generated by the EDI system, which uniquely identifies the received communication of return information or extension request and can be used for later retrieval.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.047, 193.052, 193.062, 193.072, 193.073, 193.074 FS. History—New

12D-16.030 Communication of Return Information in Electronic Format.

(1) Except as otherwise provided by this rule, any notice, return of information, application form, or completed application form that is required or permitted under this rule to be exchanged between a property appraiser and the taxpayer or between a property appraiser and an agent or fiduciary designated by the taxpayer may be delivered in an electronic format if the property appraiser and taxpayer agree to the terms specified under this rule.

(2) Taxpayers who participate in an EDI program implemented by the property appraiser shall use one of the following means of communicating return information or extension requests to the property appraiser.

(a) Computer-to-computer communication of information over a direct link to a data collection center maintained by the property appraiser.

(b) Communication of information indirectly through a third party data collection center having the ability to guarantee the confidentiality of taxpayer data and subject to the same confidentiality requirements as the property appraiser.

(3) This rule is not intended to prohibit the use of any direct method of electronic transfer of information which ensures that all tangible personal property required to be identified by the taxpayer is properly listed.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.047, 193.052, 193.062, 193.072, 193.073, 193.074 FS. History—New

12D-16.040 Taxpayer Information and Identity.

(1) The property appraiser’s EDI system may be a service provider identified by the property appraiser as the appropriate data collection center and must be used by taxpayers who elect to submit electronic returns.

(2) The property appraiser will make available a notice to taxpayers and an Electronic Data Interchange Transfer Authorization and Agreement Form (DR-599, an official form incorporated by reference in Rule 12D-16.002, F.A.C.) to be used to remit electronic returns. When completed and filed, this form shall constitute part of the EDI return.

(3) The taxpayer must complete and sign the Form DR-599 and it must be received by the property appraiser by the date the property appraiser specifies using such form.

(a) The information required to be provided by the taxpayer on this form includes:

1. Business name;

2. Business mailing address;

3. Taxpayer’s Federal Employer Identification Number or Social Security Number, whichever is most appropriate;

4. Contact person (title and telephone number);

5. Name and signature of person authorized to sign returns;

6. Name of any agent or fiduciary who returns property information on behalf of the taxpayer and the capacity under which the agent or fiduciary is acting.

(b) The form must specify the medium of communication to be used by the EDI system; the type of communication covered; and the means for protecting the security of any electronically submitted information. The form may address other matters relevant to the method of communication between the property appraiser and the taxpayer. The form, together with EDI filings, shall constitute the return information of the taxpayer and shall be confidential.

(4) The property appraiser shall assign a confidential taxpayer security code directly to the taxpayer, to be used by the taxpayer when communicating return information or extension requests to the data collection center. This number shall be provided to the taxpayer upon receipt of the Form DR-599, at the latest.

(5) Use of the EDI return method by a taxpayer will be conditioned upon the taxpayer’s written agreement to provide return information to the data collection center as provided in these rules.

(6) The Form DR-599 will be in effect from year to year except as follows. The taxpayer may revoke the form where the taxpayer desires to discontinue EDI. The property appraiser may reserve the right to revoke the EDI return filing privilege of any taxpayer who: does not consistently transmit error-free information; substantially varies from the requirements and specifications of these rules; repeatedly fails to make timely return transfers; or, repeatedly fails to provide required data records with the EDI transfer. Additionally, the property appraiser shall have the right to revoke the EDI privilege for any reason he or she deems sufficient that jeopardizes the integrity of the system.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.047, 193.052, 193.062, 193.072, 193.073, 193.074 FS. History—New

12D-16.050 Acknowledgment to Taxpayer.

Methods by which the taxpayer will be provided with an acknowledgment may include, but are not limited to:

(1) Acknowledgment may be made at the time EDI is received by the property appraiser, such that the property appraiser's EDI system sends an electronic confirmation number or trace number to the taxpayer after receipt of a successful transmission by the data collection center.

(2) The property appraiser may mail a paper acknowledgment to the taxpayer.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.047, 193.052, 193.062, 193.072, 193.073, 193.074 FS. History--New

12D-16.060 Uniform Format for all Counties.

(1) The acceptable file structure of the return shall be as described in Electronic Data Interchange TPP Return File Structure Form Tangible Personal Property Tax Return (DR-594, an official form incorporated by reference in Rule 12D-16.002, F.A.C.), which is an electronic facsimile of Form DR-405. The property appraiser may accept data sent in another file structure approved by the department pursuant to s. 195.022, F.S., which may include a file structure specified in a format described in subsection (2) of this rule.

(2)(a) The property appraiser must accept data sent in flat file ASCII delimited format.

(b) The property appraiser may accept data sent in other formats agreed to by the property appraiser including, but not limited to, the transaction set for the return data described in the American Standards Committee x12 Group Transaction Set, Number 813, Electronic Filing of Tax Return Data, Version 4010, or later.

(3)(a) If the taxpayer has timely filed Form DR-599, the taxpayer may request an extension of the April 1 return due date by EDI. Any such request must be made by EDI to the data collection center by the date specified by the property appraiser. The request shall include the following information, in the following file structure, blanks delimited, in a format stated in subsection (2):

<u>Data Element:</u>	<u>Number of Characters</u>
<u>TIP number,</u>	<u>15</u>
<u>Tax ID number,</u>	<u>15</u>
<u>FEI Number,</u>	<u>15</u>
<u>Name,</u>	<u>40</u>
<u>Reason for any extension beyond 30 days,</u>	<u>400</u>

(b) The property appraiser shall provide confirmation on granting any extension from April 1 that exceeds 30 days.

Cross reference: Rule 12D-8.005, F.A.C.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.047, 193.052, 193.062, 193.072, 193.073, 193.074 FS. History--New

12D-16.080 Procedures for Transfer.

(1) An acknowledgment will be issued at the conclusion of the successful transfer of EDI return information or extension request for each return or extension request filed. This number provides a means of verifying receipt of the successful transmission and serves as receipt for the delivery of the return or extension request. The property appraiser shall maintain either this number or a trace number as a record of the transfer, for later retrieval.

(2) Electronic transfers which are not received by the property appraiser on or before the due date of the return will constitute late returns and the applicable late filing penalties shall apply.

(3) If a taxpayer does not receive an acknowledgment, the return information or extension request shall not be considered filed.

Cross Reference: Rule 12D-8.005, F.A.C.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.047, 193.052, 193.062, 193.072, 193.073, 193.074 FS. History--New

12D-16.090 Due Date: General Provisions.

(1) To be considered timely, taxpayers who remit return information through an EDI system must initiate the transfer so that the information is received on or before the due date of the return as specified under section 193.062, F.S. If the due date on which the taxpayer is required to complete an EDI return falls on a Saturday, Sunday, or official Federal or State holiday, the taxpayer must complete the transfer no later than the following business day in order for the return to be considered timely filed, or alternatively file a standard paper return.

(2) The EDI method of transfer does not change any current filing requirements for tax returns. If the EDI transfer is not timely made or the tax return required is not filed by the due date, the provisions for late filing penalties under section 196.062, F.S., shall apply, except as provided in these rules.

(3) The provisions of Rule 12D-8.005, F.A.C., shall govern the compromise and settlement of any penalty assessed due to the late filing of an electronically filed return after the due date.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.047, 193.052, 193.062, 193.072, 193.073, 193.074 FS. History--New

STATE BOARD OF ADMINISTRATION

RULE TITLE: RULE NO.:

Role of the Bundled Provider in the Public Employee Optional Retirement Program 19-9.002

PURPOSE AND EFFECT: To discuss the role of the bundled provider in the Public Employee Optional Retirement Program.

SUBJECT AREA TO BE ADDRESSED: Investment products; investment product providers and managers; manager selection and monitoring guidelines; and performance measurement criteria for the Investment Policy Statement required by Section 121.4501(14), Florida Statutes.

SPECIFIC AUTHORITY: 121.4501(8) FS.

LAW IMPLEMENTED: 121.4501(8),(9),(10),(11),(12), (13),(14),(15) FS.

REGARDLESS OF WHETHER OR NOT REQUESTED, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. – 4:00 p.m., Wednesday, January 24, 2001

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DISCUSSION DRAFT IS: Cindy Gokel, Assistant General Counsel, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1199

THE PRELIMINARY DISCUSSION DRAFT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE FOR DISTRIBUTION ON JANUARY 12, 2001.

Copies of the proposed new rule and the agenda for the workshop may be obtained from: Joan Lazar, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300, Telephone (850)413-1492.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is requested to contact Ms. Lazar at least 5 calendar days before the workshop.

STATE BOARD OF ADMINISTRATION

RULE TITLES:	RULE NOS.:
Asset Transfer Procedures: True Up for Initial Transfers Occurring between 7/1/02 and 3/31/03	19-10.002
Asset Transfer Procedures: New Florida Retirement System Employee Making Election into PEORP, after Initial Payroll Has Been Submitted	19-10.003
Asset Transfer Procedures: Florida Retirement System Employee, Who Elected to Participate in the PEORP, Elects to Move to the Defined Benefit Program	19-10.004
Asset Transfer Procedures: Transfer of Employer PEORP Contributions for Florida Retirement System Employees Who Terminate Employment Prior to Satisfying Defined Contribution Vesting Requirements	19-10.005

PURPOSE AND EFFECT: To discuss the various asset transfer procedures required to implement the Public Employee Optional Retirement Program.

SUBJECT AREA TO BE ADDRESSED: Transfer procedures and the roles of the third party administrator; the employers; the investment product providers and managers; the Division of Retirement; and the State Board of Administration.

SPECIFIC AUTHORITY: 121.4501(3)(c)4,(8)(a) FS.

LAW IMPLEMENTED: 121.4501(2),(3),(4),(5),(6),(7), (8),(15), 121.571(1),(2), 215.44(8)(b) FS.

REGARDLESS OF WHETHER OR NOT REQUESTED, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:30 p.m. – 4:00 p.m., Tuesday, January 23, 2001

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DISCUSSION DRAFT IS: Cindy Gokel, Assistant General Counsel, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1199

THE PRELIMINARY DISCUSSION DRAFT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE FOR DISTRIBUTION ON JANUARY 12, 2001

Copies of the proposed new rules and the agenda for the workshop may be obtained from: Joan Lazar, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300, Telephone (850)413-1492.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is requested to contact Ms. Lazar at least 5 calendar days before the workshop.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLE: Publications Incorporated by Reference RULE NO.: 40C-4.091

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to amend section 11.7, entitled "Lake Apopka Drainage Basin," to establish discharge limitations for phosphorous for all surface water management system permits issued by the District for discharges into Lake Apopka and its tributaries, Lake Level canal, and McDonald canal.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment would establish a phosphorous discharge limitation for discharges into the above listed water bodies pursuant to section 373.461, F.S. The phosphorous discharge limitation would require that the post-development phosphorous loading is equal to or less than the

pre-development phosphorous loading. Implementation of certain specified stormwater treatment practices would create a presumption that this demonstration has been met.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.461 FS.

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

TIME AND DATE: 10:00 a.m., January 31, 2001

PLACE: Orange County Public Library, 101 East Central Blvd., Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (904)329-4459, Suncom 860-4459

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-4.091 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference:

(a) Part I "Policy and Procedures," Part II "Criteria for Evaluation," subsections 18.0, 18.1, 18.2, and 18.3 of Part III and Appendix K "Legal Description Upper St. Johns River Hydrologic Basin," "Legal Description Ocklawaha River Hydrologic Basin," "Legal Description of the Wekiva River Hydrologic Basin," "Legal Description of the Econlockhatchee River Hydrologic Basin," "Legal Description of the Sensitive Karst Areas Basin, Alachua County," "Legal Description Tomoka River Hydrologic Basin," "Legal Description Spruce Creek Hydrologic Basin," "Legal Description of the Sensitive Karst Areas Basin, Marion County," and "Legal Descriptions of the Lake Apopka Drainage Basin," and Appendix M "Regional Watersheds for Mitigation Banking," of the document entitled "Applicant's Handbook: Management and Storage of Surface Waters," effective 8-21-00.

(b) through (c) No change.

(2) No change.

Specific Authority 373.044, 373.046(4), 373.113, 373.413, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421(2), 373.461(3) FS. Law Implemented 373.016, 373.046, 373.413, 373.4135, 373.4136 373.414, 373.415, 373.416, 373.421(2)-(6), 373.426 FS. History—New 12-7-83, Amended 10-14-84, Formerly 40C- 4.091, Amended 5-17-87, Formerly 40C-4.0091, Amended 8-20-87, 10-1-87, 10-11-87, 11-26-87, 8-30-88, 1-1-89, 8-1-89, 10-19-89, 4-3-91, 8-11-91, 9-25-91, 11-12-91, 3-1-92, 7-14-92, 9-8-92, 9-16-92, 11-12-92, 11-30-92, 1-6-93, 1-23-94, 2-27-94, 11-22-94, 10-3-95, 8-20-96, 11-25-98, 12-3-98, 1-7-99, 1-11-99, 8-21-00,_____.

