

## Section III

### Notices of Changes, Corrections and Withdrawals

#### DEPARTMENT OF BANKING AND FINANCE

##### Division of Banking

RULE NO.:                      RULE TITLE:  
3C-100.03852                  Disapproval of Directors or  
   Executive Officers

#### NOTICE OF CHANGE

Notice is hereby given that the Department has made changes to the above rule based on comments by the Joint Administrative Procedures Committee. This rule was originally published in the Vol. 25, No. 47, November 24, 1999 issue of the Florida Administrative Weekly. When adopted, paragraph (6)(b) of Rule 3C-100.03852 will read:

(b) Other financial institutions may request an exemption by writing to the Director of the Division of Banking detailing why the institution believes it is operating in a safe and sound manner and why an exemption is appropriate. Any such request must include supporting documentation of improvements in the institution and its operations. The request for exemption shall be approved only when the Director of the Division of Banking concludes that, because of the documented improvements, the institution would be rated "1" or "2" were a safety and soundness examination conducted on the date of the institution's request. For example, the Director of the Division of Banking may approve a request for waiver from an institution that was poorly rated in its last safety and soundness examination because of inadequate capital if the institution documents that it increased capital sufficiently to address the inadequacy.

#### DEPARTMENT OF INSURANCE

RULE NO.:                      RULE TITLE:  
4-166.031                      Mediation of Property Insurance  
   Claims

#### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)l., Florida Statutes, published in Vol. 25, No. 33, August 20, 1999, of the Florida Administrative Weekly:

4-166.031(8)(c) delete the "and/or" add "or"

#### DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.:      RULE CHAPTER TITLE:  
14-66                          Relocation Assistance Regulations  
RULE NO.:                      RULE TITLE:  
14-66.007                      Relocation Assistance Program

#### CHANGE NOTICE

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

1. 14-66.007(4)(d)3., is revised to read:

"3. A statement of the occupancy requirement necessary for obtaining the full amount of the payment."

2. 14-66.007(6)(l) is revised to read:

"(l) All underground or above-ground storage tanks shall be emptied and removed from the site by the displaced owner/operator in accordance with Chapter 376, Florida Statutes, and rules of the Department of Environmental Protection, effective \_\_\_\_\_, governing underground or above-ground storage tanks."

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

"3. In cases where the owner/operator is required by Chapter 376, Florida Statutes, and/or rules of the Department of Environmental Protection, effective \_\_\_\_\_, governing underground or above-ground storage tanks, to remove tanks, the Department will not reimburse the costs associated with such removal."

Notice of Rulemaking was published in Florida Administrative Weekly, Vol. 25, No. 29, dated July 23, 1999. A change notice was published in Florida Administrative Weekly, Vol. 25, No. 40, October 8, 1999. This change notice is in response to a follow up review by the Joint Administrative Procedures Committee.

#### DEPARTMENT OF NATURAL RESOURCES

##### Ridge and Lower Gulf Coast Water Management District

RULE NO.:                      RULE TITLE:  
16L                                  Ridge and Lower Gulf Coast Water  
   Management District

#### NOTICE OF RULE DELETION

Rule chapters 16L-1 and 16L-2, Florida Administrative Code, were adopted by the Manasota Basin Board and the Ridge and Lower Gulf Coast Water Management District in 1975 and 1976, respectively. Chapter 16L-1 governs meetings and procedures of the Manasota Basin Board. Chapter 16L-2 governs meetings and procedures of the Ridge and Lower Gulf Coast Water Management District.

Subsequent to the adoption of the rules in these chapters, the geographic areas of these two entities were incorporated into the Southwest Florida Water Management District (District) or other districts. See ch. 76-243, Laws of Fla. The Manasota Basin Board became a basin board of the District and the Ridge and Lower Gulf Coast Water Management District was abolished.