APPLICANT'S HANDBOOK SECTION

11.0 through 11.6 No change.

11.7 Lake Apopka Drainage Basin

Pursuant to section 373.461(3)(a), F.A.C., the phosphorus criterion for Lake Apopka is 55 parts per billion. Based upon this phosphorus criterion, the District has established

phosphorus discharge limitations which are as follows: This phosphorus criterion shall be used to establish phosphorous discharge limitations for all permits within the Lake Apopka Drainage Basin authorizing discharges, directly or indirectly, into Lake Apopka, the Lake Level Canal, and the McDonald Canal-

(a) Entities required to obtain a permit pursuant to chapters 40C-4, 40C-40, 40C-42, or 40C-44, F.A.C., for systems which discharge water, directly or indirectly, to Lake Apopka, Lake Level Canal, or the McDonald Canal shall demonstrate that the post-development phosphorous loading is equal to or less than the pre-development phosphorous loading. This demonstration will be presumed if the applicant provides stormwater treatment equivalent or greater to any of the following:

1. The criteria for systems discharging to Class I, Class II, or Outstanding Florida Waters as specified in section 40C-42.026, F.A.C.;

2. Retain three inches of runoff from the directly connected impervious area within the project area; or

3. The post-development volume of runoff must not exceed the pre-development volume of runoff for the 25-year, 96-hour storm event.

(b) Entities required to obtain a permit pursuant to chapters 40C-4, 40C-40, 40C-42, or 40C-44, F.A.C., whose system will result in the importation of water from another hydrologic basin into the Lake Apopka Hydrologic Basin that will directly or indirectly discharge into Lake Apopka, Lake Level Canal, or McDonald Canal shall not discharge any phosphorous unless the applicant implements measures to reduce existing phosphorous loading to Lake Apopka from another existing source by an equivalent amount.

(c) Entities required to obtain a permit pursuant to chapters 40C-4, 40C-40, 40C-42, or 40C-44, F.A.C., which discharge water, directly, or indirectly, to Lake Apopka, Lake Level Canal, or McDonald Canal shall monitor phosphorous loading from the system from the date that construction is initiated until three years following completion of construction of the entire system, including all associated residential, commercial, transportation, or agricultural improvements. If the results of the monitoring indicate that post-development phosphorous loads are greater than pre-development rates, then the permittee shall obtain a modification to the permit and implement measures to reduce the phosphorus loads to pre-development levels.

(d) Pre-development loading rates shall be based upon: monitoring of phosphorus loading from the project site for a period of one year prior to construction of the proposed system; calculated loading rates from the scientific literature for the same land uses; or calculated from existing data on tributary loading, if such data is available.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLES:	RULE NOS.:
Definitions	40C-9.021
Selection of Lands Pursuant to 373.199, F.S.	40C-9.031
Acquisition Procedures; Negotiations	40C-9.041
Acquisition Procedures – Condemnation	40C-9.045
Appraisals	40C-9.061
Use of Trust Fund	40C-9.071
Disposition of Surplus Land	40C-9.081
Land Management Policy	40C-9.101
Land Management Plans	40C-9.110
Land Management Review Team	40C-9.115
Access to and Closures of District Lands	40C-9.120
Recreational Fishing	40C-9.130
Hunting	40C-9.170
Dogs, Cats, or Other Domestic Animals	40C-9.180
Plants or Animal Removal, Destruction, or Harassment	40C-9.210
Fires	40C-9.270
Trapping	40C-9.280
Camping	40C-9.300
Use of Motorized Vehicles, Recreational Vehicles, Boats, and Aircraft	40C-9.320
Unauthorized Facilities or Structures	40C-9.340
Other Uses	40C-9.350
Special Use Authorization	40C-9.360
District Leases	40C-9.370
Individuals Living on District Lands	40C-9.400
Intergovernmental Management Agreements	40C-9.410

PURPOSE AND EFFECT: The purpose of the rule amendment is to update the rule text to make the rule consistent with the Florida Forever legislation as it pertains to land management policy; create procedures for implementing land management review teams; address the use of off-road vehicles on District properties; provide for delegation of authority to the Executive Director or designee; and provide miscellaneous general housekeeping revisions.

SUBJECT AREA TO BE ADDRESSED: Selection of lands, acquisition process, land management, leases, land management review teams, and intergovernmental management agreements. The District is also alphabetizing the definitions in section 40C-9.021, F.A.C., to be consistent with the other rule chapters of the District and adding a definition of “designee”.

SPECIFIC AUTHORITY: 373.044, 373.083, 373.113, 373.139, 373.1391 FS.

LAW IMPLEMENTED: 373.056, 376.083, 373.088, 373.089, 373.093, 373.096, 373.099, 373.139, 373.1391, 373.1395, 373.1401, 373.199, 373.59, 373.591 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (904)329-3459, Suncom 860-4459

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 40C-9.021 follows. See Florida Administrative Weekly for present text.)

40C-9.021 Definitions.

When used herein:

(1) “Acquisition” means the reduction of the title to land to be acquired to fee, or in the discretion of the District such other legal interest necessary for water management, water supply and the conservation and protection of water resources.

(2) “Concession” means the privilege to establish a commercial operation or business on District lands.

(3) “Department” means Florida Department of Environmental Protection.

(4) “Designee” means any of the following: the Assistant Executive Director, Director or Assistant Director of the Department of Operations and Land Resources, or Director of the Division of Land Management.

(5) “District” means the St. Johns River Water Management District, operating under the authority of Section 373, Florida Statutes.

(6) “District Land” means any real property in which the District has an equitable or legal interest that allows the District to possess, or regulate entry upon, the property.

(7) “District Lease” means the granting of either an exclusive or non-exclusive use of or interest in District Lands for a specified period of time.

(8) “Facility” or “Structure” means any object placed on District Lands which is intended to be permanently attached to the land, or which would be considered a fixture under Florida law.

(9) “Fund” means the Water Management Lands Trust Fund, Preservation 2000 funds and Florida Forever funds.

(10) “Mobility impaired persons” means a person eligible for a disabled person exemption parking permit pursuant to section 320.0848, Florida Statutes.

(11) “Motorized Vehicle” means any vehicle which travels over land and is partially or completely powered by a motor, and animal-drawn carriages and buggies.

(12) "Plan" means the five year plan as approved by the Governing Board of the St. Johns River Water Management District.

(13) "Project" means a parcel or parcels of land in a discrete unit of purchase.

(14) "Resource-based" means an activity that depends on natural resources for its occurrence such as fishing, boating, camping, wildlife study, or hunting.

(15) "Secretary" means the Secretary of the Florida Department of Environmental Protection.

(16) "Special Use Authorization" means the granting of a privilege to go on or use District Land for a certain purpose which does not confer any property or possessory interest to the user.

(17) "Survey" means a certified survey signed by a licensed land surveyor authorized to practice surveying in the State of Florida.

Specific Authority ~~373.016, 373.044, 373.056, 373.069, 373.0693, 373.073, 373.079, 373.083, 373.103, 373.113, 373.139, 373.1391 373.174~~ FS. Law Implemented ~~373.056, 373.088, 373.089, 373.093, 373.096, 373.099 373.103, 373.139, 373.1391, 373.199, 373.59~~ FS. History–New 6-15-82, Amended 1-16-94, 5-11-94.

40C-9.031 Selection of Lands – Pursuant to 373.199, Florida Statutes Five Year Plan.

(1) The District shall adopt a five year plan designating the areas of land to be acquired which shall be filed with the Legislature and the Secretary by ~~June 1, 2001 January 15, 1982~~. Annually thereafter, modifications or additions to the five year plan shall be filed with the Legislature and the Secretary.

(2) No change.

(3) Acquisition activity for the preceding fiscal year shall be reported annually to the Legislature and the Secretary by January 15 of each year.

Specific Authority ~~373.016, 373.044, 373.056, 373.069, 373.0693, 373.073, 373.079, 373.083, 373.103, 373.113, 373.139, 373.1391 373.174~~ FS. Law Implemented ~~373.056, 373.088, 373.089, 373.093, 373.099, 373.103, 373.139, 373.199, 373.59~~ FS. History–New 6-15-82, Amended _____.

40C-9.041 Acquisition Procedures; Negotiations.

(1) through (2) No change.

(3) The District shall obtain at least one written appraisal pursuant to Section ~~40C-9.061, Florida Administrative Code 9.061~~.

(4) No change.

(5) All contracts to purchase shall be reduced to writing and shall be contingent upon approval by the Governing Board ~~with the advise and concurrence of the Basin Board whenever Basin funds will be utilized for such acquisition~~.

(6) The District shall attempt to negotiate the acquisition of desired parcels in accordance with the following procedure:

(a) through (b) No change.

(c) In the event an offer is accepted, the District shall:

1. No change.

2. Request Legal Counsel to prepare a resolution requesting the Governing Board to approve the necessary funds pursuant to Chapter ~~6247-42~~, Florida Administrative Code, if applicable.

(d) through (e) No change.

(7) No change.

Specific Authority ~~373.016, 373.044, 373.056, 373.069, 373.0693, 373.073, 373.079, 373.083, 373.103, 373.113, 373.139 373.174~~ FS. Law Implemented ~~373.056, 373.088, 373.089, 373.093, 373.096, 373.099, 373.103, 373.139, 373.199, 373.59~~ FS. History–New 6-15-82, Amended _____.

40C-9.045 Acquisition Procedures – Condemnation.

(1) Proceedings in eminent domain shall not be commenced until authorized by the Governing Board; ~~with the advise and consent of the Basin Board whenever Basin funds will be utilized for such acquisition~~.

(2) No change.

Specific Authority ~~373.016, 373.044, 373.056, 373.069, 373.0693, 373.073, 373.079, 373.083, 373.103, 373.113, 373.139 373.174~~ FS. Law Implemented ~~373.056, 373.096, 373.099, 373.103, 373.139, 373.199, 373.59~~ FS. History–New 6-15-82, Amended _____.

40C-9.061 Appraisals.

(1) All lands to be acquired, ~~except donations~~, shall be appraised by at least one real estate appraiser; ~~except as provided in Section 9.041(6)(c) of this rule~~.

(2) through (3) No change.

(4) An appraisal shall be approved by the Governing Board prior to negotiations with a landowner, provided however, that the Executive Director may approve appraisals for negotiations, subject to the condition that such approval be ratified by the Governing Board at its next meeting, ~~unless such approval is delegated by the Governing Board~~.

Specific Authority ~~373.016, 373.044, 373.056, 373.069, 373.0693, 373.073, 373.079, 373.083, 373.103, 373.113, 373.139 373.174~~ FS. Law Implemented ~~373.056, 373.089, 373.093, 373.103, 373.139, 373.199, 373.59~~ FS. History–New 6-15-82, Amended _____.

40C-9.071 Use of Trust Funds.

(1) For lands acquired by negotiations and purchase, the Governing Board shall request the Department to release ~~the State's share of~~ monies from the Fund by adopting a resolution which shall comply with Chapter ~~6247-42~~, Florida Administrative Code.

(2) For lands acquired by eminent domain, subsequent to the adoption of a resolution authorizing eminent domain proceedings, the Governing Board shall adopt a resolution pursuant to section (1) above, which in addition shall authorize the Executive Director or ~~designee other staff officer~~ to request monies from the Fund as follows:

(a) A request from the District for ~~the State's share of~~ funds sufficient to pay the owner the amount specified in the final judgement or the stipulation and order.

(b) A request from the District for ~~the State's share of~~ funds sufficient to pay the amount specified in the court's order or the stipulation and order for any costs and fees of the owner, whether incurred in the trial court or an appeal.

(c) A request from the District for reimbursement of all ~~the State's share of~~ costs and fees incurred by the District associated with such acquisition.

(3) No change.

Specific Authority ~~373.016, 373.044, 373.056, 373.069, 373.0693, 373.073, 373.079, 373.083, 373.103, 373.113, 373.139, 373.174~~ FS. Law Implemented ~~373.056, 373.103, 373.139, 373.199~~ FS. History–New 6-15-82, Amended _____.

40C-9.081 Disposition of Surplus Land.

(1) The District may sell or exchange District lands ~~including those which have been acquired with funds from the Water Management District Trust Fund or in exchange for property which has been so acquired.~~ District lands are considered surplus when:

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

Specific Authority ~~373.016, 373.044, 373.056, 373.069, 373.0693, 373.073, 373.079, 373.083, 373.103, 373.113, 373.174~~ FS. Law Implemented ~~373.056, 373.089, 373.199, 373.103, 373.139, 373.59~~ FS. History–New 6-15-82, Amended _____.

40C-9.101 Land Management Policy.

(1) Consistent with the legislative directives contained in section 373.016, 373.139, 373.1391, 373.59, and 375.045, F.S., the Governing Board's policy is to manage and maintain District Lands to the extent practicable, in such a way as to ensure a balance between public access, general public recreational purposes, and restoration and protection of their natural state and condition in an environmentally acceptable manner and to restore impacted District Lands when practicable. To further this policy, the land management and land use provisions of this chapter are based on:

- (a) ~~first, on~~ Water resource conservation and protection;
- (b) ~~second, on~~ Environmental protection, with emphasis on restoration or preservation of ecosystems; and
- (c) ~~third, where compatible, on~~ Public recreation, where compatible with (a) and (b), above.

(2) through (3) No change.

(4) Pursuant to Section 373.1395, Florida Statutes, the District is not responsible for any injury to persons or property caused by an act or omission of a person who goes on District lands or park areas provided to the public for recreational purposes. Additionally, the District is not responsible for any injury to persons or property caused by an act or omission of a person who goes on District lands or water areas leased to the state for outdoor recreational purposes.

Specific Authority 373.044, 373.113, 373.1391 FS. Law Implemented ~~373.088, 373.093, 373.096, 373.099, 373.139, 373.1391, 373.1395, 373.1401, 373.199, 373.59~~ FS. History–New 1-16-94, Amended _____.

40C-9.110 Land Management Plans.

(1) through (2) No change.

(3) For the properties on which the District serves as lead manager, w~~Within one year after acquiring a District Land, or by January 16, 1995, for District Lands acquired prior to January 16, 1994,~~ the District shall prepare a draft land management plan for such District Land and distribute the plan for public comment. After receiving public comment on the draft land management plan, a final land management plan for each District Land shall be presented to the Governing Board for adoption at a public meeting in which the public shall have the opportunity to comment on the final land management plan. A land management plan shall become effective when adopted by the Governing Board.

(4) No change.

Specific Authority 373.044, 373.113, 373.1391 FS. Law Implemented ~~373.088, 373.093, 373.096, 373.099, 373.139, 373.1391, 373.1401, 373.199, 373.59~~ FS. History–New 1-16-94, Amended 5-11-94, _____.

40C-9.115 Land Management Review Team.

(1) The District shall establish and implement a land management review team in accordance with Sections 373.591 and 259.036, Florida Statutes, to evaluate whether public conservation lands are being appropriately managed, based on the approved land management plan for each specific property.

(2) A separate land management review team shall be established to review each of the following areas:

- (a) The Northern Region of the District;
- (b) The Central Region of the District; and
- (c) The Southern Region of the District.

(3) The land management review teams shall review the approved management plan for the subject property and evaluate if and to what extent each of the tasks have been implemented.

(4) The District staff shall provide a written report to the Governing Board by October 1 of each year, identifying the properties that have been reviewed by the management review team and the review team's findings.

Specific Authority 373.044, 373.113 FS. Law Implemented ~~373.088, 373.093, 373.096, 373.099, 373.139, 373.1391, 373.199, 373.59, 373.591~~ FS. History–New _____.

40C-9.120 Access to and Closures of District Lands.

(1) Public Access. District Lands shall be open to the public for access on foot at all points except ~~leaves or~~ where restricted by signs. Public access to District Lands by means other than foot shall only be at entry points designated by signs.

(2) No change.

(3) District Lands shall be closed to public use during emergency conditions such as floods, severe weather events, wildfires, or during prescribed burns, construction, or other land management activities that may present if such activity

presents a danger to the public. If a governmental entity other than the District is conducting the activity, that entity shall close District Lands pursuant to this subsection.

(4) through (7) No change.

Specific Authority 373.044, 373.113, 373.1391 FS. Law Implemented 373.088, 373.093, 373.096, 373.099, 373.139, 373.1391, 373.1401, 373.199, 373.59 FS. History—New 1-16-94, Amended _____.

40C-9.130 Recreational Fishing.

Recreational fishing as authorized by the Florida Fish and Wildlife Conservation Game and Fresh Water Fish Commission is allowed on District Lands except where specifically restricted by signs. The Florida Fish and Wildlife Conservation Game and Fresh Water Fish Commission requires any person engaging in recreational fishing to have appropriate fishing licenses in their possession, unless exempted by the Commission.

Specific Authority 373.044, 373.113, 373.1391 FS. Law Implemented 373.088, 373.093, 373.096, 373.099, 373.139, 373.1391, 373.1401, 373.199, 373.59 FS. History—New 1-16-94, Amended 5-11-94, _____.

40C-9.170 Hunting.

Hunting is allowed only by permit on certain District Lands as indicated in the Land Management Plan for those District Lands. Hunting on District Lands is also regulated by the Florida Fish and Wildlife Conservation Game and Fresh Water Fish Commission and United States Fish and Wildlife Service.

Specific Authority 373.044, 373.113, 373.1391 FS. Law Implemented 373.088, 373.093, 373.096, 373.099, 373.139, 373.1391, 373.1401, 373.199, 373.59 FS. History—New 1-16-94, Amended 5-11-94, _____.

40C-9.180 Dogs, Cats, or Other Domestic Animals.

Dogs, cats, and ~~or~~ other domestic animals of a similar nature, excluding horses, are allowed on District Lands provided that such animals must be leashed at all times. Domestic animals are allowed unleashed on District Lands if they are specifically authorized as part of an approved hunting program or authorized by a Special Use Authorization or District Lease.

Specific Authority 373.044, 373.113, 373.1391 FS. Law Implemented 373.088, 373.093, 373.096, 373.099, 373.139, 373.1391, 373.1401, 373.199, 373.59 FS. History—New 1-16-94, Amended 5-11-94, _____.

40C-9.210 Plants or Animal Removal, Destruction, or Harassment.

All plants and animals on District Lands are protected. Removing, destroying, or harassing animals or plants from or on District Lands is prohibited except for authorized research efforts, authorized hunting and fishing, as authorized by a permit or Special Use Authorization, or District initiated removals associated with reforestation, control of exotic or nuisance species, or other land management activities. However, the sale or harvest of wetland trees and plants is prohibited on all District Lands except for District initiated removals associated with land management activities.

Specific Authority 373.044, 373.113, 373.1391 FS. Law Implemented 373.088, 373.093, 373.096, 373.099, 373.139, 373.1391, 373.1401, 373.199, 373.59 FS. History—New 1-16-94, Amended 5-11-94, _____.

40C-9.270 Fires.

Igniting any fire on any District Land is prohibited except for District authorized prescribed ~~controlled~~ burns, campfires in designated camping areas, or fires authorized by a Special Use Authorization.

Specific Authority 373.044, 373.113, 373.1391 FS. Law Implemented 373.088, 373.093, 373.096, 373.099, 373.139, 373.1391, 373.1401, 373.199, 373.59 FS. History—New 1-16-94, Amended 5-11-94, _____.

40C-9.280 Trapping.

Trapping is prohibited on all District Lands except where specifically authorized by a Special Use Authorization which shall be limited to scientific study or removal of nuisance species. Trapping on District Lands is also regulated ~~regulation~~ by the Florida Fish and Wildlife Conservation Game and Fresh Water Fish Commission.

Specific Authority 373.044, 373.113, 373.1391 FS. Law Implemented 373.088, 373.093, 373.096, 373.099, 373.139, 373.1391, 373.1401, 373.199, 373.59 FS. History—New 1-16-94, Amended 5-11-94, _____.

40C-9.300 Camping.

(1) through (3) No change.

(4) The seven day prior written notice must be delivered to:

St. Johns River Water Management District
 Division of Land Management
~~Department of Planning and Acquisition~~
 P. O. Box 1429
 Palatka, FL 32178-1429

(5) through (6) No change.

~~(7) If the provisions of this section conflict with the rules of the Game and Fresh Water Fish Commission or Division of Forestry, the rules of those agencies shall prevail.~~

Specific Authority 373.044, 373.113, 373.1391 FS. Law Implemented 373.088, 373.093, 373.096, 373.099, 373.139, 373.1391, 373.1401, 373.199, 373.59 FS. History—New 1-16-94, Amended 5-11-94, _____.

40C-9.320 Use of Motorized Vehicles, Recreational Vehicles, Boats, and Aircraft.

(1) Motorized vehicles that are licensed for Florida highway use are allowed on District Lands. All-terrain, off-road, or other motorized vehicles not licensed for Florida highway use are prohibited on all District Lands except as follows:

(a) By a Special Use Authorization for access by mobility impaired persons which shall be issued by the Executive Director pursuant to section 40C-9.360, F.A.C.; ~~or~~

(b) By Special Use Authorization issued by the Governing Board pursuant to section 40C-9.360, F.A.C., which shall be limited to one Special Use Authorization per calendar year District-wide, and shall have a duration not to exceed two days; ~~or-~~

(c) By Special Use Authorization issued by the Governing Board for the purpose of leading guided all-terrain vehicle tours on property designated by the District, pursuant to

section 40C-9.360, Florida Administrative Code. No more than six Special Use Authorizations shall be granted per calendar year. Said Special Use Authorizations shall have a duration not to exceed one year. Each guided tour shall be limited to no more than 12 people and the vehicles involved shall be limited to those commonly referred to as "4-wheelers" and shall have low ground pressure tires so as to minimize impacts to existing vegetation.

(2) through (8) No change.

Specific Authority 373.044, 373.113, 373.1391 FS. Law Implemented 373.083, 373.088, 373.093, 373.096, 373.099, 373.139, 373.1391, 373.1401, 373.199, 373.59 FS. History—New 1-16-94, Amended 5-11-94, _____.

40C-9.340 Unauthorized Facilities or Structures.

(1) No change.

(2) Any unauthorized facility or structure ~~discovered existing~~ on District lands ~~at the time of the effective date of this rule~~ shall be removed or authorized according to the following procedure:

(a) Upon discovery of the unauthorized facility or structure, District staff shall post a notice on such facility or structure, for a period of ~~30~~ 90 days, informing the owner that such facility or structure is not authorized on the District Land and that the owner must remove such facility or structure ~~or apply for a District Lease or Special Use Authorization, as appropriate, to retain such facility or structure within 90 days of the posting of such notice. District staff shall make a good faith effort to post such notice during the time of the year when the facility or structure is most likely to be used.~~

(b) The owner of an unauthorized facility or structure shall remove such facility or structure ~~or apply for a District Lease or Special Use Authorization, as appropriate, to retain such facility or structure within 30~~ 90 days after the posting of the District notice.

~~(c) If the owner of an unauthorized facility or structure applies for a District Lease or Special Use Authorization and the application is denied by the District, the owner shall remove the unauthorized facility or structure within 90 days after such denial.~~

~~(c)(d)~~ If the owner of the unauthorized facility or structure fails to remove such facility or structure within ~~30~~ 90 days after posting of the District notice, ~~or fails to remove such facility or structure within 90 days of being denied a District Lease or Special Use Authorization to retain such facility or structure on District Lands,~~ the District shall remove such facility or structure from the District Land or claim such facility or structure as District property.

Specific Authority 373.044, 373.113, 373.1391 FS. Law Implemented 373.088, 373.093, 373.096, 373.099, 373.139, 373.1391, 373.1401, 373.199, 373.59 FS. History—New 1-16-94, Amended 5-11-94, _____.

40C-9.350 Other Uses.

Any use of District Lands not specifically authorized by this chapter is prohibited unless authorized by a Special Use Authorization, ~~Special Use License~~, District Lease, easement or District letter issued or entered into prior to May 11, 1994.

Specific Authority 373.044, 373.113, 373.1391 FS. Law Implemented 373.088, 373.093, 373.096, 373.099, 373.139, 373.1391, 373.1401, 373.199, 373.59 FS. History—New 1-16-94, Amended 5-11-94, _____.

40C-9.360 Special Use ~~Authorization License~~.

(1) A person shall apply for a Special Use Authorization to use District Lands in a manner not specifically provided for in this chapter if:

(a) The requested use will last for one year or less ~~a period of less than one year~~; and

(b) No change.

(2) To receive a Special Use Authorization the applicant must provide reasonable assurance that:

(a) through (f) No change.

(g) the requested use will not interfere with District water management, leased, ~~licensed~~, or authorized uses of the land; and

(h) No change.

(3) No change.

(4) Except as provided in paragraph 40C-9.320(1)(b), F.A.C., the Governing Board delegates to the Executive Director or Director, Division of Land Management the authority to issue or revoke Special Use Authorizations pursuant to this section.

(5) Any person may apply for a Special Use Authorization according to the following procedure:

(a) Submit request to:

St. Johns River Water Management District
 Division of Land Management
 Department of Planning and Acquisition
 P. O. Box 1429
 Palatka, FL 32178-1429

(b) No change.

(c) The application will be reviewed by the Land Management Staff and the Land Resource Committee for compliance with the criteria listed in subsection 40C-9.360(2), F.A.C. The Land Management Staff and the Land Resource Committee shall then issue a recommendation regarding the application to the Executive Director or designee, or to the Governing Board if the use is requested pursuant to paragraph 40C-9.320(1)(b), F.A.C.