None of the provisions of either chapter applies to current activities or policies of the District and have not been referred to in many years. Both chapters have become obsolete by operation of law, but counsel for the District believes that it does not have the authority to repeal these rules. Therefore, the Department of State, under its authority to maintain the integrity of the official compilation of the state's administrative rules, hereby announces that it is removing these chapters from the Florida Administrative Code, effective immediately.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

RULE NO.: 18-21.019  
 RULE TITLE: Applications for Disclaimers, Quitclaim Deeds or Certificates to Clear Title to Filled Formerly Sovereignty Lands and for Disclaimers for Lands Lost Due to Avulsion or to Reclaim Lands Lost Due to Artificial Erosion or Artificial Erosion and Avulsion

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 24, No. 15, April 10, 1998, Florida Administrative Weekly, has been withdrawn.

**DEPARTMENT OF CITRUS**

RULE CHAPTER NO.: 20-64  
 RULE CHAPTER TITLE: Standards for Processed Citrus Products  
 RULE NO.: 20-64.020  
 RULE TITLE: Sanitary Requirements

**NOTICE OF CONTINUANCE**

The Department of Citrus announces a continuation of the public hearing for the above proposed rule section which was published in Vol. 25, No. 49 of the Florida Administrative Weekly, December 10, 1999.

ADDITIONAL HEARING DATE AND TIME: 10:30 a.m., March 15, 2000

PLACE: Department of Citrus Building, 1115 E. Memorial Blvd., Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joan B. Martin, Administrative Assistant, Department of Citrus, Legal Department, P. O. Box 148, Lakeland, Florida 33802.

**DEPARTMENT OF CITRUS**

RULE CHAPTER NO.: 20-111  
 RULE CHAPTER TITLE: Ownership and Use of "Made With Florida Citrus" Mark  
 RULE NO.: 20-111.008  
 RULE TITLE: Standards for Citrus Wines Bearing the Mark

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule, in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 49, December 10, 1999 issue of the Florida Administrative Weekly.

20-111.008 is changed as follows:

Wines made with Florida citrus or citrus products may bear the mark provided:

(1) Citrus fruit or citrus products used in the manufacture of the citrus wine packaged under an individual brand or label bearing the mark is supplied in its entirety from a Florida licensed citrus fruit dealer, "processing partner," who has signed and placed on file with the Department, a "Made With Florida Citrus Florida Processor's Agreement Form" DOC/LEG/21 EFF. 1/1/98, incorporated herein by reference.

(2) At least 50% of the total ingredients of the wine are Florida citrus, Florida citrus products or Florida citrus by-products, and

(3) Alcohol content shall be limited to not more than 14% by volume, and

(4) All citrus fruit or citrus fruit products used are from citrus grown in the state of Florida.

In-state processors who prepare citrus wines using 100% Florida grown fruit processed at their own facility shall be eligible to use the "Made With Florida Citrus" symbol on qualifying citrus wine without dealing with a "processing partner." However, such in-state processors shall not be eligible for exclusive category rights as described in Section 20-111.0021 of this rule chapter.

**ADMINISTRATION COMMISSION**

| RULE NOS.: | RULE TITLES:  |
|------------|---|
| 28-22.101  | First Revision to Zoning Code   |
| 28-22.102  | Second Revision to Zoning Code  |
| 28-22.103  | Third Revision to Zoning Code   |
| 28-22.104  | Revision to Comprehensive Plan  |
| 28-22.105  | Revision to Zoning Code   |
| 28-22.106  | Revision to Comprehensive Plan  |
| 28-22.107  | Revision to Comprehensive Plan  |
| 28-22.108  | Revision to Zoning Code   |
| 28-22.109  | Revision to Zoning Code   |
| 28-22.110  | Revision to Zoning Code   |
| 28-22.111  | Amendment to Comprehensive Plan   |
| 28-22.112  | Amendment to Comprehensive Plan   |
| 28-22.113  | Subdivision Regulations Ordinance; Adoption of Franklin County Ordinance No. 89-7   |
| 28-22.114  | Critical Shoreline District Regulation Ordinance Franklin County Ordinance No. 89-8 |
| 28-22.115  | Amendment to Comprehensive Plan   |
| 28-22.116  | Amendment to Comprehensive Plan   |
| 28-22.117  | Amendment to the Franklin County Zoning Code  |
| 28-22.121  | Amendment to the Franklin County Zoning Code  |