(d) If the requested use satisfies all of the criteria set forth in this section, the Executive Director or designee, shall issue the Special Use Authorization, except in the case of a Special Use Authorizations applied for under paragraph 40C-9.320(1)(b) and (c), F.A.C.

(e) through (g) No change.

(6) The Division of Land Management ~~Executive Director~~ shall prepare an annual summary report to the Governing Board of all issued Special Use Authorization.

(7) Any person receiving a Special Use Authorization from the District must have the Special Use Authorization License in their possession at all times while on District Lands.

(8) The Executive Director shall revoke a Special Use Authorization if the user licensee violates the conditions of the authorization license or if the user licensee engages in a use not authorized by the authorization license.

~~(9) Any Special Use License in existence prior to 1-16-94, shall remain effective until it expires by its own terms or is revoked. Thereafter, the use authorized by the existing Special Use License shall be subject to this chapter.~~

Specific Authority 373.044, 373.083, 373.113, 373.1391 FS. Law Implemented 373.056, 373.083, 373.088, 373.093, 373.096, 373.099, 373.139, 373.1391, 373.1401, 373.199, 373.59 FS. History–New 1-16-94, Amended 5-11-94, _____.

40C-9.370 District Leases.

(1) through (2) No change.

(3) A person may apply for a District Lease by contacting the St. Johns River Water Management District, Division of Land Management, ~~Department of Planning and Acquisition~~, P. O. Box 1429, Palatka, Florida 32178-1429.

(4) through (6) No change.

Specific Authority 373.044, 373.083, 373.113, 373.1391 FS. Law Implemented 373.056, 373.083, 373.088, 373.093, 373.096, 373.099, 373.139, 373.1391, 373.1401, 373.1401, 373.59 FS. History–New 1-16-94, Amended 5-11-94, _____.

40C-9.400 Individuals Living on District Lands.

If it will result in economical, convenient, and efficient management of District Lands, the District shall enter into agreements ~~District Leases~~ to allow individuals to live on District Lands in exchange for land management work. Such agreements ~~District Leases~~ shall be for a period of time necessary to complete the land management work or from year to year, whichever is less. The value of the land management work to be performed shall be equal to or exceed the fair market value of the residential facility lease.

Specific Authority 373.044, 373.113, 373.1391 FS. Law Implemented, 373.088, 373.093, 373.096, 373.099, 373.139, 373.1391, 373.199, 373.1401, 373.59 FS. History–New 1-16-94, Amended _____.

40C-9.410 Intergovernmental Management Agreements.

This chapter shall not apply to the extent it conflicts with the provisions of any intergovernmental management agreement between the District and another governmental entity for the acquisition or management of District Lands provided those activities, uses, or facilities are environmentally acceptable.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.056, 373.139, 373.1391, 373.1401, 373.199, 373.59 FS. History–New 1-16-94, Amended _____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLES:	RULE NOS.:
Policy and Purpose	40C-41.011
Basin Boundaries	40C-41.023
Implementation	40C-41.033
Application of Chapter	40C-41.043
Exemptions	40C-41.051
Conditions for Issuance of Permits	40C-41.063

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to establish discharge limitations for phosphorous for all surface water management system permits issued by the District for discharges into Lake Apopka and its tributaries, Lake Level canal, and McDonald canal.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment would establish a phosphorous discharge limitation for discharges into the above listed water bodies pursuant to section 373.461, F.S. The phosphorous discharge limitation would require that the post-development phosphorous loading is equal to or less than the pre-development phosphorous loading. Implementation of certain specified stormwater treatment practices would create a presumption that this demonstration has been met.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.461 FS.

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

TIME AND DATE: 10:00 a.m., January 31, 2001

PLACE: Orange County Public Library, 101 East Central Blvd., Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (904)329-4459, Suncom 860-4459

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-41.011 Policy and Purpose.

The rules in this chapter establish additional surface water management standards and criteria for the Upper St. Johns River Hydrologic Basin, the Oklawaha River Hydrologic Basin, the Wekiva River Hydrologic Basin, the Econlockhatchee River Hydrologic Basin, the Tomoka River Hydrologic Basin, the Spruce Creek Hydrologic Basin, and the Sensitive Karst Areas Basin, the Apopka Hydrologic Basin, which insure that development within the basins incorporates the appropriate water quantity and water quality control and other environmental measures necessary to protect the integrity of the public investments in the basins and which minimizes adverse impacts to the water resources of the District.

Standards and criteria delineated in this chapter are in addition to those criteria specified in chapters 40C-4, 40C-40, and 40C-42, F.A.C. The standards, criteria, exemptions, and additional requirements specified in this chapter are not intended to supersede or rescind the terms and conditions of any valid surface water management permit issued by the District prior to the effective date of this chapter.

Specific Authority 373.044, 373.113, 373.171, 373.415 FS. Law Implemented 373.413, 373.415, 373.416, 373.426 FS. History--New 12-7-83, Amended 5-17-87, 8-30-88, 4-3-91, 9-25-91, 11-25-98,_____.

40C-41.023 Basin Boundaries.

(1) The Upper St. Johns River Hydrologic Basin is that area generally depicted in Figure 41-1 and defined in Applicant's Handbook, Appendix K as incorporated by reference in section 40C-4.091, F.A.C.

(2) The Ocklawaha River Hydrologic Basin is that area generally depicted in Figure 41-1 and defined in Applicant's Handbook, Appendix K as incorporated by reference in section 40C-4.091, F.A.C.

(3) The Wekiva River Hydrologic Basin is that area generally depicted in Figures 41-1 and defined in Applicant's Handbook, Appendix K as incorporated by reference in section 40C-4.091, F.A.C.

(4) The Econlockhatchee River Hydrologic Basin is that area generally depicted in Figure 41-1 and defined in Applicant's Handbook, Appendix K as incorporated by reference in section 40C-4.091, F.A.C.

(5) The Sensitive Karst Areas Basin is that area generally depicted in Figures 41-2, 41-3, and 41-4 and defined in Applicant's Handbook, Appendix K as incorporated by reference in section 40C-4.091, F.A.C.

(7) The Apopka Hydrologic Basin is that area generally depicted in Figure 41-5 and defined in Applicant's Handbook, Appendix K as incorporated by reference in Section 40C-4.091, F.A.C.

INSERT MAP

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.413, 373.416, 373.426 FS. History—New 12-7-83, Amended 5-17-87, 4-3-91, 9-25-91, 11-25-98,_____.

40C-41.033 Implementation.

(1) The effective date of this chapter is December 7, 1983, for the criteria of subsections 40C-41.063(1) and (2); May 17, 1987, for the standards of paragraphs 40C-41.063(3)(a) and (b); August 30, 1988, for the standards and criteria of paragraphs 40C-41.063(3)(c), (d) and (e); April 3, 1991, for the standards and criteria in subsection 40C-41.063(5); and September 25, 1991 for the criteria of subsections 40C-41.063(7), ~~and~~ 11-25-98 for the criteria of subsection 40C-41.063(6), and standards and criteria in subsection 40C-41.063(8).

(2) If the validity of any provision of chapter 40C-41, F.A.C., as amended on December 7, 1983, May 17, 1987, August 30, 1988, April 3, 1991, September 25, 1991, ~~and~~ November 25, 1998, and or the application thereof to any person or circumstance is challenged pursuant to chapter 120, F.S., or pursuant to any other basis in law, it is the intent of the Governing Board of the St. Johns River Water Management District that neither a challenge to the validity of a provision or application thereof nor the invalidation of a provision or application thereof shall affect the validity or application of other provisions of the rule which can be given effect without the challenged or invalidated provision or application and to this end the provisions of chapter 40C-41, F.A.C., as amended on December 7, 1983, May 17, 1987, August 30, 1988, April 3, 1991, September 25, 1991, and November 25, 1998 are declared severable.

Specific Authority 373.044, 373.113, 373.171 373.415 FS. Law Implemented 373.413, 373.415, 373.416, 373.426 FS. History—New 12-7-83, Amended 5-17-87, 8-30-88, 4-3-91, 9-25-91, 11-25-98,_____.

40C-41.043 Application of Chapter.

(1) All projects located within the Upper St. Johns River Hydrologic Basin, the Oklawaha River Hydrologic Basin, the Wekiva River Hydrologic Basin, or the Econlockhatchee River Hydrologic Basin, the Tomoka River Hydrologic Basin, ~~or the~~ Spruce Creek Hydrologic Basin, or the Apopka Hydrologic Basin requiring permits pursuant to section 40C-4.041, F.A.C., shall be constructed, operated, maintained, altered, abandoned and removed in accordance with the standards and criteria specified in sections 40C-4.301 and 40C-4.302, or 40C-40.302, and 40C-41.063, F.A.C., unless specifically exempted. The most restrictive criteria will be applicable unless the applicant provides reasonable assurance that the purposes and intent of this chapter and chapter 40C-4, F.A.C., will be fulfilled using alternate criteria.

(2) No change.

Specific Authority 373.044, 373.113, 373.171, 373.415 FS. Law Implemented 373.413, 373.415, 373.416, 373.426 FS. History—New 12-7-83, Amended 5-17-87, 8-30-88, 4-3-91, 9-25-91, 10-3-95, 11-25-98,_____.

40C-41.051 Exemptions.

(1) The following systems located wholly or partially in the Econlockhatchee River Hydrologic Basin are exempted from the standards and criteria in subsection 40C-41.063(5), F.A.C., and section 11.4, Applicant's Handbook: Management and Storage of Surface Waters:

(a) Each system for which the District has issued a general or individual permit, pursuant to chapters 40C-4 or 40C-40, F.A.C., prior to April 3, 1991. The benefit conferred by this subsection shall apply only to the project area and the plan, as approved in the referenced permit.

(b) Each system for which the District has issued a permit pursuant to chapter 40C-42, F.A.C., prior to September 1, 1990, and for which construction has begun prior to March 1, 1991, pursuant to the referenced permit. The benefit conferred by this subsection shall apply only to a system which did not require a permit pursuant to chapters 40C-4 or 40C-40, F.A.C., prior to April 3, 1991, and only to the project area and the plan, as approved in the referenced permit.

(c) Each system for which the District has issued a permit pursuant to chapters 40C-4 or 40C-40, F.A.C., prior to September 1, 1989, authorizing construction of a master system for drainage and flood control. The benefit conferred by this subsection shall apply only to the project area served by the master system and to the plan, as approved in the referenced permit.

(d) Each system for which the District has issued, pursuant to chapter 40C-4, F.A.C., and prior to September 1, 1989, both a conceptual approval permit and at least one permit authorizing construction consistent with the conceptual approval permit. The benefit conferred by this subsection shall apply only to the project area and plan approved in the referenced conceptual approval permit.

(e) Each system which consists of an improvement to an existing public road which will be constructed by a governmental entity provided the governmental entity:

1. has monetary funds fully allocated or appropriated for that system; and

2. has filed an eminent domain action in an appropriate court, as of June 1, 1991, seeking to condemn land wholly or partially located within the Econlockhatchee River Hydrologic Basin to be used for the construction of the system; and

3. has a construction design for such system which is 90% complete as of April 3, 1991; and

4. files a conceptual approval, general or individual permit application with the District for such system on or before June 1, 1991, which application is not subsequently withdrawn and which contains the factual information necessary to establish that the system meets the conditions contained in this subsection.

(f) A permitholder for a system which meets the conditions described in subsections (a)-(d), who has complied with all permit conditions regarding the system, and who

asserts that the system can qualify for an exemption under this section shall notify the District in writing prior to June 1, 1991. The notification shall contain the name of the project, the District permit number(s) for the project, all factual information necessary to establish that the system meets the referenced conditions and permit conditions, and a clear statement that an exemption pursuant to this section is sought. The failure to timely and fully notify the District serves as a waiver of the benefits conferred by this section. When the District receives the permitholder's notification, the District staff will review the submitted information for consistency with the provisions of this section and will inspect the permitted project for compliance with permit conditions. If the notification meets the requirements of this section and the permitholder has complied with all of the permit conditions, the staff will respond in writing to the permitholder confirming that they have qualified for the benefits conferred by this section. If the staff finds that the notification fails to meet the requirements of this section or that any of the permit conditions have not been complied with, the staff will respond in writing to the permitholder, notifying them that they have not qualified for the benefits conferred by this section.

(2) No change.

(3) The following systems located wholly or partially within the Apopka Hydrologic Basin are exempted from the standards and criteria in subsection 40C-41.063(8), F.A.C., and section 11.7, Applicant's Handbook: Management and Storage of Surface Waters:

(a) Systems designed to accommodate only one single family dwelling unit, provided the unit is not part of a larger common plan of development or sale.

(b) Systems that qualify for a noticed general permit pursuant to chapter 40C-400, F.A.C., and which comply with the requirements of such noticed general permit.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.413, 373.416, 373.426 FS. History--New 4-3-91, Amended 11-25-98, _____.