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| 28-22.122 | Amendment to the Franklin County Zoning Code   |
| 28-22.123 | Amendment to the Franklin County Zoning Code   |
| 28-22.124 | Amendment to the Franklin County Zoning Code   |
| 28-22.125 | Adoption of the Franklin County Local Comprehensive Plan   |
| 28-22.126 | Amendment to the Franklin County Land Development Regulations  |
| 28-22.127 | Amendment to the Franklin County Land Development Regulations  |
| 28-22.128 | Amendment to the Franklin County Land Development Regulations  |
| 28-22.129 | Amendment to the Franklin County Land Development Regulations  |
| 28-22.130 | Amendment to the Franklin County Land Development Regulations  |
| 28-22.131 | Amendment to the Franklin County Land Development Regulations  |
| 28-22.132 | Amendment to the Franklin County Land Development Regulations  |
| 28-22.301 | Adoption of City of Carrabelle Ordinance No. 203   |
| 28-22.302 | To Adopt City of Carrabelle Resolution 2-88 and Ordinances 207, 208  |
| 28-22.303 | Subdivision Regulations<br>Ordinance: Adoption of the City of Carrabelle's Ordinance No. 211                           |
| 28-22.304 | Adoption of City of Carrabelle's Zoning Ordinance  |
| 28-22.305 | Adoption of City of Carrabelle Septic Tank Ordinance   |
| 28-22.307 | Adoption of the 1988 State Minimum Building Code with 1989 and 1990 Amendments as the City of Carrabelle Building Code |
| 28-22.308 | Amendment to the City of Carrabelle Zoning Code  |
| 28-22.309 | City of Carrabelle Comprehensive Plan  |
| 28-22.310 | Amendments to the City of Carrabelle Land Development Regulations  |

#### NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 25, No. 41, October 15, 1999, Florida Administrative Weekly have been withdrawn.

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

### Board of Cosmetology

RULE NO.: 61G5-20.004  
RULE TITLE: Display of Documents

#### NOTICE OF CHANGE

The Board of Cosmetology gives Notice of Change to the above-referenced rule based upon comments expressed by the chief attorney for the Joint Administrative Procedures Committee. The rule was originally published in Vol. 25, No. 40, October 8, 1999, issue of the Florida Administrative Weekly. Subsection (2) should be deleted.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ed Broyles, Executive Director, Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750.

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Office of Beaches and Coastal Systems

RULE CHAPTER NO.: 62B-54  
RULE CHAPTER TITLE: Administrative Fines and Damage Liability

#### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 45, November 12, 1999, of the Florida Administrative Weekly:

#### 62B-54.001 Definitions.

Specific Authority 161.052, 161.053, 161.054 FS. Law Implemented 161.052, 161.053, 161.054 FS. History—New \_\_\_\_\_.

#### 62B-54.002 Determination of Fines.

Subsection 62B-54.002(1), has been changed so that when adopted it will read: The Department shall assess fines for willful violations of, or refusing to comply with, sections 161.041, 161.052, and ~~or~~ 161.053, Florida Statutes, or any rule or order prescribed by the Department thereunder. The fine amount shall be sufficient to ensure immediate and continued compliance with the provisions of section 161.041, 161.052, and 161.053, Florida Statutes, and be consistent with the following table:

| HARM TO RESOURCE | CULPABILITY                       |                                   |
|------------------|-----------------------------------|-----------------------------------|
|                  | Gross Negligence                  | Knowing                           |
| Major            | \$1,000 minimum                   | \$5,000 minimum                   |
| Moderate         | \$500 minimum                     | \$1,000 minimum                   |
| Minor            | <del>0</del> <u>\$250</u> minimum | <del>0</del> <u>\$250</u> minimum |

Subsection 62B-54.002(3), has been changed so that when adopted it will read: In determining the actual fine within the range, the Department shall consider the offender's past violations, if any, and other aggravating ~~and/or~~ mitigating circumstances. Aggravating circumstances include but are not

limited to prior knowledge of rules, or willful or knowing violation of department orders; while mitigating circumstance include but are not limited to events during an emergency situation in which activities are performed to alleviate imminent collapse or undermining of a structure without obtaining a permit, or obtaining a local permit for activities and not a department permit.