40C-41.063 Conditions for Issuance of Permits.

(1) through (7) No change.

(8) Within the Apopka Hydrologic Basin, the following criteria are established:

(a) Pursuant to section 373.461(3)(a), F.A.C., the phosphorus criterion for Lake Apopka is 55 parts per billion. Based upon this phosphorus criterion, the District has established phosphorus discharge limitations which are as follows.

1. Entities required to obtain a permit pursuant to chapters 40C-4, 40C-40, 40C-42, or 40C-44, F.A.C., for systems which discharge water, directly or indirectly, to Lake Apopka, Lake Level Canal, or the McDonald Canal shall demonstrate that the post-development phosphorous loading is equal to or less than

the pre-development phosphorous loading. This demonstration will be presumed if the applicant provides stormwater treatment equivalent or greater to any of the following:

a. The criteria for systems discharging to Class I, Class II, or Outstanding Florida Waters as specified in section 40C-42.026, F.A.C.;

b. Retain three inches of runoff from the directly connected impervious area within the project area; or

c. The post-development volume of runoff must not exceed the pre-development volume of runoff for the 25-year, 96-hour storm event.

2. Entities required to obtain a permit pursuant to chapters 40C-4, 40C-40, 40C-42, or 40C-44, F.A.C., whose system will result in the importation of water from another hydrologic basin into the Lake Apopka Hydrologic Basin that will directly or indirectly discharge into Lake Apopka, Lake Level Canal, or McDonald Canal shall not discharge any phosphorous unless the applicant implements measures to reduce existing phosphorous loading to Lake Apopka from another existing source by an equivalent amount.

3. Entities required to obtain a permit pursuant to chapters 40C-4, 40C-40, 40C-42, or 40C-44, F.A.C., which discharge water, directly, or indirectly, to Lake Apopka, Lake Level Canal, or McDonald Canal shall monitor phosphorous loading from the system from the date that construction is initiated until three years following completion of construction of the entire system, including all associated residential, commercial, transportation, or agricultural improvements. If the results of the monitoring indicate that post-development phosphorous loads are greater than pre-development rates, then the permittee shall obtain a modification to the permit and implement measures to reduce the phosphorus loads to pre-development levels.

4. Pre-development loading rates shall be based upon: monitoring of phosphorus loading from the project site for a period of one year prior to construction of the proposed system; calculated loading rates from the scientific literature for the same land uses; or calculated from existing data on tributary loading, if such data is available.

Specific Authority 373.044, 373.113, 373.171, 373.415 FS. Law Implemented 373.413, 373.415, 373.416, 373.426 FS. History--New 12-7-83, Amended 5-17-87, 8-30-88, 8-1-89, 4-3-91, 9-25-91, 7-14-92, 10-3-95, 11-25-98, _____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLE: RULE NO.:

Design and Performance Criteria for Stormwater Management Systems 40C-42.025

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to establish discharge limitations for phosphorous for all permits issued by the District for discharges into Lake Apoka and its tributaries, Lake Level canal, and McDonald canal.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment would establish a phosphorous discharge limitation for discharges into the above listed water bodies pursuant to section 373.461, F.S. The phosphorous discharge limitation would require that the post-development phosphorous loading is equal to or less than the pre-development phosphorous loading. Implementation of certain specified stormwater treatment practices would create a presumption that this demonstration has been met.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.461 FS.

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

TIME AND DATE: 10:00 a.m., January 31, 2001

PLACE: Orange County Public Library, 101 East Central Blvd., Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (904)329-4459, Suncom 860-4459

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-42.025 Design and Performance Criteria for Stormwater Management Systems.

The following criteria shall apply to stormwater management systems unless otherwise noted:

(1) through (11) No change.

(12) Stormwater management systems located within the Lake Apoka Drainage Basin must meet the requirements of subsection 40C-41.063(8), F.A.C., and 11.7, Applicant's Handbook, Management and Storage of Surface Waters.

Specific Authority 373.044, 373.113, 373.171, 373.418 FS. Law Implemented 373.117, 373.413, 373.461, 373.416, 403.0877 FS. History--New 4-1-86, Amended 9-25-91, 3-21-93,_____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLES:	RULE NOS.:
Performance Standards	40C-44.065
Publications Incorporated by Reference	40C-44.091

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to establish discharge limitations for phosphorous for all agricultural surface water management system permits issued by the District for discharges into Lake Apopka and its tributaries, Lake Level canal, and McDonald canal.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment would establish a phosphorous discharge limitation for discharges into the above listed water bodies

pursuant to section 373.461, F.S. The phosphorous discharge limitation would require that the post-development phosphorous loading is equal to or less than the pre-development phosphorous loading. Implementation of certain specified stormwater treatment practices would create a presumption that this demonstration has been met.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.461 FS.

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

TIME AND DATE: 10:00 a.m., January 31, 2001

PLACE: Orange County Public Library, 101 East Central Blvd., Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (904)329-4459, Suncom 860-4459

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-44.065 Performance Standards.

(1) through (3) No change.

(4) Agricultural surface water management systems which discharge water directly, or indirectly, to Lake Apopka shall comply with the requirements in 11.7, Applicant's Handbook: Management and Storage of Surface Waters.

Specific Authority 373.044, 373.113, 373, 373.171, 373.416, 373.418 FS. Law Implemented 373.016, 373.413, 373.416, 373.418. History--New 8-11-91, Amended 10-20-92, 7-4-93, 10-3-94,_____.

40C-44.091 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference Part I "Policy and Procedures" and Part II "Criteria for Evaluation," of the document entitled "Applicant's Handbook: Agricultural Surface Water Management Systems, effective, _____ ~~11-1-99~~.

(2) through (3) No change.

Specific Authority 373.044, 373.113, 373.171, 373.406, 373.416, 373.418 FS. Law Implemented 373.406, 373.413, 373.416 FS. History--New 10-20-92, Amended 7-4-93, 10-3-94, 11-1-99,_____.

APPLICANT'S HANDBOOK SECTION

10.2 Harm to the Water Resources Criteria

10.2.1 through 10.2.5 No change.

10.2.6 Agricultural surface water management systems which discharge water directly, or indirectly, to Lake Apopka shall comply with the requirements in 11.7, Applicant's Handbook: Management and Storage of Surface Waters.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Everglades Program
 RULE CHAPTER NO.: 40E-63

PURPOSE AND EFFECT: The purpose is to develop rules to implement the Everglades Forever Act (“EFA”), Section 373.4592(4)(f)5., Florida Statutes (F.S.), which specifies, “effective immediately, landowners within the C-139 Basin shall not collectively exceed an annual average loading of phosphorus” The proposed rules will establish the compliance methodology and compliance actions required by C-139 landowners if the phosphorus load limitation for the C-139 Basin is exceeded. The effect of the proposed rule will be potential enhancement of the downstream receiving water quality in accordance with the intent of the EFA.

SUBJECT AREA TO BE ADDRESSED: Rule development to establish a compliance methodology for phosphorus load limitations for the C-139 Basin.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.4592 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m. – 12:00 noon, January 24, 2001

PLACE: Conference Room, Clewiston Field Station of the South Florida Water Management District, S.R. 832, Rt. 1, Clewiston, FL 33440

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: For technical questions, Pam Smith, Sr. Supervising Engineer, Everglades Regulation Department, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6901 or (561)682-6901 (e-mail psmith@sfwmd.gov); or for legal/administrative questions, Julie Jennison, Senior Legal Research Asst., 1(800)432-2045, Extension 6294 or (561)682-6294 (e-mail jjennis@sfwmd.gov).

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

LAND AND WATER ADJUDICATORY COMMISSION

Tampa Palms Community Development District

RULE CHAPTER TITLE: Tampa Palms Community Development District
 RULE CHAPTER NO.: 42C-1

RULE TITLE: Boundary
 RULE NO.: 42C-1.002

PURPOSE AND EFFECT: The purpose of this proposed rule amendment is to amend the boundaries of the Tampa Palms Community Development District (“District”), a community development district (CDD) established in 1982 pursuant to Chapter 190, F.S. The petition to amend the boundaries submitted by the Tampa Palms CDD requests that the Florida Land and Water Adjudicatory Commission (the “Commission”) amend Florida Administrative Code Chapter 42C-1 by deleting approximately 785 acres (the contraction parcel) from the existing boundaries. After contraction, the proposed amended District will consist of approximately 3,325 acres. (As filed, the Petition showed the contraction parcel as approximately 1,007 acres and the proposed amended District as approximately 3,103 acres after contraction. The change in acreage from that originally filed occurred during the administrative hearing.) The contraction parcel is generally located on the eastern side of the District in the eastern quadrant of the intersection of County Road 581 and the Tampa Electric Company right-of-way. The contraction parcel is not only located within the boundaries of the Tampa Palms CDD, but is also located within the boundaries of the overlapping Tampa Palms Open Space and Transportation CDD. The purpose of the contraction petition is to remove the contraction parcel from the Tampa Palms CDD so that it will be located only in the Tampa Palms Open Space and Transportation CDD and to provide for more efficient use of resources. There are no out parcels or any portions of the contraction parcel that will be excluded from the Tampa Palms Open Space and Transportation CDD as a result of the contraction. The filing of the contraction petition by the Board of Supervisors of the Tampa Palms CDD constitutes consent of the landowners within the District. Additionally, the District has written consent to amend the District from the owners of 100% of the real property to be deleted from the District.

SUBJECT AREA TO BE ADDRESSED: Contraction of the boundaries of the Tampa Palms Community Development District.

SPECIFIC AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 FS., Chapter 80-407, Laws of Florida.

IF REQUESTED 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: 10:00 a.m. – 12:00 Noon, Monday, January 8, 2001

PLACE: Room 2106, The Capitol, Tallahassee, Florida
 Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)488-7793, at least 3 business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jonathan Johnson, Hopping Green Sams & Smith, Post Office Box 6526, Tallahassee, Florida 32314, telephone (850)222-7500, or Barbara Leighty, Florida Land and Water Adjudicatory Commission, The Capitol, Room 2105, Tallahassee, Florida 32399-0001, telephone (850)488-7793

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

42C-1.002 Boundary.

The boundaries of the district are as follows:

Legal Description

The East 3/4 of Section 21; the West 1/2 and the Southeast 1/4 of Section 22; the South 1/2 of Section 23; the South 1/2 of Section 24; all of Sections 25, 26, and 27, and the East 1/2 of Section 28; the East 1/2 of Section 33; all of Sections 34 and 35; the West 1/2, the Northeast 1/4 and that part of the Southeast 1/4 lying North of the Hillsborough River in Section 36; all of the foregoing being in Township 27 South, Range 19 East, all lying and being in Hillsborough County, Florida.

ALSO

All of Section 1 lying North of the Hillsborough River; all of the North 1/2 of Section 2 lying North and West of the Hillsborough River; all of the North 1/2 of Section 3, less the South 1/2 of Government Lots 3 and 4; all of the Northeast 1/4 of Section 4, less the South 1/2 of Government Lots 1 and 2; all of the foregoing lying in Township 28 South, Range 19 East, all lying and being in Hillsborough County, Florida.

LESS AND EXCEPT:

That part of Sections 24 and 25, Township 27 South, Range 19 East, Hillsborough County, Florida, described as follows: Commence at the Southeast corner of said Section 25 for the POINT OF BEGINNING: thence N.000 25' 28" E., along the East boundary of said Section 25 a distance of 2617.13 feet to the Northeast corner of the SE 1/4; thence N.010 21' 46" W., along the East boundary of said Section 25 a distance of 2715.07 feet to the Northeast corner thereof; thence N.000 25' 03" E., along the East boundary of said Section 24 a distance of 2664.72 feet to the Northeast corner of the South 1/2 of said Section 24; thence N.890 27' 50" W., along the North boundary of the South 1/2 of said Section 24 a distance of 4494.89 feet; thence S.000 35' 04" W., a distance of 420.87 feet; thence S.100 37' 07" E., a distance of 1366.34 feet; thence S.000 35' 04" W., a distance of 876.88 feet to a point on the South boundary of said Section 24; thence S.000 35' 04" W., a distance of 4399.76 feet; thence S.500 31' 25" E., a distance of 1435.33 feet to a point on the South boundary of said Section 25; thence S.880 28' 49" E., along the South boundary of said Section 25 a distance of 3220.04 feet to the POINT OF BEGINNING.

ALSO LESS AND EXCEPT:

That part of Section 36, Township 27 South, Range 19 East, Hillsborough County, Florida lying North and East of the Centerline of Trout Creek.

ALSO LESS AND EXCEPT:

That part of Section 36, Township 27 South, Range 19 East, Hillsborough County, Florida lying South of Trout Creek, North of Hillsborough River and Northeasterly of the following described line: Commence at the Northwest corner of said Section 36; run thence S.880 28' 49" E., along the North boundary of said Section 36, 2071.95 feet to the POINT OF BEGINNING; thence S.500 31' 25" E., a distance of 1310.59 feet to the beginning of a curve, concave Southwesterly, having a central angle of 370 15' 04" and a radius of 5,780.00 feet; thence Southeasterly along the arc of said curve, an arc distance of 3757.90 feet (chord distance of 3692.06 feet and chord bearing of S.310 54' 53" E.) to the North bank of the Hillsborough River and the Point of Termination.

ALSO LESS AND EXCEPT:

(A) That part of Sections 23, 26, 27, 33 and 34, Township 27 South, Range 19 East deeded to the State of Florida for road right-of-way for State Road S-581 by instruments recorded in Official Record Book 227 on Page 707, in Official Record Book 226 on Page 556, and in Official Record Book 241 on Page 76 of the Public Records of Hillsborough County, Florida.

(B) That part of Sections 21, 22, 26, 27, 35 and 36, Township 27 South, Range 19 East, condemned for transmission lines by Tampa Electric Company in Suit Number 41987-L Circuit Court, Hillsborough County, Florida.

(C) That part of Sections 26, 27, 35 and 36, Township 27 South, Range 19 East, conveyed to County of Hillsborough for use and benefit of Road Department by instruments recorded September 3, 1965, in Official Record Book 1501 on Page 480, and in Official Record Book 1501 on Page 482 of the Public Records of Hillsborough County, Florida.

ALSO LESS AND EXCEPT:

A parcel of land in the West one-half of the Southwest one-quarter of Section 24, Township 27 South, Range 19 East, Hillsborough County, Florida being more particularly described as follows:

Commence at the Northwest corner of said Section 24; said corner being marked by a 3" iron pipe; run thence South 000 18' 32" W. along the West boundary of said Section 24 for a distance of 2632.49 feet to the West quarter corner of said Section 24 and the POINT OF BEGINNING of the parcel of land hereinafter described; run thence South 890 27' 50" E. along the quarter section line of said Section 24, for a distance of 679.56 feet; run thence South 000 35' 04" W. for a distance of 420.88 feet; run thence South 100 37' 07" E. for a distance of 1166.17 feet; run thence South 880 59' 25" W. for a distance of 898.87 feet to a point on the aforesaid West boundary line of

Section 24; run thence North 000 18' 32" E., along said West boundary line, for a distance of 1589.27 feet to the POINT OF BEGINNING.

AND

A parcel of land lying in the East one-half of the Southeast one-quarter of Section 23, Township 27 South, Range 19 East, Hillsborough County, Florida, being more particularly described as follows:

Commence at the Northeast corner of said Section 23; run thence South 000 18' 32" W., along the East boundary of said Section 23 for a distance of 2632.49 feet to the East quarter corner of said Section 23 and the POINT OF BEGINNING of the parcel of land hereinafter described; thence continue South 000 18' 32" W., along the East boundary of said Section 23, for a distance of 1589.27 feet; run thence South 880 59' 25" W., for a distance of 717.67 feet; run thence North 170 04' 19" W., for a distance of 354.31 feet; run thence North 130 04' 19" W., for a distance of 550.00 feet; run thence North 080 04' 19" W., for a distance of 448.12 feet; run thence North 030 11' 04" W., for a distance of 293.89 feet to a point on the quarter section line of said Section 23; run thence South 890 27' 50" E., along said quarter section line, for a distance of 1033.83 feet to the POINT OF BEGINNING.

ALSO LESS AND EXCEPT:

A parcel of land lying in Section 36, Township 27 South, Range 19 East, Hillsborough County, Florida, described as follows: Commence at the Southeast corner of said Section 36; thence South 890 25' 23" W., along the South boundary of said Section 36, a distance of 800.00 feet; thence North 000 46' 24" W., parallel to and 800.00 feet West of the East boundary of said Section 36, a distance of 1609.58 feet to the Westerly right-of-way line of proposed Interstate Highway No. 75 for the POINT OF BEGINNING; thence return South 000 46' 24" E., a distance of 293.00 feet, more or less, to the Northerly bank of the Hillsborough River; thence Westerly, along said river bank, a distance of 170.00 feet, more or less; thence North 100 50' 51" W., a distance of 451.00 feet, more or less; thence North 250 01' 34" W., a distance of 1373.29 feet to the Southerly right-of-way line of a 200.00 foot Tampa Electric Company right-of-way; thence South 770 08' 37" E., along said Southerly right-of-way line, a distance of 278.99 feet to said Westerly right-of-way line of Interstate Highway No. 75; thence along a curve to the right, along said Westerly right-of-way line, having a radius of 5567.58 feet, a delta of 140 12' 56", an arc of 1381.35 feet, a chord of 1377.81 feet, and a chord bearing of South 230 13' 45" E., to the POINT OF BEGINNING.

Subject to easements, reservations and restrictions of record. All of the above described parcel, as created in Tampa Palms Community Development District, CHAPTER 42C-1, of the Florida Administrative Code, containing 5311 acres, more or less.

ALSO LESS AND EXCEPT:

DESCRIPTION: That part of the East 3/4 of Section 21, the West 1/2 and the Southeast 1/4 of Section 22, the South 1/2 of Section 23, and all of Sections 26 and 27, lying North and East of a 200 foot wide Tampa Electric Company right-of-way, as recorded in Official Record Book 1169, Page 54, of the Public Records of Hillsborough County, Florida, and lying Northwesterly of the right-of-way for County Road No. 581 (State Road No. S-581) as recorded in Official Record Book 227, Page 707, in Official Record Book 226, Page 556, and Official Record Book 241, Page 76, of the Public Records of Hillsborough County, Florida, and ALL lying in Township 27 South, Range 19 East, Hillsborough County, Florida.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at the Northwest corner of said Section 22, run thence along the North boundary of the Northwest 1/4 of said Section 22, S.890 45' 09" E., 2663.36 feet to the Northeast corner of said Northwest 1/4 of Section 22; thence along the East boundary of said Northwest 1/4 of Section 22, S.000 04' 06" W., 2640.14 feet to the center of said Section 22; thence along the North boundary of the Southeast 1/4 of said Section 22, S.890 52' 54" E., 2659.65 feet to the Northeast corner of said Southeast 1/4 of Section 22; thence along the North boundary of the South 1/2 of the aforesaid Section 23, S.890 30' 00" E., 2868.10 feet to a point on the Northwesterly right-of-way line of County Road No. 581 (State Road No. S-581), as described in Official Record Book 226, Page 556, Official Record Book 227, Page 707 and Official Record Book 241, Page 76, Public Records of Hillsborough County, Florida; thence along said Northwesterly right-of-way line, S.410 43' 09" W., 7169.22 feet to a point on the Northeasterly boundary of a 200 foot wide Tampa Electric Company right-of-way as described in Official Record Book 1169, Page 54, of the Public Records of Hillsborough County, Florida, N.470 21' 09" W., 4677.06 feet; thence along the Northerly boundary of said property described in Official Record Book 1169, Page 54, N.880 58' 22" W., 3960.45 feet to a point on the West boundary of the Southeast 1/4 of the Southwest 1/4 of the aforesaid Section 21; thence along said West boundary, N.000 01' 33" E., 896.96 feet; thence along the West boundary of the Northeast 1/4 of said Southwest 1/4 of Section 21, N.000 12' 27" W., 1327.00 feet; thence along the West boundary of the Southeast 1/4 of the Northwest 1/4 of said Section 21, N.000 23' 57" W., 1326.75 feet; thence along the West boundary of the Northeast 1/4 of said Northwest 1/4 of Section 21, N.000 27' 27" W., 1324.77 feet to the Northwest corner of said Northeast 1/4 of the Northwest 1/4 of Section 21, thence along the North boundary of said Northeast 1/4 of the Northwest 1/4 of Section 21, S.880 40' 19" E., 1344.34 feet; thence along the North boundary of the Northeast 1/4 of said Section 21, S.880 54' 49" E., 2663.84 feet to the BEGINNING.

Containing 1201.484 acres, more or less.

ALSO LESS AND EXCEPT:

DESCRIPTION: A portion of Sections 23, 25, 26, 27, 35 and 36, lying Northerly of the Northerly right-of-way line of a Tampa Electric Company 200 foot Transmission Line, as described in Official Record Book 1169, Page 54, of the Public Records of Hillsborough County, Florida, Westerly of the Westerly right-of-way line of Interstate Highway 75 (State Road 93A), and Easterly of the Easterly right-of-way line of County Road 581, all lying and being in Township 27 South, Range 19 East, Hillsborough County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 23, thence along the South boundary line of said Section 23, N.89°30'46"W., for 923.32 feet, to a point of intersection with said Westerly right-of-way line of Interstate Highway 75, said point being the POINT OF BEGINNING; thence along said Westerly right-of-way line, for the following two (2) courses, S.17°05'00"E., for 2927.23 feet, to a point of curvature of a curve concave to the Northeast; thence Southeasterly along the arc of said curve, having a radius of 5891.58 feet, a central angle of 33°01'07", and arc length of 3395.21 feet, and a chord, bearing S.33°35'33"E., for 3348.42 feet, thence leaving said Westerly right-of-way line, N.88°24'29"W., for 2563.10 feet; thence N.71°42'07"W., for 425.04 feet; thence N.53°07'23"W., for 370.87 feet; thence N.81°06'54"W., for 1663.76 feet; thence N.65°55'53"W., for 1399.60 feet; thence N.76°30'58"W., for 318.55 feet, thence N.75°30'42"W., for 893.57 feet; thence S.42°40'36"W., for 133.49 feet, to a point on the Northerly right-of-way line of said Tampa Electric Company 200 foot Transmission Line; thence along said Northerly right-of-way line, N.47°19'24"W., for 1905.76 feet, to a Tampa Electric Company right-of-way monument, said monument being the point of intersection with the Easterly right-of-way line of said County Road 581; thence along said right-of-way line, N.41°43'43"E., for 6294.64 feet, to the point of intersection with the Westerly right-of-way line of said Interstate Highway 75; thence along said Westerly right-of-way line for the following ten (10) courses, S.48°14'32"E., for 38.00 feet; thence N.41°45'28"E., for 296.82 feet; thence N.45°34'19"E., for 463.03 feet; thence N.70°14'42"E., for 180.33 feet; thence S.60°24'32"E., for 180.33 feet; thence S.35°44'09"E., for 298.37 feet; thence S.33°26'43"E., for 480.71 feet to a point of curvature of a curve concave to the Southwest; thence Southeasterly along the arc of said curve, having a radius of 1815.86 feet, a central angle of 15°12'58", an arc length of 482.24 feet, and a chord, bearing S.25°50'14"E., for 480.82 feet; thence S.18°13'45"E., for 1199.31 feet; thence S.17°05'00"E., for 140.09 feet to the POINT OF BEGINNING.

Containing 785.02 acres, more or less.

ALTOGETHER containing ~~41093325~~ acres, more or less.

Specific Authority 120.53, 120.54, 190.005 FS. Law Implemented 190.005 FS. History-New 6-13-82, Formerly 42C-1.02, Amended 8-29-95,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Medicaid Certified School Match Program

RULE NO.: 59G-4.035

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Certified School Match Program Coverage and Limitations Handbook, August 2000. The effect will be to incorporate by reference in the rule the current Florida Medicaid Certified School Match Program Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Medicaid Certified School Match Program.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 236.0812, 409.905, 409.906, 409.9071, 409.908, 409.9122, 409.9126 FS.

IF REQUESTED IN WRITING BY AN AFFECTED PERSON 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: 9:30 a.m. (EST), January 16, 2001

PLACE: Ft. Knox Office Complex, Building 3, Conference Room C, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kim Corsmeier, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)922-7318

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.035 Medicaid Certified School Match Program.

(1) This rule applies to all school districts enrolled in the Medicaid certified school match program, as described in 409.9071, F.S.

(2) All school district providers enrolled in Medicaid under the certified school match program must be in compliance with the Florida Medicaid Certified School Match Program Coverage and Limitations Handbook, ~~August 1999~~ August 2000, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, which is incorporated by reference in 59G-5.020. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 236.0812, 409.905, 409.906, 409.9071, 409.908, 409.9122, 409.9126 FS. History-New 4-9-98, Amended 11-23-99,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Durable Medical Equipment and Supplies

RULE NO.: 59G-4.070

Durable Medical Equipment and Supplies

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Durable Medical Equipment and Supplies Coverage and Limitations Handbook, January 2000. The handbook contains the 2000 Durable Medical Equipment and Supplies fee schedule. The effect will be to incorporate by reference in the rule the current Florida Medicaid Durable Medical Equipment and Supply Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Durable Medical Equipment and Supply Fee Schedule.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.907(7), 409.908 FS.