Subsection 62B-54.002, Specific Authority has been changed so that when adopted it will read:

Specific Authority 161.052, 161.053, 161.054 FS. Law Implemented 161.052, 161.053, 161.054 FS. History—New \_\_\_\_\_.

#### 62B-54.003 Determination of Damages.

Subsection 62B-54.003(1), has been changed so that when adopted it will read: The Department shall assess damages for grossly negligent or knowing violations of Sections 161.041, 161.052, or 161.053, Florida Statutes, or any rule or order prescribed by the Department thereunder, which result in harm to sovereignty lands seaward of mean high water or to beaches, shores, or coastal ~~and/or~~ beach-dune system(s), including animal, plant, or aquatic life thereon. In accordance with Section 161.054(4), F.S., the damage amount shall be sufficient to ensure immediate and continued compliance with the provisions of Sections 161.041, 161.052, and 161.053, Florida Statutes, and be consistent with the following table:

| HARM TO RESOURCE <del>and/or</del><br>POTENTIAL FOR HARM | FINE RANGE         |
|--|--------------------|
| Major  | \$5,000 – \$10,000 |
| Moderate   | \$1,000 – \$5,000  |
| Minor  | 0 – \$1,000        |

Subsection 62B-54.003, Specific Authority has been changed so that when adopted it will read:

Specific Authority 161.052, 161.053, 161.054 FS. Law Implemented 161.052, 161.053, 161.054 FS. History—New \_\_\_\_\_.

#### 62B-54.004 Imposition and Collection of Fines and Damages.

Specific Authority 161.052, 161.053, 161.054 FS. Law Implemented 161.052, 161.053, 161.054 FS. History—New \_\_\_\_\_.

### DEPARTMENT OF HEALTH

#### Board of Psychology

RULE NO.:

64B19-13.0015

RULE TITLE:

Exemption of Spouses of Members of Armed Forces from License Renewal Requirements

#### NOTICE OF ADDITIONAL PUBLIC HEARING

The Board of Psychology hereby gives notice of an additional public hearing on the above-referenced rule to be held on March 3, 2000 at 9:00 a.m., at The Radisson Hotel, 415 North Monroe Street, Tallahassee, Florida. This additional public hearing is being held in response to comments received from

the staff of the Joint Administrative Procedures Committee. The rule was originally published in Vol. 25, No. 45, of the Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Psychology/MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

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

## Section IV Emergency Rules

### DEPARTMENT OF THE LOTTERY

RULE TITLE:

Instant Game Number 88 Specifics

RULE NO.:

53ER00-3

SUMMARY OF THE RULE: Instant Game Number 88 Specifics, "MONOPOLY®," will be sold by Florida Lottery retailers on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, procedures to be followed on how to play the game, and the number and size of prizes in the game.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

#### 53ER00-3 Instant Game Number 88 Specifics.

(1) Name of Game. Instant Game Number 88, "MONOPOLY®."

(2) Price. MONOPOLY® tickets sell for \$2.00 per ticket.

(3) MONOPOLY® Lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a VIRN under the latex area on the ticket. To be a valid winning MONOPOLY® Lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in Rule 53ER92-63(1)(a), F.A.C. In the event a dispute arises as to the validity of any MONOPOLY® Lottery ticket, the VIRN number under the latex shall prevail over the bar code.

(4) The "YOUR HOTEL NUMBERS" play symbols and play symbol captions in MONOPOLY® are as follows:

INSERT PASTE UP