IF REQUESTED IN WRITING BY AN AFFECTED PERSON 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., January 15, 2001

PLACE: Agency for Health Care Administration, 2728 Ft. Knox Boulevard, Building 3, Conference Room E, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Alanna Wesley, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)922-7306

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.070 Durable Medical Equipment and Supplies.

(1) No change.

(2) All durable medical equipment and supply providers enrolled in the Medicaid program must comply with the Florida Medicaid Durable Medical Equipment and Supply Services reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA 1500 and Child Health Check-Up EPSDT, 221 incorporated in 59G-5.020. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.907(7), 409.908 FS. History—New 8-26-92, Formerly 10C-7.070, Amended 5-23-94, 1-7-96, 3-4-99.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE TITLES:	RULE NOS.:
Continuing Education Provider Approval	61-20.5081
Continuing Education Course Approval	61-20.5082

PURPOSE AND EFFECT: The Board proposes to update the rule text to concur with new Departmental language.

SUBJECT AREA TO BE ADDRESSED: Continuing education provider approval and continuing education course approval.

SPECIFIC AUTHORITY: 468.4315(2), 468.433 FS.

LAW IMPLEMENTED: 468.433, 468.4337 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Julie Baker, Executive Director, Regulatory Council of Community Association Managers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLES:	RULE NOS.:
Accounting Records	61B-22.002
Budgets	61B-22.003
Guarantees of Common Expenses Under Section 718.116(9)(a)2., Florida Statutes	61B-22.004
Reserves	61B-22.005
Financial Reporting Requirements	61B-22.006
Transition Financial Statements;	
Turnover Audit	61B-22.0062

PURPOSE AND EFFECT: To implement the statutory changes in Chapter 2000-302, Laws of Florida, relating to multi-condominiums and financial reporting; conform the rules to new statutory references to reflect renumbering; and delete obsolete rules.

SUBJECT AREA TO BE ADDRESSED: Accounting records; budgets; reserves; guarantees under Section 718.116(9); and financial reporting requirements.

SPECIFIC AUTHORITY: 718.111(13), 718.501(1)(f) FS.

LAW IMPLEMENTED: 718.111(6),(12)(a)11.(13),(14), 718.112(2)(b)2.(e),(f), 718.113, 718.115, 718.116(9), 718.301(4), 718.618 FS.

IF REQUESTED 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., January 15, 2001

PLACE: Conference Room B03, Fuller Warren Building, 202 Blount Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the workshop by contacting Sharon A. Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

Public Offering Statement Amendments 61B-39.007
 Filing and Delivery of Purchaser Public
 Offering Statements Through
 Alternative Media 61B-39.008

PURPOSE AND EFFECT: To implement the statutory changes in Chapter 2000-302, Laws of Florida. Specifically, the proposed changes would: conform the rules to new statutory terminology; remove obsolete language pertaining to certain 1995 legislation; conform statutory references to reflect renumbering and deletion of unnecessary statutory disclosures; reflect a new effective date for changes to BPR form 513, Receipt of Timeshare Documents; renumber various Division forms; reflect deletion of surety bond previously required by statute relating to escrow agents; address consumer protection concerns regarding dissemination of CD-ROM public offering statements; and conform the rules to the new statutory provisions relating to purchaser cancellation periods.

SUBJECT AREA TO BE ADDRESSED: Filing of timeshare public offering statements (Section 721.07, 721.55, and 721.551, Florida Statutes).

SPECIFIC AUTHORITY: 721.07(6), 721.26(6) FS.

LAW IMPLEMENTED: 721.07, 721.55, 721.551 FS.

IF REQUESTED 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: 10:00 a.m., January 26, 2001

PLACE: Conference Room B03, Fuller Warren Building, 202 Blount Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop by contacting Sharon A. Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Joseph McBride, Supervisor, Bureau of Timeshare, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1032

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM: Tascha Shiver, Staff Assistant, Bureau of Timeshare, (850)487-2753.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLES: **RULE NOS.:**
 Definitions 61B-40.001
 Scope 61B-40.002

Books and Financial Records; Fiscal Year 61B-40.003
 Budgets 61B-40.004

Guarantee of Common Expenses Under
 Sections 718.116(9) and 721.15(2),
 Florida Statutes 61B-40.005

Reserves 61B-40.006

Funding Requirements and
 Restrictions on Use 61B-40.0061

Waiver of Reserves 61B-40.0062

Financial Reporting Requirements 61B-40.007

PURPOSE AND EFFECT: To implement the statutory changes in Chapter 2000-302, Laws of Florida, relating to multi-condominiums; conversion of existing improvements to a timeshare condominium form of ownership; conform the rules to new statutory references to reflect renumbering; and delete obsolete rules.

SUBJECT AREAS TO BE ADDRESSED: Creation of multi-condominiums (Section 718.104(4)(f)-(h) and Section 718.110(12), Florida Statutes); accounting records (Section 718.111(12)(a)11., Florida Statutes); budgets (Section 718.112(2)(f), Florida Statutes); guarantees (Section 718.116(9), Florida Statutes); and conversion of existing improvements to a timeshare condominium (Section 721.03(3)(e), Florida Statutes).

SPECIFIC AUTHORITY: 718.111(13), 718.501(1)(f), 721.03(2), 721.13(3)(d)3., 721.26(6) FS.

LAW IMPLEMENTED: 718.104, 718.110(12), 718.111(6), (12)(a)11., 718.112(2)(f), 718.113(1), 718.115(2), 718.116(9), 718.403(6)(e), 721.03(3), 721.07(5)(u)3., 721.13(2)(a), (3)(c)1.,2.,(d)3., 721.15(2),(5) FS.

IF REQUESTED 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: 10:00 a.m., January 26, 2001

PLACE: Conference Room B03, Fuller Warren Building, 202 Blount Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop by contacting Sharon A. Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jonathan Peet, Financial Administrator, Bureau of Timeshare, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1032

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM: Tascha Shiver, Bureau of Timeshare, (850)487-2753.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Timeshare Penalties	61B-41
RULE TITLES:	RULE NOS.:
Definitions	61B-41.001
Purpose; General Provisions	61B-41.002
Penalty Guidelines	61B-41.003

PURPOSE AND EFFECT: To remove language pertaining to aggravating factors and to add several particular statutory violations to the list of violations with specified penalties. Removing the aggravating factor language will remove the rigid process of increasing penalties that have already been set at an appropriate level for the seriousness of the offense. Adding several new violations to the list of violations will provide notice to the public regarding baseline penalty amounts for recurring violations.

SUBJECT AREA TO BE ADDRESSED: Penalties applied to timeshare violations (Section 721.26(5)(e), Florida Statutes).

SPECIFIC AUTHORITY: 721.03(2), 721.26(6) FS.

LAW IMPLEMENTED: 721.03(2), 721.26(5)(e) FS.

IF REQUESTED 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: 10:00 a.m., January 26, 2001

PLACE: Conference Room B03, Fuller Warren Building, 202 Blount Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop by contacting Sharon A. Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Laura Glenn, Bureau Chief, Bureau of Timeshare, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1032

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM: Tascha Shiver, Staff Assistant, Bureau of Timeshare, (850)487-2753.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLE:	RULE NO.:
Aggravating and Mitigating Circumstances	61D-2.021

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to delineate the factors to be considered for aggravation or mitigation of penalties in relation to discipline.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is necessary to ensure consistency in the assessment of disciplinary penalties.

SPECIFIC AUTHORITY: 550.0251(3), 550.2415(13) FS.

LAW IMPLEMENTED: 550.0251, 550.1155 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: 10:00 a.m. – 4:00 p.m., January 23, 2001

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Room 312, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035.

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 Mary Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 00-61R

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Operation Permits for Major Sources of Air Pollution	62-213
RULE TITLES:	RULE NOS.:
Annual Emissions Fee	62-213.205
Title V Air General Permits	62-213.300
Permits and Permit Revisions Required	62-213.400
Changes Without Permit Revision	62-213.410
Fast-Track Revisions of Acid Rain Parts	62-213.413
Trading of Emissions Within a Source	62-213.415
Permit Applications	62-213.420
Permit Issuance, Renewal, and Revision	62-213.430
Permit Content	62-213.440

PURPOSE AND EFFECT: The Department is proposing rule amendments to Florida Administrative Code Chapter 62-213 to clarify when separate processing of the Acid Rain Part of a Title V permit may be requested, clarify that an Acid Rain Part

issued separately from a Title V permit is not a separate permit, clarify which application form shall be used for fast track revisions to Acid Rain Parts, allow the permit duration of an initial Title V permit for Acid Rain sources to be less than 5 years in accordance with recent amendments to Federal Acid Rain Program regulations, change the phrase “material balance” to “inventory balance” throughout Chapter 62-213, F.A.C. in accordance with recent amendments to Rule 62-213.205, F.A.C., and clarify when an initial Title V permit application shall be filed.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments would affect Acid Rain and Title V air permitting procedures.

SPECIFIC AUTHORITY: 403.061, 403.0872 FS.

LAW IMPLEMENTED: 403.061, 403.0872 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOW BELOW:

TIME AND DATE: 9:00 a.m., Tuesday, January 23, 2001

PLACE: Twin Towers Building, Sixth Floor, Room 609, 2600 Blair Stone Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ms. Wendy Alexander, Department of Environmental Protection, Division of Air Resources Management, 2600 Blair Stone Road, Mail Station 5500, Tallahassee, Florida 32399-2400, (850)921-9559

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel, (850)487-1855 or 1(800)955-8771 (TDD), at least seven days before the meeting.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 00-62R

RULE CHAPTER TITLE: Requirements for Sources Subject to the Federal Acid Rain Program

RULE CHAPTER NO.: 62-214

RULE TITLES:	RULE NOS.:
Applications	62-214.320
Exemptions	62-214.340
Department Action on Applications	62-214.360
Revisions and Administrative Corrections	62-214.370
Acid Rain Part Content	62-214.420

PURPOSE AND EFFECT: The Department is proposing to amend Florida Administrative Code Chapter 62-214 to address an Acid Rain Part issued separately or with a Title V permit.

SUBJECT AREA TO BE ADDRESSED: The proposed amendment would affect permitting of sources subject to the federal acid rain program.

SPECIFIC AUTHORITY: 403.061 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.0872 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOW BELOW:

TIME AND DATE: 9:00 a.m., Tuesday, January 23, 2001

PLACE: Twin Towers Building, Sixth Floor, Room 609, 2600 Blair Stone Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Ms. Wendy Alexander, Department of Environmental Protection, Division of Air Resources Management, 2600 Blair Stone Road, Mail Station 5500, Tallahassee, Florida 32399-2400, (850)921-9559

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel, (850)487-1855 or 1(800)955-8771 (TDD), at least seven days before the meeting.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Resource Management

DOCKET NO.: 97-19R

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Mandatory Phosphate	
Mine Reclamation	62C-16

RULE TITLE:	RULE NO.:
Reclamation and Restoration Standards	62C-16.0051

PURPOSE AND EFFECT: The Department intends to repeal the provision in rule 62C-16.0051(10)(b) that authorizes it to “waive” slope, revegetation, and erosion control requirements for reclamation of sites mined for phosphate. The Department also intends to repeal the provision in rule 62C-16.0051(12)(b) that allows the Department to grant a variance for methods that increase the overall quality of the reclamation program through the creation of particular land forms or habitats.

SUBJECT AREA TO BE ADDRESSED: A Notice of Proposed Rule Development, published in the April 25, 1997, issue of the Florida Administrative Weekly, identified that the Department intended to amend portions of fifteen sections of chapter 62C-16, F.A.C. During the rule development process, the Department has determined that it lacks sufficient rule authority for the variance provision in paragraph 62C-16.0051(10)(b), F.A.C., and the “waiver” provision in paragraph 62C-16.0051(12)(b), F.A.C. Please note that the Department intends to consolidate the rule amendments contained in this Notice of Rule Development with rule amendments contained in the Notice of Rule Development published in 1997 for purposes of publishing a consolidated Notice of Proposed Rulemaking.

SPECIFIC AUTHORITY: 211.32, 378.207 FS.

LAW IMPLEMENTED: 211.32, 378.207 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE IS: Orlando Rivera, Florida Department of Environmental Protection, Division of Water Resource Management, Bureau of Mine Reclamation, Mail Station 715, 2051 East Dirac Drive, Tallahassee, Florida 32310-3760, Telephone (850)488-4522

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel at (850)487-1855 or 1(800)955-8771 (TDD), at least seven days before the meeting.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Resource Management**

DOCKET NO.: 99-53R

RULE CHAPTER TITLE: Certification to Administer Reclamation Rules
RULE CHAPTER NO.: 62C-35

RULE TITLE: Petition for Certification
RULE NO.: 62C-35.003

PURPOSE AND EFFECT: The Department of Environmental Protection (Department) intends to repeal the reference to Florida Department of Transportation from Rule 62C-35.003(1), F.A.C. The Florida Department of Transportation is no longer able to petition the Department to be certified to receive notices of intent to mine and other documents required to carry out Chapters 62C-36 and 62C-39, F.A.C.; to review such notices and documents; and to conduct compliance inspections. This will implement statutory amendments to chapter 378, F.S., provided in Chapter 99-385, Laws of Florida. The Florida Department of Transportation has not previously petitioned to be certified, prior to repeal of this statutory provision.

SUBJECT AREA TO BE ADDRESSED: The proposed rulemaking will repeal Department of Transportation's authority to petition the Department for certification to receive notices of intent to mine and other documents required to carry out chapters 62C-36 and 62C-39, F.A.C., to review such notices and documents, and to conduct compliance inspections.

SPECIFIC AUTHORITY: 370.021, 378.404, 378.411 FS.

LAW IMPLEMENTED: 378.411 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Howard J. Hayes, Florida Department of Environmental Protection, Division of Water Resource Management, Bureau of Mine Reclamation, Mail Station 715, 2051 East Dirac Drive, Tallahassee, Florida 32310-3760, Telephone (850)488-4522

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel at (850)487-1855 or 1(800)-955-8771 (TDD), at least seven days before the meeting.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Resource Management**

DOCKET NO.: 99-54R

RULE CHAPTER TITLE: Limestone Reclamation Requirements
RULE CHAPTER NO.: 62C-36

RULE TITLES: Definitions
RULE NOS.: 62C-36.002

Notices, Plans, and Information Required 62C-36.003

PURPOSE AND EFFECT: Section 373.421 of the Florida Statutes states that any existing wetlands definition or delineation methodology shall be superseded by the wetland definition and methodology codified by chapter 373 of the Florida Statutes. The Department of Environmental Protection (Department) intends to repeal the definition of wetlands contained in Rule 62C-36.002(20), F.A.C., since this rule definition had been based on a conflicting statutory definition contained in chapter 378 of the Florida Statutes. The wetland definition and methodology to be used in the Department's reclamation programs shall now conform with the standards codified in chapter 373 of the Florida Statutes. The Department has also identified that it lacks sufficient statutory authority to authorize the Department of Transportation to petition the Department to be certified to receive and review notices of intent to mine and to conduct compliance inspections as set forth in subsection 62C-35.003(1), F.A.C. Chapter 99-385 of the Laws of Florida repealed the statutory authority for such provisions.

SUBJECT AREA TO BE ADDRESSED: The proposed rulemaking will address the definition of wetlands and the methodology used to delineate the extent of wetlands for purposes of the limestone reclamation program. This rulemaking will also repeal the Department of Transportation's

RULE TITLES: Definitions Reclamation Standards

RULE NOS.: 62C-38.002 62C-38.008

PURPOSE AND EFFECT: Section 373.421 of the Florida Statutes states that any existing wetlands definition or delineation methodology shall be superseded by the wetland definition and methodology codified by chapter 373 of the Florida Statutes. The Department of Environmental Protection (Department) intends to repeal the definition of wetlands contained in rule 62C-38.002(15), F.A.C., since this rule definition had been based on a conflicting statutory definition contained in chapter 378 of the Florida Statutes. The wetland definition and methodology to be used in the Department's reclamation programs shall now conform with the standards codified in chapter 373 of the Florida Statutes. The Department also intends to repeal the rule provision in subsection 62C-38.008(7), F.A.C., that allows for the designation of Wildlife Areas where the Department may, on a case-by-case basis, waive or modify reclamation requirements for slopes, revegetation, and erosion control. The Department lacks authority to waive mine reclamation requirements in this manner. To date, no Wildlife Areas have been designated within any mines regulated by chapter 62C-38, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The proposed rulemaking will modify the definition of wetlands and the methodology used to delineate the extent of wetlands to be used in the mine reclamation program, and will repeal the designation of Wildlife Areas within a mine where reclamation standards may be waived or modified.

SPECIFIC AUTHORITY: 211.32, 370.021, 378.404 FS.

LAW IMPLEMENTED: 211.32, 378.403, 378.404, 378.703 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Howard J. Hayes, Florida Department of Environmental Protection, Division of Water Resource Management, Bureau of Mine Reclamation, Mail Station 715, 2051 East Dirac Drive, Tallahassee, Florida 32310-3760, Telephone (850)488-4522

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel at (850)487-1855 or 1(800)-955-8771 (TDD), at least seven days before the meeting.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Resource Management

DOCKET NO.: 99-57R

RULE CHAPTER TITLE: Reclamation Requirements for Solid Resources Other Than Phosphate, Limestone, Heavy Minerals, and Fuller's Earth

RULE CHAPTER NO.: 62C-39

RULE TITLES: Definitions

RULE NOS.: 62C-39.002

Severance Taxpayers and Multiple Resource Operators

62C-39.013

PURPOSE AND EFFECT: Section 373.421 of the Florida Statutes states that any existing wetlands definition or delineation methodology shall be superseded by the wetland definition and methodology codified by chapter 373 of the Florida Statutes. The Department of Environmental Protection (Department) intends to repeal the definition of wetlands contained in rule 62C-39.002(21), F.A.C., since this rule definition had been based on a conflicting statutory definition contained in Chapter 378 of the Florida Statutes. The wetland definition and methodology to be used in the Department's reclamation programs shall now conform with the standards codified in Chapter 373 of the Florida Statutes. The Department also intends to repeal the procedures and additional review requirements contained in subsection 62C-39.013(1), F.A.C., for mining operators who are subject to the severance tax provisions of Part II of Chapter 211 of the Florida Statutes. There are no severance taxpayers subject to the requirements of this chapter.

SUBJECT AREA TO BE ADDRESSED: The proposed rulemaking will repeal the definition of wetlands and the methodology used to delineate the extent of wetlands to be used in the mine reclamation program. This rulemaking will also repeal the procedures and additional requirements when reviewing reclamation plans for mining operators who are subject to the severance tax provisions of Part II of Chapter 211 of the Florida Statutes.

SPECIFIC AUTHORITY: 211.32, 370.021, 378.404 FS.

LAW IMPLEMENTED: 211.32, 378.403, 378.404 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Howard J. Hayes, Florida Department of Environmental Protection, Division of Water Resource Management, Bureau of Mine Reclamation, Mail Station 715, 2051 East Dirac Drive, Tallahassee, Florida 32310-3760, Telephone (850)488-4522

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel, (850)487-1855 or 1(800)955-8771 (TDD), at least seven days before the meeting.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Recreation and Parks

RULE CHAPTER TITLE: Financial Assistance for Outdoor Recreation

RULE CHAPTER NO.: 62D-5

RULE TITLES: Definitions, General Requirements, Evaluation Criteria, Compliance Responsibilities

RULE NOS.: 62D-5.054, 62D-5.055, 62D-5.057, 62D-5.059

PURPOSE AND EFFECT: The proposed rule will add a third category for trail development.

SUBJECT AREA TO BE ADDRESSED: Florida Recreation Development Assistance Program for state grants to local governments for public outdoor recreation.

SPECIFIC AUTHORITY: 375.075 FS.

LAW IMPLEMENTED: 375.075 FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. – 1:00 p.m., Thursday, January 18, 2001

PLACE: Carr Building, 153/154 Combined Conference Room, 3800 Commonwealth Blvd., Tallahassee, FL 32399, (850)488-7896

TIME AND DATE: 9:00 a.m. – 1:00 p.m., Wednesday, January 24, 2001

PLACE: Hollywood Beach Culture and Community Center, 1301 South Ocean Drive, Hollywood, FL 33023, (954)921-3600

TIME AND DATE: 9:00 a.m. – 1:00 p.m., Tuesday, January 23, 2001

PLACE: Kissimmee Civic Center, 201 East Dakin Avenue, Kissimmee, FL 34741, (407)935-1412

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Terri Messler, Department of Environmental Protection, 3900 Commonwealth Blvd., MS 585, Tallahassee, FL 32399-3000, (850)488-7896

THE PRELIMINARY TEXT OF THE PROPOSED RULE IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Orthotics and Prosthetics

RULE CHAPTER TITLE: Fees

RULE CHAPTER NO.: 64B14-2

RULE TITLES: Biennial Renewal Fee, Delinquent License Fee, Reactivation Fee, Change of Status Fee

RULE NOS.: 64B14-2.002, 64B14-2.003, 64B14-2.004, 64B14-2.005

PURPOSE AND EFFECT: The Board proposes amendments to Rule 64B14-2.002, 64B14-2.003, 64B14-2.004, and 64B14-2.005, F.A.C., to revise existing fees for licensees.

SUBJECT AREA TO BE ADDRESSED: The subject matter to be addressed at a public workshop is the amendment of existing fee amounts.

SPECIFIC AUTHORITY: 455.711, 468.802, 468.806 FS.

LAW IMPLEMENTED: 455.711, 468.806 FS.

IF REQUESTED 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: 2:00 p.m., January 19, 2001

PLACE: Department of Health, Division of Medical Quality Assurance, 4052 Bald Cypress Way, Room 301, Tallahassee, FL 32399-3257

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop meeting, is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Sharon Guilford, Program Administrator, (850)245-4396.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Joe Baker, Jr., Executive Director, Board of Orthotics and Prosthetics, Division of Medical Quality Assurance, Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B14-2.002 Biennial Renewal Fee.

The biennial renewal fee for all licensure categories in Chapter 468, F.S., Part XIV, for active or inactive licenses is \$300.00 ~~\$100.00~~.

Specific Authority 455.711, 468.802, 468.806 FS. Law Implemented 455.711, 468.806 FS. History–New 2-25-99, Amended.

64B14-2.003 Delinquent License Fee.

A delinquent status license shall pay a delinquency fee of \$300.00 ~~\$100~~ when the licensee applies for renewal.

Specific Authority 455.711 FS. Law Implemented 455.711 FS. History–New 5-21-98, Amended.

64B14-2.004 Reactivation Fee.

The fee for reactivation of an inactive license shall be \$200.00 ~~\$100 per year of inactive status or portion thereof.~~

Specific Authority 455.711 FS. Law Implemented 455.711 FS. History--New 5-21-98, Amended.

64B14-2.005 Change of Status Fee.

The fee for change of licensure status at any time other than at the time of biennial renewal shall be \$100.00 ~~\$50.~~

Specific Authority 455.711 FS. Law Implemented 455.711 FS. History--New 6-18-98, Amended.

Section II Proposed Rules

DEPARTMENT OF INSURANCE

RULE TITLE: Change of Licensure Category
 RULE NO.: 4-211.006

PURPOSE AND EFFECT: To repeal this rule.

SUMMARY: JAPC has advised that we have no statutory authority for this rule. Therefore we need to repeal it.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No SERC 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: 624.308 FS.

LAW IMPLEMENTED: 624.301(1), 624.307(1), 626.521, 624.501, 626.112(1), 626.601, 626.854, 626.865(2), 626.870, 626.874 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: 9:00 a.m., January 23, 2001

PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Shirley Kerns, Chief, Bureau of Licensing, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0320

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 Shirley Kerns, (850)922-3110, Ext. 5405.

THE FULL TEXT OF THE PROPOSED RULE IS:

4-211.006 Change of Licensure Category.

Specific 624.308 FS. Law Implemented 624.501, 626.112(1), ~~626.221, 626.521, 626.601, 626.854, 626.865(2), 626.870, 626.874 FS.~~ History--New 1-7-97, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Shirley Kerns, Chief, Bureau of Licensing, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: John Hale

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 14, 2000

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 0063R

RULE CHAPTER TITLE: Leases For Real Property
 RULE CHAPTER NO.: 17-106

RULE TITLES: Definitions
 RULE NOS.: 17-106.010

Review and Approval 17-106.020

Escalation Clause Prohibited 17-106.030

Right-to-Terminate Clause Required 17-106.040

Standard Lease Agreement Form 17-106.050

Filing of Leases 17-106.060

Standard Notice of Renewal 17-106.070

Turnkey (Lease) Construction Program 17-106.080

Leases of 2,000 Square Feet or More 17-106.090

Disclosure Statements 17-106.100

Leases for Less than 2,000 Square Feet of Space 17-106.110

Waiver Committee 17-106.120

Fire Code Compliance in Lease Space 17-106.130

Legal Review 17-106.140

PURPOSE, EFFECT AND SUMMARY: To repeal Chapter 17-106.

SUMMARY OF STATEMENT OF ESTAMATED 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 dyas of this notice.

SPECIFIC AUTHORITY: 255.21, 255.25, 255.249 FS.

LAW IMPLEMENTED: 255.21, 255.25, 255.54, 255.249 FS.

IF REQUESTED WITHIN 21 DAYS OF DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: February 1, 2001, 9:00 a.m.

PLACE: 3900 Commonwealth Blvd., Conference Room 215, Carr Building, Tallahassee, FL 32399-3000

If an accommodation is needed for a disability in order to participate in this activity, please notify the Personnel Services Specialist, Bureau of Personnel, (850)488-2996 or 1(800)955-8771 (TDD), at least seven days prior to the event.